

# DAPE



# NEWS

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

**Winter 2008**



**PRESIDENT'S MESSAGE**  
***By Guy F. Marcozzi, P.E.***

This first newsletter of the New Year seems to be a good time to offer thoughts on what DAPE would like to accomplish in 2008 and beyond. Before getting into that, it seems appropriate to offer appreciation to the many volunteers who contribute to the on-going success of our organization. Foremost is Bob Chagnon, who we recently recognized at this year's recipient of the Distinguished Service Award. Bob is involved in so many items and has been a source of information for many Professional Engineers, least among them this author. Aside from Bob, there are a large number of volunteers staffing our various committees, none working harder than those tireless volunteers on the Examining Committee and the Law Enforcement and Ethics Committee. (The entire committee list appears on page 6 of this newsletter.) If you know any of these folks, please take the time to thank them personally for their service to our profession.

Looking forward into 2008 and beyond, your Council is working hard towards the following goals:

**Revising Legislation:** DAPE has initiated a legislation change to give us authority over unlicensed practice; better define the term responsible charge to allow more effective prosecution of "plan stamping;" and refinements to our complaint and prosecution process. Look for more information herein and in subsequent newsletters. Also, please help us by notifying your local legislators and showing your support for our initiatives.

**Stepping up Enforcement:** Based on several years of dialog with Delaware's regulatory officials, we are starting to conclude that most of the complaints most threatening to the health and safety of the public result from unlicensed practice and from a small subgroup of licensees who stretch the boundaries of

their competency. To address these concerns, we are not only pursuing the legislation noted above, but also looking to more proactively investigate frequent submitters of deficient design documents. Look for more information in this newsletter.

**Recognizing advanced education:** At the recommendation of our Examining Committee, we will be looking to change our law to reduce experience requirements for applicants that hold either a Master's degree or a PhD in engineering, to be more consistent with the NCEES model law.

**Planning office space needs:** DAPE's lease for our current office expires in 2009. As such, we are exploring what options are available to us, including staying where we are. If you have an opinion on our existing office, or ideas we should consider as we explore our future options, we'd like to hear from you.

**Collaborating with other Professional Boards:** DAPE believes developing and maintaining a positive working relationship with other professional boards best serves the health and welfare of the public. To this end, we plan to continue our regular meetings and collaboration with the Board of Architects and continue to dialog with the Board of Surveyors on cross practice issues.

**Sustainable Development:** It remains this President's desire to incorporate a provision into the Code of Ethics endorsing consideration of the principles of sustainable development in the performance of professional duties. In keeping with Delaware's history, such a provision would be the first of its kind for an engineering licensing board in this country. Look for future updates.

How are we doing? Please take the time to send us your comments on how we are serving our mission to safeguard the public in matters of engineering concern. Email us at [office@dape.org](mailto:office@dape.org).

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

As touched upon in President Marcozzi's message, DAPE is extremely fortunate to have a membership that is devoted to the engineering profession. Every day I have the honor of working with volunteers that take time from their busy schedules to assist with interpreting the law, reviewing law revisions, reviewing the finances, participating in enforcement investigations, taking part in outreach efforts, encouraging licensure to future engineers, proctoring exams, etc., etc. The list really does go on endlessly.

Although the majority of Council members are elected (three public members are appointed by the Governor), Committee members volunteer their efforts. Like Council members, most Committee members attend a monthly work session. Unlike Council members that have term limits, Committee members serve at the pleasure of Council for as long as they are interested. Council members represent the constituency of a particular Council seat; Committee members may serve on multiple committees. The pay is the same for members of both: the honor to serve; to be involved in the regulation of the profession; to work with other professionals; and to enjoy the camaraderie of peers.

For the past couple of years, President Marcozzi has conducted a recognition event honoring a distinguished Committee member. This event, however, recognizes all those that provide service to DAPE. The first distinguished service award was presented to **Eugene B. Snell, P.E.**, in 2007. In 2008 **Robert A. Chagnon, P.E.** was the recipient of this distinguished honor. I couldn't begin to list the contributions to this organization of these individuals. The humbleness of each of them is evident in their reluctance to acknowledge such contributions.

In addition to Gene Snell and Bob Chagnon who currently serve on multiple committees, Dan Koffler, P.E. (Examining and LE/E), Jim Davidson, P.E. (Examining and LE/E), Meghan Lester, P.E. (Examining and LE/E), and Ana Diaz, P.E. (Finance and LE/E), are to be recognized for their countless hours of service to multiple committees and contributions to the engineering community.

