



PRESIDENT'S MESSAGE

BY CARMINE BALASCIO, PH.D., P.E.

SEPTEMBER 2019

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As you may be aware, licensed professions in the United States, including engineering, have felt concerned and, in some cases, under threat in the wake of the Supreme Court decision of 2014 in the case of the [North Carolina State Board of Dental Examiners v. Federal Trade Commission](#). This case was an anti-trust challenge to the actions of the state dental board, a majority of whom actively practice in the dental profession. The court held that state occupational licensing boards that are primarily composed of actively practicing members of the profession regulated by the board are not exempt from antitrust law unless they are actively supervised by the state. Engineering licensing boards across the country, including the Delaware Association of Professional Engineers Council, are certainly composed primarily of actively practicing licensed engineers and are affected by this decision.

Professional licensing boards in the U.S., including those for engineering, have become much more concerned with any

actions they take that might be construed as restraint of trade and could potentially run afoul of antitrust law. Numerous state legislatures have introduced bills severely restricting or even eliminating licensure for some professions. Fortunately, none of the legislation targeting engineering licensure has been adopted. The National Council of Examiners for Engineering and Surveying (NCEES) has from its very beginning had a goal of promoting engineering licensure mobility. DAPE Council has always taken the position that a major part of our responsibility in regulating the engineering profession in Delaware is to ensure that a good supply of highly qualified licensed engineers is available to the state. To further that goal, we have recently taken steps to initiate law changes that will facilitate licensure mobility and remove unnecessary barriers to entry into the engineering profession.

One proposed change deals with education. Delaware law has always recognized EAC of ABET-accredited engineering programs as the gold standard for engineering education. Applicants who hold undergraduate degrees from EAC of ABET-accredited programs have been required to have four years of Council-approved engineering experience to be eligible for Delaware licensure; while holders of degrees from non-EAC of ABET-accredited engineering programs, engineering technology degrees, or science-related-to-engineering degrees have needed eight years. NCEES has recently recommended that graduates of engineering programs accredited by signatories of the Washington Accord be afforded the same recognition as EAC of ABET graduates. The [Washington Accord](#) is an international

agreement between bodies responsible for accrediting engineering degree programs. Signatories of the accord mutually “recognize the substantial equivalency of participating organizations’ accreditation processes and their graduates’ preparedness to begin professional practice at the entry level.”¹ ABET and Engineers Canada are signatories of the accord among a total of 20 representing agencies from every continent. The legislation DAPE Council will be initiating gives holders of degrees from engineering programs accredited by Washington Accord signatories the same recognition as EAC of ABET graduates. The required engineering experience for such applicants will be four years.

A second intended change to the law will make license mobility easier for U.S. licensees. For licensure applicants who hold NCEES records designating them as “model law engineers,” an expedited comity process will be available that will allow DAPE to issue a Delaware license administratively without full Council review. A third proposed law change would modify Delaware provisions for 10-year comity. Under 10-year comity, an applicant who has 10 continuous years of Council-approved engineering experience as a licensed engineer and has not been subject to any disciplinary sanctions may be considered for licensure in Delaware without regard to education or examinations. To bring our law more into line with reciprocity provisions used by other licensed professions in the state, the period of required continuous licensed experience will be reduced to five years.

To promote international engineering licensure mobility, NCEES is a member of the [International Engineering Alliance](#) and is a member of the [International Professional Engineers Agreement \(IPEA\)](#). There are currently 15 other members of the IPEA including Engineers Canada. “The International Professional Engineers Agreement recognizes the substantial equivalency of standards establishing the competency of professional engineers for independent practice.”² Engineers who are licensed by agencies that are members of IPEA can undergo a rigorous application process for registration as International Professional Engineers (IntPE). NCEES is an IPEA member and maintains a [registry of U.S. licensed engineers who have attained IntPE status](#). NCEES has recommended that engineers registered as IntPEs be provided with the same eligibility for comity within the U.S. as would U.S. state-licensed engineers. A fourth proposed change in Delaware’s licensure law will follow that recommendation and extend eligibility for comity in Delaware to IntPEs.

With these proposed changes to Delaware law, our state will become a leader in promoting licensure mobility and recognition of international engineering credentials. We reduce barriers to entry into the engineering profession and ensure the state of Delaware has plenty of well-qualified licensed engineers.

