



DAPE

NEWS

News from Delaware's Licensing Council for Professional Engineers

Winter 2006

PRESIDENT'S MESSAGE

By J. Paul Jones, P.E.



You may remember, that among other things, the last newsletter discussed an alternate path to licensure proposal that was being put forward by an Ad-Hoc Committee chaired by Robert W. McClure, P.E. Bob and his committee had been tasked with investigating the merits and feasibility of DAPE adopting a provision for the demonstration of minimum engineering competency based upon an individual's significant engineering experience in lieu of the Principles & Practice of Engineering (P & PE) examination. After more than 2 years wrestling with the issue, Bob's committee recommended statutory changes to implement the idea. If you haven't heard by now, the issue was put to a full Council vote at the January Council meeting. Council rejected the proposal and the committee has been disbanded. No matter where you stood on the issue, the next time you see Bob or one of his committee members, please thank them for their service to DAPE. For it is only with individuals like Bob and his committee who tirelessly donate their time that DAPE exists as the premier engineering regulatory board in the country.

In the past month or so DAPE has been actively engaged in discussions with representatives of other Delaware professional boards, including both the Board of Architecture (BOA) and the Board of Professional Land Surveyors (BPLS). With respect to the BOA, this has been an ongoing initiative over the past year and a half or so. The initiative with the BPLS is relatively new.

In January, with DAPE support contingent on a DAPE initiated amendment, HB 311 amending the BOA statute to make it more consistent with the NCARB model law was voted out of Sunset Committee. Briefly, the conditional amendments to the bill dropped the clarifying phrase in the definition of a project "which has as its principal purpose human occupancy or habitation." As many of you know this phrase when used elsewhere in their statute is at the center of the

discussions related to the overlap in practice of both professions. HB 311, as amended, will also state that an owner of a project is involved in the practice of architecture if he builds the project without engaging the construction administration services of either an architect or an engineer.

Recently, DAPE participated in a joint roundtable discussion between representatives of the engineering and surveying professions. The discussion occurred at the regular periodic meeting of the Delaware Chapter of the American Council of Engineering Companies (ACEC/DE). Represented on the panel were representatives of both trade organizations (ACEC/DE and the Delaware Association of Surveyors (DAS)) and both regulatory bodies (DAPE and BPLS). I actually missed the meeting but it has been reported that the one of the main concerns expressed by the surveyors is that not all engineers who survey adhere to the accepted surveying standards of practice. Additionally, there was however general agreement between the two professions that maintaining a running dialogue on mutual issues would be a good thing. Well, I guess that is a start! Look for additional information on that joint meeting elsewhere in this newsletter.

SURVEYORS AND ENGINEERS

DISCUSS KEY ISSUES

By Keith R. Kooker, P.E.

The Delaware Chapter of the American Council of Engineering Companies (ACEC-DE) held a general membership dinner meeting at the Christiana Hilton to discuss issues associated with the relationship between the engineering and surveying professions in Delaware. The four panel members leading the discussion represented both professions. Panel members included Stephen M. Sellers, P.L.S., Vice President of the Delaware Board of Professional Land Surveyors, Stephen L. Johns, P.E., P.L.S., of Vandemark & Lynch and ACEC-DE, Michael J. Early, P.L.S. of Merestone Consultants and the Delaware

Landmark Engineering and member of the DAPE Council.

One of the major issues discussed involved the assertion from the surveying profession that some engineers are not following the standard minimum practices in their surveying services that professionally licensed surveyors are bound to uphold. They indicated that since a P.E. is not bound by the P.L.S. standards, then the State Board of Professional Land Surveyors cannot pursue any administrative action against a P.E., who can legally practice surveying in Delaware.

Two schools of thought emerged as ways to improve the compliance in the practice of both professions. One way involved increasing the willingness of professionals in both disciplines to report infractions against those that have taken it upon themselves to practice outside their area of expertise. A second method of improving compliance involved changing the laws in some way to allow for more efficient prosecution of unlicensed practice. In general, both professions expressed an interest to meet and discuss the issues each might have with the other.

Representatives from both the surveyors and engineering boards will continue to discuss the issues of standard of care, as well as the overlap of practice.