Volunteers are the lifeline of DAPE. With the numerous tasks before us, if you have a particular area of interest and would like to contribute to your profession, please contact our office. I'll be happy to discuss your DAPE future!

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And to our many committee members, thank you for all you do! We're going to double your pay immediately!



**GOVERNOR FILLS THE NEW**  
**CASTLE COUNTY COUNCIL SEAT**

On October 26, 2007 Governor Ruth Ann Minner appointed **Thomas P. McGonigle, Esq.** to fill the New Castle County Council Seat, previously held by Paul E. Crawford, Esq. This is one of the three appointed seats on the Council. Public members are an integral part of our Council.

A managing partner of the Delaware office of WolfBlock, McGonigle's practice focuses on commercial litigation and administrative law, affordable housing and community development, and government and regulatory matters.

McGonigle previously served by appointment of Governor Minner as vice chair of a task force investigating a controversial hostage rape incident at Delaware's largest prison. He also serves as chair of the Delaware Nursing Home Residents Quality Assurance Commission and is a member of the Delaware Criminal Justice Counsel. McGonigle is a former Deputy Attorney General.

During the next four years, we look to Tom to provide his expertise in the regulatory matters of DAPE.

Welcome to DAPE!



**DAPE TO TARGET FREQUENT**  
**SUBMITTERS OF DEFICIENT**  
**DESIGN DOCUMENTS**

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

**Introduction:** DAPE's cooperative efforts in partnering with Delaware permitting agencies are finally paying off. Evidence indicates that the design documents being submitted, that repeatedly contain omissions or inaccurate data, is originating from many of the same firms or individuals. Subsequently, DAPE will be directing its investigations, through its Law Enforcement and Ethics

Committee, on these repeat offenders in all permitting districts throughout Delaware. As a result, not only will the health, life, safety and welfare of the public be further protected, but the increasing cost to the permitting agencies for the prolonged reviews will, hopefully, be significantly reduced.

**Background Information:** Unfortunately, it has been the mistaken opinion of some design professional firms and individuals, that it's up to the plan reviewer to advise the design professionals what building code requirements need to be addressed on permitting submittals. That thinking is absolutely wrong. It is the primary responsibility of the design professional in charge to be knowledgeable of what's required and see to it that the key code issues involved are properly addressed. Do not leave it up to the plan reviewer to make those determinations for you. If some key issues are inadvertently missed, the liability remains to be that of the design professional in charge and not the plan reviewer.

Investigation indicates that there are three reasons why deficient documents frequently and repeatedly get submitted. These are:

- The design professional in charge simply doesn't give the project the standard of care that is needed to ensure the health, life, safety and welfare of the public;
- Those responsible for the design are not familiar enough with the codes involved and prefer leave it up to someone else to advise them accordingly; and
- The submittal's intent is seeking the lowest common denominator in obtaining a building permit by having to provide as little information on their plans as they can possibly get away with. This approach gives their clients as much freedom as they can get to do whatever they wish to do in the field.

Any, or all of the above, can be shown to be violations of the laws that govern over the practice of engineering, ranging from a code of ethics violation, misconduct, plan stamping and/or incompetence. The case for these violations can be strengthened if a pattern is established over multiple projects. Penalties can also range from a simple reprimand to fines of up to \$5,000.00 (not counting the individual's legal fees) and loss of one's license to practice engineering.

**Specific Examples:** Here's a list of the common omissions or deficiencies that New Castle County's plan

reviewer have indicated are frequently identified when reviewing plans submitted for a building permit:

*Design professionals who do not understand:*

- a. Building height and area provisions
- b. Separated and non-separated use groups
- c. Fire walls and need for independent stability
- d. Differences between fire walls, fire barriers and fire partitions
- e. Requirements for separate accessible toilet rooms and clearances
- f. 20% requirement for accessibility improvements to existing non-accessible spaces
- g. NCC's Amendments to Code, i.e., increased ground snow requirements
- h. Type IIIB Construction, which requires 2-hour rated exterior columns
- i. ComCheck and ResCheck versions having been changed per NCC Amendments

*Structural engineers who prepare incomplete building drawings by:*

- a. Indicating that they are only responsible for structural portions of the building
- b. Failure to list use groups or construction classification

*Architects who prepare incomplete structural drawings by:*

- a. Only accommodating for gravity loads
- b. Failure to provide for load path continuity down to foundations
- c. Failure to provide for lateral stability through bracing and/or shear diaphragms
- d. Inadequate consideration of pre-engineered truss members
- e. Failure to assess effects to existing structures adjacent to new additions

*All those involved above:*

- a. Submitting plans to NCC without their having been thoroughly reviewed and approved by the State Fire Marshall. Subsequently, construction begins based on a preliminary review by the fire marshal's office that ultimately leads to the need for costly field changes following the fire marshal's final review and approval.

