

STATE REGISTRATION BOARD FOR
**PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS**
NEWSLETTER

WINTER 2006-2007



COMMONWEALTH
OF PENNSYLVANIA

Edward G. Rendell
Governor

Pedro A. Cortés
Secretary of the Commonwealth

Basil L. Merenda
*Acting Deputy Secretary
for Regulatory Programs
and Director,
Bureau of Professional and
Occupational Affairs*

Mark Vessella
*Deputy Commissioner,
Bureau of Professional and
Occupational Affairs*

For more information, visit us at
www.state.pa.us
or visit the
Department of State directly at
www.dos.state.pa.us

Governor's Newsletter

Sign up now at
www.governor.state.pa.us
to receive the weekly e-newsletter from
Governor Rendell on important issues
facing Pennsylvania.

INSIDE:

Role of the Commissioner
on the Board **2**

Emphasis on Ethics — The
Supplant Issue **3**

Disciplinary Actions **4**

Board telephone: (717) 783-7049
E-mail: ST-ENGINEER@state.pa.us
www.dos.state.pa.us/eng

Role of the Commissioner on the Board

by *Basil Merenda, Acting Deputy Secretary for Regulatory Programs and Director, Bureau of Professional and Occupational Affairs*

The Bureau of Professional and Occupational Affairs (BPOA) touches the lives of millions of Pennsylvanians each day. We protect the health, safety and welfare of the public from fraudulent and unethical practitioners by administering professional licensing to physicians and cosmetologists to accountants and funeral directors. In addition, the bureau provides administrative and legal support to 27 professional and occupational licensing boards and commissions.

As commissioner of the BPOA, I am responsible for administering the commonwealth's licensing boards, sitting as a voting member on disciplinary cases and policy matters for 25 of the 27 boards and signing all licenses issued by the BPOA.

My administrative duties include working with the deputy commissioner to make "the trains run on time." In BPOA's case, it means making sure license renewals, applications and inquiries are

I truly believe the most important thing I can do for you is to provide you with professional service – and that is my goal.

properly handled by our staff. It also involves making sure that where appropriate, reciprocal licenses requested from out-of-state individuals are properly reviewed. BPOA is also required to conduct reviews of education programs for some boards.

My duties as a voting member on 25 of the 27 licensing boards are the same duties and obligations that the professional and public members have as part of their service on our licensure boards. I act as a judge, along with the other board members, on disciplinary hearings. I participate with the other board members in the drafting and enactment of regulations, rules and other policy initiatives. In addition, I have the responsibility of coordinating policy matters of all 27 boards for Governor Edward G. Rendell.

I truly believe the most important thing I can do for you is to provide you with professional service – and that is my goal.

When Governor Rendell appointed me BPOA commissioner, he told me to make BPOA and the commonwealth's 27 licensing boards more accessible, responsive and accountable to the legislature, the licensees and the public we are sworn to protect. My pledge to you is that I, as commissioner, am working to carry out Governor Rendell's charge with intelligence, vigor and effectiveness.

If I can be of any assistance, please do not hesitate to reach out and contact my office at any time.

License Statistics

As of Dec. 2006

| | |
|----------------------------------|--------|
| Professional Engineer | 32,519 |
| Professional Land Surveyor | 3,040 |
| Professional Geologist | 2,678 |
| Engineer in Training | 6,404 |
| Surveyor in Training | 122 |
| Total | 44,763 |

Emphasis on Ethics — The Supplant Issue

by **Robert C. Grubic, P.E., PLS**
Board Member

In recent years, an increased number of complaints have been filed with the State Registration Board concerning a licensee attempting to supplant another licensee or firm in the latter's role or contractual relationship with a client. Several cases were extremely involved and required many hours of investigation, research, and testimony to reach adjudication and closure.

A comprehensive Code of Ethics is contained in Section 4(g) of the Engineer, Land Surveyor, and Geologist Registration Law (Act 367). The Code of Ethics is not only statutory in nature, but also should be routinely and diligently followed by all licensees. Part 3 of the Code of Ethics reads

"It shall be considered unprofessional and inconsistent with honorable and dignified bearing for any professional engineer, professional land surveyor or professional geologist: (3) To attempt to supplant another engineer, land surveyor, or geologist after definite steps have been taken towards his employment."