Message from the Executive Director
By Peggy Abshagen

Enhanced Enforcement Efforts

The third annual DAPE Council law revision workshop is scheduled for February 21, 2006. Council members, as well as some committee members participate in a full-day workshop discussing and drafting proposed legislation to address specific issues to improve the law to further protect the public.

The first workshop in 2003 resulted in the following revisions to the law:

- Housekeeping and clarification of existing conditions and/or practices
- Reduction of the period of delinquent status from 10 to 2 years before reapplication
- Reduction of years of experience for waiver of the FE exam from 20 to 15 years
- Added conditions for which disciplinary action can be taken

In 2005, Council was able to accomplish:

- Exam Improprieties legislation
- Establishment of Adjunct membership
- Adding definition of responsible charge
- Broadening the subpoena powers of Council
- Identification of those crimes that are substantially related to the practice of eng.

In 2006, the goals are to address:

- Administrative Penalties
- Added disciplinary actions, and utilizing Justice of the Peace Courts vs. Superior Court to expedite such actions
- Protection of Complainant
- Responsible Charge Definition
- Standard of Care

1. Administrative Penalties – The Law Enforcement Committee fully supports the additional strength levying administrative monetary penalties will provide to expediting enforcement issues before Council. Proposed guidelines for this process have been developed for Council's review, as well.

2. Added disciplinary actions/JP Court -- This legislation would provide to Council the ability to deny a license to a firm that has practiced unlicensed prior to application. The use of JP Court is currently utilized by several other Delaware boards, along with their administrative penalty capability.

3. Protection of Complainant – The Attorney General's office currently provides legal protection of Council and Committee members, when acting on behalf of the state on its regulatory matters. The Attorney General's office has been requested to assist DAPE in drafting legislation to provide some legal support for the membership of DAPE submitting a complaint for investigation. The basis of this complaint, of course, could not be retaliatory or with malicious intent.

4. Responsible Charge – In 2005 a definition for responsible charge was added to §2803 of the law. Consideration is being given to amplifying this definition further.

5. Standard of Care -- The current law does not address standard of care. It does include gross negligence, misconduct, etc. In past disciplinary matters, although evidence didn't support gross negligence or misconduct, there clearly was a standard of care issue that was not followed. This would address such situations.

You'll notice the trend in all of the pending issues relates to enforcement powers. DAPE continues to be

PUBLIC MEMBER REAPPOINTED

Frank Newton was recently reappointed by Governor Minner to continue service to the DAPE Council for the next four years. Frank serves in the Public-Kent County seat. He has participated in all Council activities and currently chairs the Government Affairs/Bylaws Committee, which is spearheading the law revision initiatives this year.

We certainly welcome the opportunity to continue to work with a public member who has made such an effort to contribute to many issues!

DAPE MEMBERS RECOGNIZED

At the 2006 Engineers' Week Banquet, two DAPE members are being recognized for their contributions to the engineering profession:

Jeffrey M. Bross, P.E. (#4531) of Duffield Associates, Inc. is the 2006 Engineer of the Year.

Ted F. Januszka, P.E. (#11373) of Pennoni Associates, Inc. has been selected as the Young Engineer of the Year.

Congratulations to both of these gentlemen for their dedication to the engineering profession!

NEW PROFESSIONAL ENGINEERS ADDED TO THE RANKS!

The October, 2005 exam administration produced 39 new Professional Engineers:

Allen, Robert	PE #13761
Birks, Jeffrey	PE #14152
Bisirri, William	PE #14085
Boie, Kenneth R.	PE #13596
Castro, Carlos	PE #13706
Davis, Robin	PE #13972
deVivero, Molly	PE #13803
Dickerson, Claude	PE #13699
Duca, Sharon	PE #13199
Duszak, David	PE #14008
Elmorsi, Mostafa	PE #12914
Fazio, Joseph B.	PE #12839
Gandavarapu, Prad.	PE #12548
Heist, Alexander	PE #14070

