

## WSPE eNews

**A monthly publication from the Wisconsin Society of Professional Engineers**

### August 2012 Edition

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#### 1. Mark Davy Named NSPE Fellow

Submitted by Ed Rodden II, E.I.T.



Mark Davy (left) receiving the Fellow Member certificate from Chris Stone, NSPE Past President at the WSPE 2012 Discovery Conference.

The National Society of Professional Engineers has named Mark S. Davy, P.E., [F.NSPE](#) to its 2012 class of Fellow Members. The NSPE Fellow Program is a national program intended to recognize deserving professional engineers who have demonstrated long term professional service at the chapter, state and national levels of NSPE. The NSPE Board of Directors established the Fellow recognition program to honor those licensed members who have demonstrated exemplary service to the profession, the Society, and the community.

Davy is Vice-President of Davy Engineering Co., Inc., a consulting engineering firm headquartered in La Crosse, WI. He has been active in the National Society of Engineers (NSPE) and the Wisconsin Society of Professional Engineers (WSPE) since 1994. Mark earned a B.S. in Civil and Environmental Engineering from the University of Wisconsin-Madison.

The National Society of Professional Engineers is the national society of licensed professional engineers from all disciplines that promotes the ethical and competent practice of engineering, advocates licensure, and enhances the image and well-being of its members. Founded in 1934, NSPE has been promoting professional excellence for over 75 years. NSPE serves more than 43,000 members and the public through 53 state and territorial societies and more than 500 local chapters. For more information, please visit [www.nspe.org](http://www.nspe.org).



From left: Chris Stone, NSPE Past President; Mark Davy, Vice President of Davy Engineering; and Ed Rodden II, WSPE Vice President and Executive Director.

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## 2. Continuing Education

Opportunities for Fulfilling Two Ethics Credits

WSPE and the parent organization, National Society of Professional Engineers (NSPE), are offering PDH credits towards the ethical portion of the new continuing education requirements recently enacted.

**A few options to satisfy the ethics portion of the requirements are as follows:**

1) 2013 Discovery Conference to be held in April 2013, in Milwaukee, will have a one-PDH credit available to our members, non-members and prospective members.

2) NSPE offers several on-line courses which will satisfy the second required ethics PDH. More information is available at the following link:  
[https://netforum.nspe.org/eweb/DynamicPage.aspx?site=ShopCart&Webcode=OD\\_Ethics](https://netforum.nspe.org/eweb/DynamicPage.aspx?site=ShopCart&Webcode=OD_Ethics)

Did you know that 1 CEU counts as 10 PDHs? Have similar questions relating to continuing education? We can help you understand them and make sure you are on-track to meet these ethical requirements and all remaining 28 PDHs per two year license renewal period.

Be sure you understand the differences in continuing education units received and keep good records of your continuing education. August, 2012 is the start of a two year period in which PEs will need to earn 30 PDHs to be eligible to renew their license in mid-2014

Questions can be forwarded to either Keith Nikolay at [nikolayk@AyresAssociates.com](mailto:nikolayk@AyresAssociates.com) or Ed Rodden II at [ExecDir@wspe.org](mailto:ExecDir@wspe.org)

Regarding the 28 non-ethics PDHs that are required per biennium – if you are looking for providers of courses for this (as well as ethics courses) being a WSPE/NSPE member has its privileges: Members are eligible for up to 15 “free” PDHs via NSPE as part of their annual membership. For further information on this go to the following link:  
<http://www.nspe.org/MemberBenefits/fifteenfreepdhs.html>

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## 3. The Statute of Repose for Construction Projects

By Attorney Randall J. Andersen

Wisconsin’s statute of repose for construction projects generally provides that a lawsuit cannot be brought against persons or contractors involved in the improvement of real estate more than ten years from the date of substantial completion of the project. This rule is set forth in §893.89, Wisconsin Statutes.

However, many claims involving construction projects are barred long before the ten-year time limit passes. Claims may be barred by one or more of Wisconsin’s statutes of limitation. A statute of limitation is different from a statute of repose. A statute of repose starts to run from a specified time when the defendant acted (i.e., the date of substantial completion of a building by a contractor). A statute of limitation, on the other hand, starts to run when the

plaintiff's cause of action accrues (for example, in a personal injury claim, on the date that the accident occurred).

