

News from Delaware's Licensing Council for Professional Engineers

Winter 2015

PRESIDENT'S MESSAGE

By Daniel P. Barbato, P.E.



DAPE's New Leadership

How did I get here? I ask myself that question as I write my first President's Message. I have big shoes to fill following the excellent leadership of our immediate past President Hans Medlarz, P.E. I find solace in knowing that we have an excellent roster of Council members and committees, and our dedicated and responsive Executive Director and her staff. I am honored to hold this position and to be part of this dynamic and diverse team.

How does someone get to this state of leadership in an organization such as DAPE? Rewind to a little more than 25 years ago. I was a non-traditional college student, spending a little time in community college before deciding I was ready to take on the rigors of a University of Delaware engineering degree. I met one good engineering mentor along that path. Maybe we did not agree very often, but he kept a watchful eye on me and provided a few needed "suggestions." I made it through UD, landed a good job, and started working toward my PE license. I worked with one more excellent mentor and one very bad one in this second leg of the journey. I learned just as much from both of them, some things about leadership, how to conduct business, and a lot about how to treat people.

I passed my PE exam on the first try and it was one of the most rewarding experiences of my life. Not long after getting my license I ran into my original mentor who was as pleased as I with the accomplishment. He remains involved with DAPE, is in active practice, and he continues to provide advice when needed. At some

point, I was asked to help proctor a PE exam. I found that it was rewarding and it also reminded me of what it was like to sit in that seat. As proctoring continued over the years, I did not realize at the time that many of the proctors were active or past DAPE Council and committee members. Several years later I found myself a member of the DAPE Law Enforcement and Ethics Committee, as encouraged or possibly coerced by some of the excellent engineers I met while proctoring for DAPE. Greater involvement, mentoring, cultivation, and encouragement eventually steered me toward my elected seat on Council and now as your President.

Anyone who works with me knows that as soon as they pass their PE, or those to whom I hand their license at E-Week know that I tell them immediately to come back and proctor or get involved with DAPE. That is just one of the touch points where we have opportunities to cultivate and develop our future leaders and to give back to the engineering community. Two great things happen: the experienced engineers "keep it green" meaning they get a window to look back on their younger days as budding engineers, and the younger engineers receive encouragement and mentoring to guide them and show them what engineering leaders do.

Our Council and committees are made up of professionals with a variety of backgrounds and varying levels of experiences from retirees to almost new PEs. It is truly a joy to see the same process still at work for seeking out those who desire to be involved and become our future leaders. DAPE is the only engineering board in this country that relies so heavily on volunteers, and because of that you will see

only those who are truly dedicated enough to give significant time and effort to make it work.

In closing, I want to encourage you as a member of DAPE to seek out other engineers in need of guidance, to mentor and be mentored, to invest in the engineering community, encourage our rising young engineers, offer corrections when needed, and to look back at your past and share your experience with others no matter how rocky the road or smooth the sailing. Everyone is on their own journey, and each one of you is an important waypoint in another's success. I look forward to serving all of you and seeing some of you join us in our efforts.



EXECUTIVE DIRECTOR'S MESSAGE

One of the most frequently asked questions is, "will this count towards my CPC requirements?" Our go-to answer is we do not pre-approve any courses or providers, and you'll need to review the CPC guidelines on our website. And the conversation continues, "yes, but will this course count?"

These guidelines were developed to assist the membership in making personal determinations about whether a particular course is acceptable. The guidelines state that a qualified course/activity ***must have a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the professional practice of engineering. Regular duties are not considered qualified activities.***

Other than the requirement to have ***no less than 3 pdhs and no more than 6 pdhs in professional ethics; and no more than 9 pdhs in business or project management, the balance is required to be related to the licensee's area of technical practice***, the CPC requirements are straight-forward. It was the goal of DAPE to develop a CPC program that would not be unnecessarily cumbersome, but would encourage engineers to keep their skills current, and minds open to further safeguarding the health, safety and welfare of the public.

Good recordkeeping is a must! We anxiously await NCEES' completion of their new system that will enable everyone to upload their documents to their website, but in the meantime, make sure you are accurately tracking your professional development hours (pdh's).