Part 4 further enhances Part 3 of the Code of Ethics; Part 4 reads *"It shall be considered unprofessional... (4) To compete with another engineer, land surveyor or geologist for employment by the use of unethical practices"*. These two important parts of the Code of Ethics formed the basis for complaints that the board recently received, and will be discussed in this article.

The American College Dictionary defines the term "supplant" as

1. to displace or supersede as one thing does another;
2. to take the place of another as in office or favor, through scheming, strategy or the like;
3. to replace one thing by something else.

In the Registration Law, the term "supplant" relates to an attempt, whether successful or not, of an undertaking that results in a licensed professional

being removed from his or her contractual relationship with a client after definite steps have been taken towards the latter's employment.

Supplanting can be viewed in at least two ways: One is a strict, legal interpretation, and another is an application of ethical conduct. The legal interpretation by its very nature could be interpreted more broadly than the ethical conduct application, although what is being discussed here relates to the ethical conduct and the standard under which all licensees must practice.

The following examples demonstrate possible supplanting attempts.

1. Letters of Introduction which introduce a professional firm were sent to a prospective client, even though the client has a contractual relationship with another professional firm. Such letters of introduction are generally marginal, depending on the letter's language and on the intent of the author of the letter. However, with such letters, the interpretation by the recipient of the letter may differ from either the legal interpretation or the ethical conduct by the licensee. Because the purpose of the Registration Law is to safeguard life, health or property in the commonwealth, the interpretation by an average Pennsylvanian should be the frame of reference.

2. Offer Letters, frequently letters offering services of the licensee, have been received by prospective clients, who, in turn, share these offer letters with other licensed professionals, and the other licensed professional or some other party then files a complaint with the board. A recent supplant issue involved a firm which sent a proposed contract to a prospective client who was already under contract with another firm. The proposed contract was unsolicited and this particular letter demonstrated an obvious violation of the supplant issue of the Code of Ethics.

Continued on page 5

Disciplinary Actions

The following is a chronological listing of disciplinary actions taken by the board from Oct. 2005 through July 2006. Each entry includes the disciplined party's name, last known address and license number (if any); the disciplinary sanction imposed; a brief description of the basis for the disciplinary action; and the effective date of the disciplinary action.

Every effort has been made to ensure that this information is correct. However, this information should not be relied upon without verification from the Prothonotary of the Bureau of Professional and Occupational Affairs. One may obtain verification of individual disciplinary action by writing or telephoning the Prothonotary's Office at P.O. Box 2649, Harrisburg, PA 17105-2649; (717) 772-2686. Please note that the names of persons listed below may be similar to the names of persons who have not been disciplined by the board.

James Allen Koppenhaver, license no. **PE-035748-E**, of Wyomissing, Berks County, had his professional engineer's license and registration suspended for a minimum of 60 days, effective Nov. 4, 2005. Koppenhaver was also assessed a \$250 civil penalty and required

to complete a professional ethics course, for misuse of his professional seal. Reinstatement of Koppenhaver's license and registration after the minimum 60-day suspension period is conditioned on his having complied with the board's directive to surrender his professional credentials and pay the civil penalty and on his submission of proof that he has discontinued his Web site. (10-05-05)

Gregory Hardner, of Erie, Erie County, was assessed a \$250 civil penalty for offering to practice engineering without being licensed and registered as a professional engineer. (10-06-05)

Duane M. Policelli, license no. **SU-024222-E** of Bangor, Northampton County, voluntarily surrendered his license. Policelli pled guilty to felony charges, and his actions violated Pennsylvania statutes of the CHRIA because he pled guilty to felonies. (05-18-05)

Thomas F. Easton, license no. **SU-020692-E**, of Carnegie, Allegheny County, had his professional land surveyor's license and registration revoked and was assessed a \$4,000 civil penalty based on findings that

he practiced land surveying without a current license and registration. (01-24-06)