1) [“Mutual Recognition Agreements | ABET.”](#)

2) [“IPEA Agreement » International Engineering Alliance.”](#)

EXECUTIVE DIRECTOR’S MESSAGE

BY: JEN WOOTTEN

As of member board of NCEES, we have been challenged to examine not just our law but our administrative processes through the lens of enhancing mobility across state lines (and national boundaries), to reduce unnecessary administrative barriers to licensure. Some improvements may require time-consuming legislative or bylaws changes. However, DAPE also takes a critical look at our administrative procedures, to be sure we are not letting arbitrary or unnecessary requirements slow down the process of licensure. We have taken several steps in the past year to improve the licensure process, including:

- 1) Postcard reminders. Firms frequently overlook the renewal of a Certificate of Authorization, simply because our email notices go to the wrong person, or a junk folder. “Snail mail” may be low tech, but it’s an effective way to reach out to firms that are missing our emails. Remember: it

is your responsibility to keep track of renewal deadlines, so licensees should remember to keep their DAPE records updated when they move to a new firm.

- 2) We found that payment of the registration fee after a Certificate of Authorization was approved was a step that was often overlooked, causing a delay or even a lapse in licensure soon after approval; we no longer charge an additional registration fee once approved. All certificates are renewable by September 30, annually.
- 3) A focus on customer service. We encourage licensees to call or email with any questions they may have along the way, from planning to take the FE to renewing a license to retiring. The DAPE staff is happy to help!

Next on the horizon is an improved website, including a whole new licensing interface for individuals and firms. Features will include the ability to indicate your preferred method of communications from DAPE, including texts.

CPC OPPORTUNITIES

ETHICS WORKSHOP OCTOBER 17

DAPE is offering its members the opportunity to participate in an ethics workshop on Thursday October 17, 2019 (8:30 – 11:30 a.m.), at Outlook Events in Dover, Delaware. Presenter Amigo Wade will review ethical decision-making models and conflicts of interest, as well as taking a deep dive into DAPE's Code of Ethics. This is the same program that we offered in Newark in May 2019, so if you attended that session, you won't be eligible to attend this time. If interested, please email kathy@dape.org to reserve your seat. Seating is limited, and spots are going fast.

TECHNICAL FORUM FOR PROFESSIONAL ENGINEERS AND BUILDING OFFICIALS

Thursday November 14, 2019

Check-in/coffee between 8:00-8:30 AM -- Program will run from 8:30-10:30 AM
DelDOT Farmington/Felton Conference Room 1st Floor, 800 Bay Road, Dover, DE 19903

DAPE will host a 2-hour seminar and forum (PEs will be awarded 2 technical PDH units). This seminar will be for civil engineers who prepare drawings for public review by the State, County, municipality, or Conservation District. The topics of discussion will be plan submissions, stormwater design, QA of plan submissions, and reoccurring mistakes. We will conclude with an open forum with a panel of public regulators and private consultants. Due to space restrictions, attendance will be limited to 1-2 employees from each firm. RSVP to Kathy@dape.org.

LEGISLATION UPDATE: DECOUPLING

"Decoupling" is a policy that is becoming more common among Professional Engineering licensing boards across the country, now including Delaware. Briefly, the term refers to the policy of allowing candidates to take the Principles and Practice of Engineering (PP&E) exam prior to completing the requisite amount of approved engineering experience (usually 4 years for an application with an ABET-accredited undergraduate degree). Decoupling DOES NOT reduce the engineering experience requirement for PE licensure; it only changes the timing of when an applicant can take the exam.

DAPE's Council approved a proposed amendment to the Delaware Professional Engineers' Act to allow decoupling, and that Amendment was signed by Governor Carney on July 17, 2019. Applicants who have met their educational requirements may take the P&PE exam prior to completion of their experience, or submission of an initial PE application. While our online application hasn't caught up to this law change, our new licensing software (see Executive Director's message on page 2) will fully incorporate this change into the application process. Meanwhile, candidates interested in taking this path to licensure can contact us directly for application instructions.

NOTE: The PE exam is designed to test for a minimum level of competency in a particular engineering discipline. It is designed for engineers who have gained a minimum of four years of work experience in their chosen engineering discipline.

Candidates that choose this route must understand that passing the P&PE examination does not guarantee that they will receive a professional engineer license. Candidates still need to meet all of our requirements for licensure in the areas of education, examination and experience. Please refer to §2817 of the Delaware Professional Engineers Act, or email office@dape.org if you need clarification. Further, some jurisdictions may not honor the "early taking" of the Principles and Practice of Engineering examination prior to obtaining the requisite engineering experience.

If you are reading this newsletter, you are very likely already licensed. However, you may want to share this with your colleagues that are planning to take the P&PE exam in the future.