Hooshangi, Arash	PE #13647
Kensil, Matthew	PE #13870
Kharva, Nikhil Rasik	PE #13434
Layou, Daniel	PE #14087
Longo, R.	PE #13748
McClemens, Phillip	PE #13801
McLachlan, Philip	PE #12604
Merritt, Tracey E.	PE #11988
Miller, Michael	PE #13194
Mogan, Michael	PE #14038
Mulrooney, Robert	PE #13883
Patel, Dinesh	PE #13443
Penoza, Kevin	PE #13751
Petrucci, David	PE #13774
Pilgrim, Forest	PE #13276
Rashid-Sumar, Shamim	PE #13907
Riccitelli, Michael	PE #13446
Riemann, Juergen	PE #13772
Rotzell, Ryan	PE #13531
Ryder, Noah	PE #13961
Schildt, Donald	PE #13550
Smith, Elizabeth	PE #14081
Vasilevitski, Greg	PE #13492
Wiredu, Edward N.	PE #13624
Zhang, Xiaoyan	PE #13491

Council approved licensure on January 11, 2006. Congratulations!

NEW ENGINEER INTERNS

The October, 2005 Fundamentals of Engineering examination was administered to 188 examinees. The following 108 examinees successfully passed the exam will be permitted to use the title Engineer Intern upon graduation and submission to DAPE of verification of the award of their degree:

Andrews, Kevin	Booker, Taron
Ashmead, Damiam	Bower, Douglas
Baldytchev, Ivan	Brestel, Troy
Barbato, Kelli	Brunner, Douglas
Barton, Dane	Bunting, Jennifer
Barton, J. Tyler	Burke, Michael
Basner, Adam	Butler, Lindsey
Beale, Rebecca	Carson, Patrick
Benedict, Keith	Catlin, Glenn
Bergener, Michael	Chan, Ching-Leung
Bharat, Ravi	Cleary, Brian
Bickhart, Ross	Crandley, William
Binz, Jason	Darmofalski, Pamela

Dean, Ericka
DeFelice, Adrienne
DePan, Brian
DeSisto, Christi
DeLeo, Christopher
Dilks, Amanda
Dion, Michael
Eisenhower, William
Elli, Kristen
Frangakis, Niki
Frentzel, Jonathan
Fuqua, Michael
Gable, Becky
Hackman, Brittany
Hammer, Ryan
Hanner, Casey
Hartzel, James
Hehman, Jr., Denis
Heintzelman, Dale
Hoffman, Scott
Hollingshaus, J. Brian
Jacurak, Adam
James, Curtis
Jia, Peng
Johnson, Christopher
Kaminski, John
Kemp, Sarah
Klein, Andrew
Klein, Michael
Konchar, Janelle
Krisher, Jesse
Lambros, Matthew
Lawrence, Jennifer
Logan, Matthew
Magnone, Zachary
Manlove, Michael
McGovern, Colette
Meyer, Thomas
Miller, Beth
Millner, Matthew
Mogavero, Kristen

Moran, Erin
Mullen, Lindsay
Nagaiah, Manivannan
Natale, Robert
Norbut, Tyler
Ockford, Jenna
Paul, Daniel
Pearson, Erik
Peiffer, Andrew
Pepe, Thomas
Percy, Matt
Phillips, Lawrence
Pierce, Curtis
Powell, James
Price, Catherine
Rakowski, Michael
Rasch, Michael
Richardson, Meghan
Robinson, Derek
Rudilosso, Frank
Scarangella, Thomas
Schmidt, Daniel
Schulman, Aaron
Settanni, Donato
Sharp, Nicole
Shaw, David
Slane, Thomas
Smith, Rachel
Staley, Jason
Stetler, John
Stosik, Renata
Tamir, Gilad
Tetrick, Robert
Vander Decker, Robert
Vitale, Michael
Warhola, Adrienne
Williams, Bryan
Wilson, James
Wolff, Aaron
Woodin, Stephen
Zeitz, Michael

We encourage all Engineer Interns to pursue careers in the engineering profession and ultimately to seek licensure. Maintain a record of your engineering work history to include a description of your engineering tasks, supervisor, and dates of employment. This is necessary for future validation of your engineering employment when you have obtained the required years of experience for application for the Principles & Practice of Engineering examination.

CONGRATULATIONS!!!!

2006 COUNCIL SEAT VACANCIES

Each year, the terms of three Council seats expire. Council seat vacancies for the 2006 election year will be:

- ❖ Industry Employment
- ❖ Civil Engineering
- ❖ New Castle County

Ballots will be mailed to the voting membership on June 15, 2006.