Mark D. Dieter, license no. **PE-040522-E**, of Dalton, Lackawanna County, had his professional engineer's license and registration suspended for one day, beginning Jan. 31, 2006. Dieter failed to submit documentation of his completion of a board-required professional ethics course. (02-03-06)

Edward Anthony Korab, license no. **PE-025515-E**, of Media, Delaware County, had his professional engineer's license and registration revoked based on his guilty plea in a Pennsylvania state court to felony charges of forgery, theft by deception, theft by failure to make required disposition of funds received, and receiving stolen property. (03-27-06)

Frederick P. Germann, license no. **PE-053128-E** of Lenhartsville, Berks County, was publicly reprimanded and paid a \$1,000 civil penalty. Germann sealed documents when his license to practice engineering in Pennsylvania was expired. (07-19-06)

UNETHICAL OR UNLICENSED ACTIVITY

If you believe the practice or service provided by a licensed professional to be unethical, below an acceptable standard or out of the scope of the profession; or if you are aware of unlicensed practice, please call the Compliance Office hotline:

In Pennsylvania: 1-800-822-2113

Out of State: 717-783-4854

A complaint form is available on the Department of State's Web site: www.dos.state.pa.us

Emphasis on Ethics

Continued from page 3

Of course, a difference exists between advertising and solicitation; the difference is determined by either the recipient of the letter or by the board if a complaint is filed. The most effective means of enforcing the Code of Ethics is to have licensees, and their respective firms, police themselves and their firms in order to minimize the chances of violating the Code of Ethics.

In summary, each licensed professional governed by this board must be keenly aware of the Code of Ethics and, in fact, of the entire registration law. In any business there are individuals and organizations who exhibit wide ranges of professional and ethical conduct. As licensed professionals, we must “raise the bar” in our respective professions so as to make individuals and firms aware of the serious nature of the supplant issue, and to eliminate such devious practices.

The mutual respect that our professionals show each other, our clients, and the general public, is part of the foundation of our strength and integrity. My experience and reflections as a board member have motivated me to urge all licensees to place the application of the Code of Ethics at a very high level in the hierarchy of professional practice.

Tentative 2007 Meeting Dates

| | |
|---------------------|---------------------|
| JANUARY 24** | JULY 18 |
| FEBRUARY 21* | AUGUST 15* |
| MARCH 21 | SEPTEMBER 19 |
| APRIL 18* | OCTOBER 17* |
| MAY 16 | NOVEMBER 21 |
| JUNE 20* | DECEMBER 19* |

*Denotes tentative scheduled dates only if needed

**Meeting to be held at the Hershey Lodge and Convention Center

Reminder...

Renew Your License Online

You are eligible to renew online if:

- You are currently in your license renewal period
- Your license is delinquent by no more than 30 days

First-time users need the following information:

- Pennsylvania License Number
- Current mailing address
- Registration Code
- Credit Card information

**Go to the Department's Web site at
www.dos.state.pa.us**

**Click on RENEW a Professional License
(www.myLicense.state.pa.us).**

**Then simply follow the instructions
to renew your license online.**

Board Members and Staff

Theodore Tesler, P.G., President
Harrisburg, Dauphin County

David G. Smith, P.L.S., P.E., Vice President
Scranton, Lackawanna County

Robert J. DeSousa, Esquire, Public Member
Harrisburg, Dauphin County

Tara A. Egan, Public Member
Harrisburg, Dauphin County

Robert Ford, P.E.
Bryn Mawr, Delaware County

Thomas D. Gillespie, P.G.
Coopersburg, Lehigh County

Robert C. Grubic, P.E., P.L.S.
Harrisburg, Dauphin County

Hiram C. Ribblett, P.E.
Johnstown, Cambria County

George Roman, P.E., P.L.S.
Summerhill, Cambria County

Albert M. Tantala, Sr., P.E.
Newtown, Bucks County

David H. Widmer, P.L.S.
Rochester, Beaver County

Thomas Blackburn, Esquire
Board Counsel

Terrie Kocher
Board Administrator