PE RENEWAL/CPC REMINDER

All Delaware PEs' licenses are renewable by June 30 in even-numbered years. June 30, 2020 is still 9+ months away, but plan now to avoid any delays in renewing your license. Here are a few tips to make the renewal process easier:

- 1) Do not wait until June 30. We expect to open the renewal window in mid-April. Avoid the rush, and renew early.
- 2) Audit yourself – how many CPC hours have you earned since July 1, 2018? Plan ahead, and start scheduling training if you fall short of our requirements. Remember that beginning this renewal period, we will not be accepting carryover hours, so all of your hours must be taken between July 1, 2018 and June 30, 2020. See page 3 for upcoming DAPE-sponsored training, and stay tuned for a spring 2020 Ethics training.
- 3) Licensees who are residents of jurisdictions other than Delaware need to meet the CPC requirements of their resident jurisdiction. If the licensee resides in a jurisdiction that has no continuing professional competency (CPC) requirement, or the licensee is exempt from the CPC requirement in the licensee's resident jurisdiction, the licensee must meet the requirements of Delaware. However, we recommend that all Delaware PEs familiarize themselves with our Recordkeeping requirements, so that you can complete a CPC audit if necessary.
- 4) Familiarize yourself with our law, specifically the difference between Active/Inactive/Retired Status. The time to change your status is BEFORE the renewal deadline. If you let your license lapse, you will need to return to active status before you request inactive or retired status.

2019 COUNCIL ELECTION RESULTS

Congratulations to our newly-elected Council members, who began serving their four-year terms on September 1, 2019.

Electrical Engineering Seat: Michael Siwek, P.E.
Private Consulting Seat: Charles McAllister, P.E.
Kent County Seat: Nicholas Dean, P.E.

We also welcomed William Gamgort, Esq. to the Council in May 2019, as the Governor-appointed member from New Castle County.

Council elected the following slate of officers at their September 11 meeting:

President: Carmine Balascio, P.E.
Vice President: Joseph Jakubowski, P.E.
Secretary: Charles L. McAllister, P.E.
Treasurer: Michael Clendaniel, P.E.
Immediate Past President: Soheil Gharebaghi, P.E.

Each year three Council seats are vacated. In 2020, the following Council seats will be up for election: Mechanical Engineering, Education and Sussex County. If you are interested in getting involved in DAPE's Council, a good place to start is volunteering on a committee. You can find more information on committees at www.dape.org, or call Executive Director Jen Wootten to discuss your interests.

THANK YOU

We can't welcome our new Council members without taking the time to express our appreciation to the following outgoing Council members:

William Balascio, P.E.
Soheil Gharebaghi, P.E.
John Tracey, Esq.

CERTIFICATE OF AUTHORIZATION RENEWAL CHANGES & REMINDERS

Any firm that is practicing or offering to practice engineering in the State of Delaware needs a Certificate of Authorization. Not sure if your firm is authorized? You can [check our online roster](#). Feel free to call our office with questions if you need to apply for an initial Certificate or cannot find your firm on our active roster. The renewal deadline is September 30 annually. The penalty for late renewals is \$100/month, with a maximum penalty of \$600.

LAW ENFORCEMENT & ETHICS COMMITTEE: COMPLAINT PROCESS

The Law Enforcement & Ethics (LEE) Committee meets monthly to review and investigate any complaints of potential violations of the law or Code of Ethics. Committee recommendations to DAPE's Council could include filing a formal complaint, scheduling a hearing, or dismissal for lack of sufficient evidence to support the allegation.

The large majority of the Committee's law enforcement cases are firms offering or providing engineering services without a Certificate of Authorization. These are typically identified by DAPE staff using tools such as the Division of Revenue's business license database, and reports summarizing new and ongoing construction projects in Delaware. These cases are typically resolved through either appropriate licensure application/approval, or a clarification regarding the services being offered.

In addition to these more “routine” cases, the Committee investigates complaints brought to us from members of the public. Additionally, DAPE’s Examining Committee may refer applicants that have indicated that they have engaged in unlicensed practice when applying for reinstatement.

The complaint/investigation process can take considerable time, as the Committee needs to follow a process established by Delaware law. Once a complaint is filed with DAPE and forwarded to the LEE Committee, a case proceeds as follows:

- An LEE Investigator is assigned at Committee’s monthly meeting. For more complex cases, this may be a team of Committee members.
- The investigation begins, and preliminary facts/findings are reported to the LEE Committee.
- LEE Committee decides to proceed with investigation or not.
 - If no, the Committee recommends to Council that the case be closed.
- If yes, a formal investigation is started, including notifying the respondent.
- Further investigation takes place. This may involve interviewing both the complainant, respondent, and other parties involved in the case.
- Investigator compiles a report for LEE and Council. Recommended disciplinary actions include: Administrative Order, Consent Order, Hearing Committee, Cease & Desist order.

The LEE Committee is guided at every step in this process by the legal knowledge of an appointed Deputy Attorney General from the Delaware Department of Justice.

When investigating a complaint, Committee members frequently refer to DAPE’s founding purpose, to safeguard life, health and property, and to promote the public welfare, through a high standard of integrity, skills, and practice in the profession of engineering.