Any of us design professionals out there that are not guilty of any of the above may cast the first stone.

### **2008 DISTINGUISHED SERVICE AWARD**

Member of DAPE for about 34 years; Past President of DAPE from 1998-2000; Past-Chair of the Examining Committee; longstanding member of both the Examining and Law Enforcement/Ethics Committee; Past-Chair of CPC and Professional Liability Tasks Force; member of the Joint Advisory Committee of Architects/Engineers; participant in outreach efforts to building officials; significant contributor to this newsletter; instructor; mentor to many young engineers; etc., etc., etc. . . .

This lengthy introduction can be for none other than **Robert A. Chagnon, P.E.**, the 2008 Distinguished Service Award recipient, recognized by his peers on January 9, 2008 at a ceremony held at the Deerfield. In his acceptance of this award, Bob referred to recognition for "just showing up." You can rest assured Bob will not only "just show up", but he will have a game plan outlined that gets the job done.

All those that have worked with Bob respect his knowledge, professionalism, thoroughness, work ethic, and frankness. He's the first to take on more tasks and always lives up to expectations. If we need an expert, without hesitation, we go to Bob.

I hope you'll take a minute and send Bob congratulations on his award and trust that you'll agree Bob does more than "just showing up."



*Congratulations, Bob!*

### **PROPOSED LEGISLATIVE CHANGES**

In 2008 DAPE is pursuing legislation to make several changes to more effectively carry out our charges:

- **Responsible charge** definition will be clarified;
- Adding definitions of **Administrative Order, Consent Order, Hearing Committee, and Investigating Committee**;
- Codifying the power of Council to delegate its authority to investigate allegations of violations or **unlicensed practice** to an Investigating Committee;
- Providing Council the authority to adjudicate allegations of violations or **unlicensed practice** to a Hearing Committee;
- **Limiting PE examinees to four failures** of the exam, with appropriate remedies to identify how an examinee is better prepared to pass the exam;
- Clarifying the reprimands are **public reprimands**;
- Detailing the complaint investigative process that now addresses **unlicensed practice**, as an added violation of the law;
- Disciplinary Penalties and Guidelines are clarified to provide authority for Council to get **reimbursed** for its direct expenses involved in the prosecution of a complaint, and the use of **aggravating and mitigating** circumstances in its imposition of penalties;
- Providing the authority to issue a **Cease and Desist** order to any person found to have unlawfully practiced engineering in the State.

All of these legislative initiatives are to strengthen the enforcement of the law. Our first priority was to address the issue of unlicensed practice. DAPE currently has purview over licensees and applicants only. The Attorney General's office is responsible for the prosecution of unlicensed practice.

The remaining law revisions are to streamline the enforcement process that now exists to expeditiously handle the complaints of alleged violations. The Law Enforcement/Ethics Committee has proactively solicited complaints in our outreach efforts throughout the state. We now need the tools to resolve these issues as efficiently as possible. The public is counting on us!

We'll keep you posted on the status of these proposed changes. And, we thank you for your support.

## **THE RESULTS ARE IN . . . .**

Delaware has added 52 new Professional Engineers to its ranks, after the successful passage of the October, 2007 Principles and Practice of Engineering examination administration:

Batta, Neeraj	#14572
Bautista, Joselito	#14347
Bichsel, Todd	#15294
Borden, Jason	#15266
Broadhurst, Richard	#14487
Buckley, Matthew	#15224
Buczek, Jr., Frank	#14684
Cain, Stephen	#14898
Collins, Chelsea	#14704
D'Amico, Marcelo	#12851
Divis, Christian	#15154
Du, Kemei	#14864
Fekry, Hany	#13300
Geiger, Alyssa	#14384
Geiger, Paul	#14362
Gencarelli, Michael	#15027
Gerber, Aaron	#15158
Helman, Jr., Denis	#14886
Jakubowski, Joseph	#15181
Karimi, Salman	#13338
Kaski, Greg	#14998
Kawczenski, Matthew	#15256
Kohut, Damian	#15247
Kuklish, David	#14522
Langseder, David	#14883
Lao, Ricky	#15045
Lee, MinSuk	#13978
Lyons, Andrew	#14860
McNatt, Stacy	#13779
Michiels, Joseph	#15275
Miller, Laura	#15260
Minner, Michael	#15195
Muhlenforth, Daniel	#14394
Navaratnam, Vaikunthan	#14746
Nayer, Syam	#14357
Oman, Clint	#15235
Perdick, Garrett	#15220
Pulgini, Ralph	#13557
Reiter, Matthew	#15272
Rosas, Laura	#15279
Rousseau, Ross	#14645
Rubino, Christopher	#15329
Russell, Tammy	#15236
Salzbrenner, Mark	#15237
Spokas, Thomas	#15155
Stephen, William	#15292
Tetteh, Naa-Atswei	#14933
Torrijos, Javier	#11223
Turbin, Andriy	#15174
Urban, Michael	#15302

Wolk, Rosie	#14931
Zagmot, Robert	#14098

Council approved the licensure of these individuals at its January 9, 2008 meeting.