Interested, qualified candidates are required to submit petitions for these seats by **May 1, 2006**. Please contact the DAPE office for further information.

2006 OUTREACH WORKSHOPS

To continue its public outreach efforts, the DAPE External Affairs Committee is once again organizing workshops in each of the three counties. These sessions include discussions on a variety of regulatory issues and address the concerns of the officials in each of the three jurisdictions.

Workshops are scheduled for:

Sussex County	-	April 12, 2006
Kent County	-	May 24, 2006
New Castle Co.	-	June 14, 2006

If you would like additional information, please contact the DAPE office.

RENEWALS ARE COMING!

2006 is the year for renewal of licenses. **ALL LICENSES WILL EXPIRE JUNE 30, 2006.** Current licensees, both individuals and firms, will receive renewal notices late April, early May. Renewal notices will be provided electronically to those that have provided e-mail addresses. Others will receive notices via mail.

Payment of renewals will be accepted either directly on our website, or sent to the DAPE office. Verify your address on our website. Renewal information will be sent to the physical or e-mail address of record.

An Answer to NCEES' "Looking Ahead With The Engineer of 2020"

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

Introduction: The December, 2005, edition of NCEES' "Licensure Exchange", their official publication, featured an article titled: "Looking Ahead With The Engineer of 2020". It highlighted the National Academy for Engineering's (NAE) Committee on Engineering Education's charge to determine **"what will or should engineering be like in 2020" and how must engineering education change to meet those challenges.** The challenges, among others, being the rapid advances in technology involving a growing number of disciplines, the ability to work with diverse groups of people, being capable of making sound decisions based on strong analytical skills and providing solid leadership skills.

The Answer: It's a no brainer. If one wants to know how best to prepare an engineer to perform effectively in 2020, simply look back to how they were prepared to perform for 1920. It's all been done before and very effectively at that.

The Challenges Are No Different: While approaching the turn of the last century, our engineers lead the way with major worldwide innovations and accomplishments. A prime example of this is the Brooklyn Bridge and its development of caisson technology, not to mention cable construction and steel cable suspended bridge design. **Roebbling and son attributed their success to the hundreds of engineers, artisans and construction specialists that were imported from countries all over the world.**

The Panama Canal was another. It was a combined effort involving the United States and France that exemplified the epitome of human ingenuity and courage. It provided a short passageway between the Atlantic and Pacific oceans that greatly influenced world trade patterns, spurred growth in developed countries, and has since been a primary impetus for economic expansion in many remote areas of the world. **Many engineering aspects of the Panama Canal point out the concerns for the protection of the environment and natural resources.** The excavating involved produced an enormous amount of soil. The French ended up hauling the soil to an adjacent valley where the build-up of soil became the result of severe land slides during the rainy season. When the Americans came on board, the engineers decided to reuse this soil for the building of the Gatun

dam, which subsequently retained water from the Chagres River to form Gatun Lake.

The design and construction of the New York's first subway, that connected Manhattan to Brooklyn, is also worth mentioning. It took 10,000 men **of diverse nationalities** to excavate 3,508,000 cubic yards of earth to build the 21-mile long tunnel. Ingenious methods had to be developed to protect the existing buildings, pipes, vaults and surface street-railway lines and traffic in general, while the tunnel was under construction.

While all of the above was going on, America was pushing westward via transcontinental railroad routes and the utilization of Asian labor, hydroelectric power was being developed, the ship building industry was shifting from wind power to steam. As for more on "rapidly changing technology", what we now recognize to be electrical engineering and chemical engineering didn't exist, but the foundations for such were in their early development stages. The same can be said of the automobile and aircraft industry.