DAPE has assisted its membership with accomplishing the ethics requirement last year, and more recently, provided a law for professional engineers seminar, which was not only informative, but given by a presenter who focused it on topics that were applicable to all attendees. It received high praise and nothing but positive feedback. Look for another CPC opportunity in 2016!



MEETING YOUR CPC REQUIREMENTS . . .

By William D. Balascio, P.E.



Professional Engineers licensed in the State of Delaware must be able to demonstrate their efforts to maintain Continuing Professional Competency (CPC) for the first time when renewing their licenses this coming June of 2016. If you are concerned about this, take some time to review the guidelines found on the DAPE website (www.dape.org).

Hopefully you will notice that DAPE included many provisions to allow licensees to accumulate professional development hours (pdhs). Some of these provisions were included specifically to promote attendance in and teaching of "seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions and conferences." This provision works hand in hand with "active participation in professional or technical societies."

I have personally participated in these types of activities through my professional society – ISA, the International Society of Automation. This has included attending presentations at monthly meetings and at a recent technical conference and presenting an introduction to Engineering Ethics talk. I have also issued all of the pdh certificates for these events.

Having already taken roughly 20 pdhs of on-line courses this year, I much prefer "live" courses and

seminars to online. I like to see and hear the reactions and questions that result from the interactions of people having different experience and viewpoints. I would like to do more to make this type of learning available to more engineers, both licensed and non-licensed.

I am going to start by attempting to help my company development short (~1 hour) course modules for internal use and possibly sharing with other companies that could return the favor. Cross-training across multiple disciplines has many benefits, ranging from improved understanding of and coordination with our peers to increasing our personal networks.

Do you belong to a professional society that has regular meetings or presentations; or do you work for a company that might have some knowledge that they are willing to share? If we work together and help each other, we might find that getting those 12 pdhs each year is pretty easy and not that expensive – and the process will really increase our professional competency.

If you are interested in exploring this topic further, please contact me at office@dape.org.



EXAM STATS:
(OCTOBER, 2015 EXAM ADMINISTRATION)

	Delaware		National	
	First	Repeat	First	Repeat
Chemical	100%	--	78%	36%
Civil	53%	20%	66%	33%
Civil-Const.	54%	9%	58%	27%
Civil-Geo.	33%	--	66%	25%
Civil-Struc.	100%	50%	67%	31%
Civil-Trans.	63%	38%	67%	37%
Civil-Water Res.	22%	--	68%	38%
Control Sys.	100%	--	73%	35%
Elec-Power	60%	17%	60%	35%
Environ.	50%	50%	66%	33%
Fire Prot.	0%	100%	61%	27%
Mech.	71%	0%	77%	41%
Mech-HVAC	100%	0%	82%	44%
Mech-MS&M	0%	--	74%	44%
Mech-Thermal	67%	--	75%	36%

CONGRATULATIONS TO OUR NEW
PROFESSIONAL ENGINEERS!

The following individuals will join the membership of DAPE with the successful passage of their recent P.E. examination:

Berzina, Laura
Clem, Daniel
Colyar, John
Croker, Adam
Damtoft, Bradley
Demko, Erin
Disciullo, Steve
Dottin, Dwayne
Du, Ran
Finkle, Gregory
Gitman, Seth
Gordon, Bruce
Hahn, Matthew
Harkness, Kevin
Ho, David
Johnson, Eric
Kovach, Breanna
Liu, Guangliang
Malkin, Chance
Manahiloh, Kalehiwot
Marchildon, Peter
McBride, Brian
McDougall, Sarah
Mircheva, Dima
Nelson, Patrick
Nettleton, Paul
Pansuriya, Jasmine
Parisi, Matthew
Patel, Ajay
Rapone, Christopher
Robles, Ed
Sameti, Mehdi
Savage, Matthew
Schmidt, Robert
Shurina, Daniel
Simmonds, Michael
Singh, Sarvjeet
Skeirik, Richard
Vacca, Kaitlin
Veerabhadrapa, Veerendra
Whiteside, Mark
Xia, Yu

Licensure will be approved for these examinees in early January!

CONGRATULATIONS!