## *Congratulations!*

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### **NEW ENGINEER INTERNS**

Upon the successful passage of the October, 2007 Fundamentals of Engineering examination, the following 137 new Engineer Interns are congratulated:

Ackerman, Tobias	Galvin, Michael
Adhikari, Bhup	Gempesaw, Daniel
Agostinelli, Chad	Genovese, Anthony
Allerton, Michael	Gilani, Farah
Amouzou, Koudjo	Gilbert, Michael
Armitage, John	Giuliano, Dennis
Bednarski, Christopher	Gravatt, Kimberly
Beksel, Matthew	Griffith, Nathan
Belknap, Alex	Gyurina, David
Blackburn, Steven	Hailu, Netsanet
Bonkowski, Francis	Hammond, Michael
Brazen, IV, Anthony	Heatwole, David
Brendza, Christopher	Hertz, Jason
Capalbo, Ronald	Hicks, Betsy
Cardinal, Karen	Hirannet, Nick
Castellano, Phillip	Hodgson, Kari
Charles, Douglas	House, Amelia
Childers, Katherine	Hussein, Mohamed
Colonna, Vincent	Jackson, Daryl
Corliss, Daniel	Jacobson, Spencer
Costantino, Matthew	Jaskot, Matthew
Cotter, Thomas	John, Peter
Cuzuve, Ryan	Jones, Brian
Darras, Sean	Kaye, Jeffrey
Davis, Megan	Keighley, Elizabeth
Demoss, Shellie	Keller, Katie
Dempsey, Dennis	Kessler, Jessica
Deutchman, Jacob	Khair, Matthew
Dicesare, Richard	King, Kevin
Doby, Michael	Kiracofe, Nathan
Dragomir, Vasile	Kling, Lindsey
Dunn, Andrew	Konneker, Adam
Elliston, Andrew	Koo, Chunkit
Elmorsi, Mostafa	Kriczky, Justin
Enterline, Ian	Lambert, Joshua
Falkowski, Jonathan	Lane, Donald
Falkowski, Michael	Lane, Justin
Fawcett, Tyrell	LaRocca, Nicholas
Ferry, Jacob	Lindemer, Christina

Lochner, Caroline  
Mabel, Sarah  
Maggitti, Kevin  
Maldonado, Susan  
Manzella, Anthony  
Marshall, Steven  
Mastrangelo, Christine  
McClafferty, Jason  
Merola, Allyson  
Metzler, Steven  
Michelson, Kyle  
Mikitka, Johanna  
Millsbaugh, Andrew  
Misiaszek, Michael  
Modi, Jimit  
Moran, Christopher  
Murphy, Eavan  
Myers, McKenzie  
Natale, Joseph  
Navaratnam, Vaikunthan  
O'Connor, Ryan  
Ortega, Brian  
Papp, Joseph  
Patronik, Evan  
Pendergrass, Scott  
Peters, Garrett  
Pincoski, Travis  
Pizarro, Christopher  
Pollet, Danielle  
Pote, Michael

Rafter, Stephanie  
Ragard, Andrew  
Rathfon, Dana  
Robles, Ed  
Sabellano, Ruel  
Schmid, James  
Scicchitano, Vincent  
Scott, Addison  
Sear, Kathleen  
Shannon, Daniel  
Shorter, Thomas  
Shultz, Laura  
Steenhoek, Valerie  
Steiner, Amy  
Suarez, Robert  
Tran, Austin  
Trick, Julie  
Uliasz, Matthew  
Ward, Nicholas  
Warnick, Pastora  
Weidner, Kristopher  
Welsh, Stephen  
Williams, Erin  
Willoughby-Knox, A.  
Wioncek, Mary  
Wong, Vivian  
Yee, Candice  
Yuskevich, Paul  
Zoretic, Addison

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

*Congratulations!*

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## **COMMITTEE ROSTERS:**

### **FINANCE:**

F.A. Newton, Chair  
P.S. Canzano, P.E.  
A.E. Diaz, P.E.  
D.G. Clark, P.E.  
G.G. Pawlowski, P.E.  
E.B. Snell, P.E.