IN MEMORIAM



Daniel Koffler was approved for P.E. license #1439 in March 1956, and maintained his Delaware PE license ever since (63 years!), even after moving to California several years ago. His first renewal fee was \$5 back in 1956.

A long-time DAPE Council member, he also served on the Examining Committee and Law Enforcement & Ethics Committee, Dan was honored with our 2012 Distinguished Service Award. The Delaware engineering community will miss him.

WELCOME DELAWARE'S NEWEST PROFESSIONAL ENGINEERS

Council recently approved the licensure of the following 46 successful candidates of the April 2019 P&PE Exam (105 candidates took the exam):

License Number	Name	License Number	Name
23048	Christine Alizzi, P.E.	22929	Kevin Nyamumbo, P.E.
22094	Joanna Bermingham, P.E.	20967	Said Ouabi, P.E.
22880	Michael Berti, P.E.	22076	Parthkumar Patel, P.E.
20661	Viktor Boiko, P.E.	23891	Danielle Pollet, P.E.
22602	Jack Cardinal, P.E.	21244	Michael Porter, P.E.
22709	Steven Corcoran, P.E.	23102	James Presto, P.E.
23251	Christopher Daube, P.E.	21859	Eric Rabe, P.E.
23054	Constantine Deir, P.E.	22635	Kevin Rafferty, P.E.
21727	Tucker Faherty, P.E.	22296	Jonathan Sabatino, P.E.
22166	Patrick Gallo, P.E.	23243	Anthony Scaccia, P.E.
21289	Joseph Geddis, P.E.	22853	Tyler Scarborough, P.E.
21599	Emily Guillen, P.E.	22620	Amanda Schneider, P.E.
22467	Timothy Hagenbach, P.E.	21117	Ethan Schukoske, P.E.
21893	Joseph Henderson, P.E.	22067	Robert Shoemaker, P.E.
20453	Joshua Hughes, P.E.	22372	Kirsten Stoner, P.E.
23039	Taha Kanpurwala, P.E.	21120	Joseph Stoney, P.E.
22786	Elizabeth Kayea, P.E.	21971	Nicholas Szupowal, P.E.
23082	Daniel Kee, P.E.	22884	Christopher Ulrich, P.E.
21518	Brian Kim, P.E.	21601	Junxi Wen, P.E.
22881	Alexander LaGrotta, P.E.	22455	Charles Wilson, P.E.
23892	Nicholas Loberto, P.E.	23056	Mark Wisniewski, P.E.
22610	Jordan Matthews, P.E.	23106	John Wojtanowski, P.E.
22225	Amanda McBride, P.E.	21690	Joseph Yeager, P.E.

DAPE hosted many of these newly licensed engineers and their guests at the ASCE Delaware Chapter's annual Crab Feast on September 10 in Newark, Delaware, and presented them with their PE Certificates. Congratulations to all of our new Professional Engineers!



2019-2020 COUNCIL MEMBERS

 C. Balascio, P.E.	 D. Barbato, P.E.	 M. Clendaniel, P.E.	 N. Dean, P.E.	 W. Gamgort, Esq.
 R. Hayden, P.E.	 J. Jakubowski, P.E.	 J. Kalmbacher, P.E.	 M. Lennon, P.E.	 K. Maxson, P.E.
 C. McAllister, P.E.	 E. Retzlaff, P.E.	 M. Siwek, P.E.	 R. Smith, Esq.	 R. Wheatley

COUNCIL EXECUTIVE COMMITTEE

Carmine Balascio, P.E., **President**
 Joseph Jakubowski, P.E., LEED AP **Vice President**
 Charles McAllister, P.E., **Secretary**
 Michael Clendaniel, P.E., **Treasurer**
 Soheil Gharebaghi, P.E., **Immediate Past President**

COUNCIL STAFF

Jennifer Wootten, **Executive Director**
 Kathy Davis, **Executive Assistant**
 Beth Baughman, **Administrative Assistant**

COUNCIL MEMBERS

Carmine C. Balascio, P.E., Education
 Robert E. Hayden, P.E., Mechanical Engineering
 Erik F. Retzlaff, P.E., Sussex County
 Michael A. Clendaniel, P.E., Gov't Employment
 Jeremy Kalmbacher, P.E., "Other" Engineering
 Michael A. Lennon, P.E., Chemical Engineering
 Robert C. Wheatley, Sussex Co. – Appointed
 Daniel Barbato, P.E., New Castle County
 Joseph Jakubowski, P.E., LEED AP, Civil Engineering
 Karen Maxson, P.E., Industry
 Ronald D. Smith, Esq., Kent Co. – Appointed
 Nicholas Dean, P.E., Kent County
 William Gamgort, Esq., New Castle Co. – Appointed
 Charles L. McAllister, P.E., Private Consulting
 Michael P. Siwek, P.E., Electrical Engineering

TERM EXPIRES

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