LAW ENFORCEMENT CORNER:

During this past year, the Law Enforcement/Ethics Committee has been successfully working on getting many firms into compliance with the law.

In this last quarter we have assisted 28 firms with either making application for a Certificate of Authorization, or reinstating same; or cancelling/revising their business license in the engineering category.

Additionally, 5 complaints were received:

Case 10/087 – Gregory R. Scott (#6429)

Allegations in the complaint were of incompetence in the practice of engineering and misrepresentation as to capability to carry out an engineering proposal in violation of the Code of Ethics. This hearing took place over 6 separate hearing dates and numerous exhibits were introduced as evidence. Complaint alleged work began in 2003 and by 2008 there were still no final approvals to allow construction of a development. Evidence presented included information that created time problems and the failure to regularly pay invoices may have contributed to delays without results.

Although Scott, and/or his employees were qualified to do this work, there were mistakes made during the project and clearer communications with a difficult client could have prevented some of these. There was no written contract, therefore, the specifics of the agreement were unclear.

The state's case did not support a finding that Scott violated the Code of Ethics and the case was closed.

Case 14/081 -- Braun, David (#7913)

Allegations were of incompetence in the practice of engineering from a homeowner regarding elevation issues with a residence. Braun signed/sealed an elevation certification with an erroneous base flood elevation, a violation of the law and the Code of Ethics.

A Consent Order was issued requiring a fine and completion of an approved ethics course, as well as reporting this violation to the national enforcement database.

All terms of the Consent Order have been met and the case has been closed.

Case 13/100 -- Complaint: Unlicensed Practice

This was resolved with a Memorandum of Understanding.

Case 15/106 -- Complaint: Licensee disciplined in another jurisdiction

Although the Delaware law provides for reciprocal discipline, in this case it was determined that sufficient discipline had been administered and the licensee was advised that any future violations could result in discipline in this state. The case was closed.

Case 15/124 -- Complaint: Business practice issue

There was insufficient evidence to support a violation of the law or code of ethics. The case was dismissed.



LAW SCHOOL FOR PROFESSIONAL ENGINEERS

On October 8, 2015, the DAPE membership was invited to attend this three-hour seminar that included sections on:

- ***Thinking Like a Lawyer:*** What is a Cause of Action? (A claim for relief that is brought in a lawsuit.)
- ***Negligence:*** Elements of negligence include a duty of reasonable care; breach of duty of care; injury caused by the breach of duty of care; damages sustained by the plaintiff.
- ***Liability Insurance:*** Insurance policy is a contract. Read all endorsements. Not all liability policies provide the same coverage.

The presenter provided various applicable scenarios under each of the categories that attendees found to be extremely helpful.

Look for future continued education opportunities in our newsletters or on our website!

DID YOU KNOW ...?

DAPE has entered into agreements/Memoranda of Understanding (MOU) to work with other organizations to insure compliance with Delaware law.

In 1996 an MOU was entered into with the Board of Architects to "provide a framework to foster a better working relationship between the participating organizations and establish a Joint Advisory Panel." The objectives of the Joint Advisory Panel are to eliminate uncertainty and resolve disputes on a case by case basis in the area of concurrent practice between the practice of architecture and the practice of engineering.

Some ten years later, that MOU was revised (with the same purpose), but with the objectives of jointly working together to delineate what constitutes the practice of architecture and/or the practice of engineering.

The Joint Advisory Committee meets quarterly to discuss issues of mutual concern, and is comprised of two engineers, two architects and a public member (currently the Sussex County building official).

More recently, an MOU was entered into between DAPE and the University of Delaware. This, following receipt of a complaint that the University was providing engineering services in an energy audit. In an amicable resolution to the matter, the MOU was agreed to with the understanding that the University will not engage in the unlicensed practice of engineering and it will prominently post a disclaimer that it is not authorized to perform engineering services.

In addition, the two parties will meet annually to confirm compliance with the obligations under this MOU.



INTERESTED IN SERVING ON COUNCIL?