### **EXTERNAL AFFAIRS:**

W.Z. Crouch, P.E., Chair  
J.G.S. Billingsley, P.E.  
C.L. McAllister, P.E.  
R.W. McClure, P.E.

### **FACILITIES:**

G.G. Pawlowski, P.E., Chair

### **GOVERNMENT AFFAIRS:**

F.A. Newton, Chair  
J.P. Jones, P.E., Co-Chair  
P.S. Canzano, P.E.  
T.P. McGonigle, Esq.

### **PUBLIC INFORMATION:**

W.Z. Crouch, P.E., Chair

### **EXAMINING:**

C. Balascio, P.E., Chair  
G. Pawlowski, P.E., Co-Chair  
D.J. Athey, P.E.  
R. Cannon, P.E.  
R.A. Chagnon, P.E.  
A. DeLuca, P.E.  
D. Koffler, P.E.  
M. Lester, P.E.  
H.M. Mahaffy, P.E.  
K.A. Maxson, P.E.  
R.W. McClure, P.E.  
A. Shine, P.E.,  
E.B. Snell, P.E.

### **LAW ENFORCEMENT:**

K.R. Kooker, P.E. Chair  
C.L. McAllister, P.E., Co-Chair  
D.P. Barbato, P.E.  
R.A. Chagnon, P.E.  
J.G. Charma, P.E.  
J.S. Davidson, P.E.  
A. Diaz, P.E.,  
D. Koffler, P.E.  
M. Lester, P.E.  
J.F. Mayan, P.E.  
K. Rudy, P.E.  
A. Say, P.E.  
E.B. Snell, P.E.  
M. Ziegler, P.E.



## **2007-2008 COUNCIL MEMBERS**



C.C. Balascio, P.E.



J.G.S. Billingsley, P.E.



P.S. Canzano, P.E.



D.G. Clark, P.E.



W.Z. Crouch, P.E.



A.S. DeLuca, P.E.



J.P. Jones, P.E.



K.R. Kooker, P.E.



G.F. Marcozzi, P.E.



C.L. McAllister, P.E.



R.W. McClure, P.E.



T.P. McGonigle, Esq.



F.A. Newton



G.G. Pawlowski, P.E.



V.G. Robertson, Esq.

## **Council Executive Committee**

Guy F. Marcozzi, P.E.

**President**

Frank A. Newton

**Vice President**

Vincent G. Robertson, Esq.

**Secretary**

Gregory G. Pawlowski, P.E.

**Treasurer**

J. Paul Jones, P.E.

**Immediate Past President**

## **Council Members**

Carmine C. Balascio, P.E., Education	8/31/08
J.G.S. Billingsley, P.E., Mech. Eng.	8/31/08
Pasquale S. Canzano, P.E., DEE, Gov't Empl.	8/31/09
David G. Clark, P.E., Chemical Engineering	8/31/09
W. Zachary Crouch, P.E., Sussex County	8/31/08
Alfred S. DeLuca, P.E., Electrical Eng.	8/31/11
J. Paul Jones, P.E., "Other" Eng.	8/31/09
Keith R. Kooker, P.E., Kent County	8/31/11
Guy F. Marcozzi, P.E., Private Cons.	8/31/11
Charles L. McAllister, P.E., Industry	8/31/10
Robert W. McClure, P.E., New Castle Co	8/31/10
Thomas P. McGonigle, Esq.—NCC—Apptd.	10/26/11
Frank A. Newton, Kent Co.—Apptd.	1/30/10
Gregory G. Pawlowski, P.E., Civil Engineering	8/31/10
Vincent Robertson, Esq.—Sussex Co.—Apptd.	9/27/08

## **Council Staff:**

Peggy Abshagen  
Executive Director

Donna Weaver  
Administrative Asst.

## **Council Office:**

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(302) 368-6708 / (302) 368-6710 – FAX

e-mail:  
[office@dape.org](mailto:office@dape.org)

website:  
[www.dape.org](http://www.dape.org)

## Moving?

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, please complete the following form and mail or fax it to the Council office in order that our records may be updated accordingly.

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

**DELAWARE ASSOCIATION OF  
PROFESSIONAL ENGINEERS  
56 W. Main Street, Suite 208  
Christiana, DE 19702**

## Change of Address Notice

(Please print all information)

License Number: \_\_\_\_\_

Name: \_\_\_\_\_

Old Address: \_\_\_\_\_

New Address: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_