What Prepared Engineers for the 1920's So Effectively: Back then, engineers were either trained as military engineers or what eventually evolved to be civil engineering. Mechanical engineering didn't surface until later and was developed to service the steam industry and encompass everything else (electrical, chemical & etc.) that civil did not. David McCullough's book, "The Great Bridge" gives us a detailed inside look at Roebbling Jr's (he actually was chief engineer for the bridge) educational endeavors at Rensselaer Polytechnic Institute, in Troy, New York. His senior thesis was on the "Design for a Suspension Aqueduct". In three years time, McCullough states, he also had to master nearly a hundred different courses, including, among others, Analytical Geometry of Three Dimensions, Differential and Integral Calculus, Calculus of Variations, Qualitive and Quantitative Analysis, Determinative Mineralogy, Higher Geodesy, Logical and Rhetorical Criticism, French Composition and Literature, Orthographic and Spherical Projections, Acoustics, Optics, Thermotics, Geology of Mining, Paleontology, Rational Mechanics of Solids and Fluids, Spherical Astronomy, Kinematics, Machine Design, Hydraulic Motors, Steam Engines, Stability of Structures, Engineering and Architectural Design and Construction, and Intellectual and Ethical Philosophy. The study of engineering back then was clearly recognized to be far more challenging than the study of medicine or law. However, that was back in an era before colleges embarked upon the mass production of engineers, as quoted in McCullough's book.

There It Is, NCEES: It worked extremely well then with similar, if not more difficult challenges, why not now? After all, that educational philosophy produced the likes of not only Washington Roebling, but many others like Willis Carrier (Carrier HVAC) out of Cornell University, University of Michigan and Stanford's Stephen Timoshenko, Otto Mohr of Mohr's circle fame, University of Illinois and Yale's Hardy Cross, Columbia University's Mario Salvadori, another HVAC great out of the University of Wisconsin, Reuben Trane and etc., etc. **Where are the likes of them today?**

LAW ENFORCEMENT ACTIVITY

The Law Enforcement/Ethics Committee welcomes three new members:

Meghan Lester, P.E.
Ted C. Williams, P.E.
Mark Ziegler, P.E.

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:

03/034 -- Inadequate designs/unlicensed -- DAPE has no jurisdiction over firm, as advised by the Attorney General's office.

05/004 -- Incompetence -- DAPE has no jurisdiction over firm, as advised by the Attorney General's office.

05/026 -- Publication listing – no C/A -- Erroneous listing; firm does not provide engineering services.

05/027 -- Publication listing – no C/A – Firm has been issued Certificate of Authorization.

05/028 -- Publication listing – no C/A -- Firm has been issued Certificate of Authorization.

05/031 – Publication listing – no C/A -- Erroneous listing; firm does not provide engineering services.

06/001 -- Use of Engineering Title – no P.E. -- Individual has been granted Adjunct Membership status.

The Complaint Process in Delaware

The DAPE Council, through its Law Enforcement /Ethics Committee, is responsible for investigating complaints received alleging a violation of Delaware's licensing law and/or the engineering Code of Ethics. The Council has the authority to discipline its licensees.

Any identified member of the public or of the Association is encouraged to contact the DAPE office, either orally or in writing, regarding a complaint concerning any aspect of the practice of engineering.

To file a complaint orally, contact the DAPE office (302-368-6708). With oral complaints, DAPE staff will complete a complaint form with the information provided and return it to the complainant for review and approval prior to processing it. Written complaints are preferred. A complaint form is available from the DAPE office or may be downloaded from DAPE's website (www.dape.org). A written complaint may be mailed, faxed, e-mailed or otherwise delivered to the DAPE office. **Anonymous complaints, oral or written, are not accepted.**

A complaint requires specific information about work performed, project location, problems encountered, any resolution attempts and dated facts. It's important to provide as much data as possible; particularly anything that you believe will assist with the Committee's investigation.

The Law Enforcement/Ethics Committee will forward written acknowledgement to the complainant within one week of receipt of the complaint.

The Law Enforcement/Ethics Committee will make reasonable efforts to maintain anonymity of the complainant and of the person complained against while it investigates the allegation. However, if the complaint is found warranted, the name of the complainant and of the person complained against may become available under the Delaware Freedom of Information Act.

Contact Information:
DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
56 W. Main Street, Suite 208
Christiana, DE 19702
(302) 368-6708 (302) 368-6710 (fax)

e-mail: office@dape.org
website: www.dape.org

For more information, see Delaware's licensing law, §2824.

PROCTORS NEEDED!

The April, 2006 exam administration is scheduled for April 21st and 22nd. If you are available to assist in the proctoring of this exam, please contact the DAPE office.

If you have not offered your services previously, please help us out. And, if you have, we'd love to have you back! Morning and afternoon sessions available.

Please check your calendars and give us a call!!!

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Vincent Robertson, Esq. —Sussex Co. —Apptd.	9/27/08

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