DAPE is unique in many regards, but none more than the process of electing its Council members. Each year four Council seats are up for election. In 2016, the seats are:

***Education Seat
Mechanical Engineering Seat
Government Employment Seat
Sussex County Seat***

At the time of election, and during the term of office, an individual must be a citizen of the U.S., a resident of the State, a member of the Association, and be qualified to represent the constituency from which the individual is elected.

A short biographical sketch is required to share with the membership, as well as a petition with the signatures of ten DAPE members who support the nomination. Forms are available from the DAPE office and are due by May 1, 2016.

The term of office for members of Council is four years and a member may not serve more than two consecutive terms.



2015 COMMITTEE CHAIRS

President Barbato has appointed Committee Chairs for each of the standing committees as outlined in the bylaws. Committee chairs nominate their membership for appointment by Council; officiate at their respective meetings; and insure that their Charges are accomplished during this next year.

Chair appointments:

Examining:	M. Lester, W. Balascio
External Affairs:	R. Hayden, S. Gharebaghi
Employee Comp./Finance:	T. Thomson, S. Gharebaghi
Facilities:	R. Wheatley
Government Affairs:	R. Smith, E. Retzlaff
Law Enforcement/Ethics:	T. Thomson, C. McAllister
Public Information:	S. Gharebaghi, W. Balascio

Ad-Hoc/NCEES & CPC Audits: M. Lennon, W. Balascio

2016 DISTINGUISHED SERVICE AWARD

As alluded to in the President's Message, DAPE is only as good as the volunteers that serve on both our Council and Committees. Since 1972, we have been extremely fortunate to have some of the best Delaware engineers step up to the plate and devote their time and energy to the profession they love! The dedication exhibited from these individuals is nothing more than astounding – they attend working meetings; hear disciplinary cases; handle financial matters; employ a competent staff; etc., etc. The list is endless! But imagine they do all this voluntarily ...

In its infinite wisdom, Council decided it was time to recognize the accomplishments of both Council and Committee members, but also to pay special recognition to one distinguished committee member. And in 2007 the first Distinguished Service Award was born and presented to **Eugene B. Snell, P.E.**, a Past President of the DAPE Council, and a former Chair of most DAPE committees. Gene is no longer with us, but his contributions live on in many of the policies still being followed today.



In 2016, Council will be honoring **Keith R. Kooker, P.E.** with the Distinguished Service Award for his many contributions to Council, as an officer of DAPE on the Executive Committee, the Chair of the Law Enforcement/Ethics Committee for several years, and as a member of the Finance

Committee.

Past recipients of this award include:











2008: **Robert A. Chagnon, P.E.**
2009: **J.G.S. Billingsley, P.E.**
2010: **Ana E. Diaz, P.E.**
2011: **Robert W. McClure, P.E.**
2012: **Daniel Koffler, P.E.**
2013: **Arkan Say, P.E.**
2014: **James Davidson, P.E.**
2015: (No award)

In January, 2016 an appreciation dinner award ceremony has been planned for all Council and Committee members, to recognize the exemplary efforts of this group of professionals!



HAPPY HOLIDAYS!

2015-2016 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	M.A. Lennon, P.E. Chemical Eng. Seat
		
M. Lester, P.E. New Castle Co. Seat	J.P. Ludman, P.E. Industry Seat	C.L. McAllister, P.E. Private Cons. Seat
		
H.M. Medlarz, P.E. Gov't Empl. 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

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

Council Members

Carmine C. Balascio, P.E., Education	8/31/16
Robert E. Hayden, P.E., Mechanical Engineering	8/31/16
Hans M. Medlarz, P.E., Government Employment	8/31/16
Erik F. Retzlaff, P.E., Sussex County	8/31/16
Daniel P. Barbato, P.E., "Other" Eng.	8/31/17
Michael A. Lennon, P.E., Chemical Engineering	8/31/17
John E. Tracey, Esq. -- New Castle Co. -- Apptd.	8/31/17
Robert C. Wheatley -- Sussex 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
William D. Balascio, P.E., Electrical Engineering	8/31/19
Soheil Gharebaghi, P.E., Kent County	8/31/19
Charles L. McAllister, P.E., Private Consulting	8/31/19

Council Staff:

Peggy Abshagen
Executive Director

Lauren Thomson
Executive Assistant

Council Office:

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