In February of 2012, the Wisconsin Court of Appeals ruled in [Kalahari Development, LLC v. Iconica, Inc.](#) that when both a statute of repose and a statute of limitation are applicable, the shorter of the two periods will be applied to determine whether the claim is barred.

The Kalahari case involved a \$26.2 million design and construction project at the Kalahari Resort & Conference Center in Wisconsin Dells. The design-build contractor, Iconica, completed the project in May of 2000. Just before the ten-year anniversary, Kalahari Development, LLC brought breach of contract and professional negligence claims against Iconica. Kalahari Development sought recovery of costs for the inspection and repair of walls for damage caused by moisture, which it claimed were caused by defectively designed and installed vapor barriers. Kalahari Development argued that its claim was timely because it was brought within the ten-year statute of repose. However, the Court of Appeals ruled that the claim was barred because it was not brought within Wisconsin's six-year statute of limitations for breach of contract actions. The Court rejected the plaintiff's claims for professional negligence, concluding that the "predominant purpose" of the design-build contract was for the purchase of a product (the building), not architectural and engineering services.

The rules regarding statutes of limitation and statutes of repose in Wisconsin are quite complex. There are many rules and deadlines for when an action must be brought, which vary depending upon the type of claim and the types of parties involved (i.e., private individuals, government entities, minors, etc.). The State Bar of Wisconsin publishes a treatise which is over 500 pages long devoted just to listing the statutes of limitation and other time limits which appear in the Wisconsin Statutes.

The lesson to be learned from the Kalahari case is that if you or your business are a potential party to a claim or lawsuit, be mindful that there are a variety of different statutes of limitation and statutes of repose which may apply, and both the plaintiff and the defendant will need to analyze and take into account the applicable deadlines.



*Attorney Randall J. Andersen represents professional engineers, architects, contractors, materials suppliers and owners of construction projects, and is with the law firm of Kay & Andersen, LLC. Please feel free to contact him at (608) 833-0077 or visit [www.kayandandersen.com](http://www.kayandandersen.com).*

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#### 4. Social Media Announcement

WSPE Launches Facebook Page



WSPE is proud to launch our group's Facebook Page!

"Like" us at <http://www.facebook.com/pages/Wisconsin-Society-of-Professional-Engineers-WSPE/247064152074163> to stay current with the state society direction.

Local chapters are also encouraged to post information on this group page as indicated on the page.

We at WSPE feel by following in the footsteps of NSPE that we will be able to reach to our younger membership and communicate with them while encouraging others to consider joining and utilizing this communication outlet. This is another outlet we have made available so that our current members can more easily stay in contact with your fellow or upcoming Engineer in Training (EITs) or Professional Engineers (PEs).

Questions can be forwarded to either Keith Nikolay at [nikolayk@AyresAssociates.com](mailto:nikolayk@AyresAssociates.com) or Ed Rodden II at [ExecDir@wspe.org](mailto:ExecDir@wspe.org).

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#### 5. Job Openings

Submitted by Ed Rodden II, E.I.T.

WSPE has received several new postings on our website. These can be found at: [http://www.wspe.org/job\\_board.shtml](http://www.wspe.org/job_board.shtml)

A summary of recent postings:

**Utility Engineer**

The City of Oak Creek Water and Sewer Utility is seeking an ambitious and dedicated professional engineer to manage, oversee, and coordinate the various functions of the Utility's engineering department. The Utility Engineer manages, assigns work, develops initiatives, coordinates the work force and reviews project progression in the areas of utility design engineering and construction, using a combination of Utility work force and consulting services.

The Utility Engineer provides professional engineering judgment and direction for all aspects of water systems, water treatment facilities, and wastewater systems. The Oak Creek Water and Sewer Utility is a nationally recognized leader in the water industry for its commitment to water quality and continuous improvement. For more information and to apply please see the City website at: <http://www.oakcreekwi.org/employment/index.htm> and select Utility Engineer.

**Senior Engineer-Electric Mining Shovels**

Joy Global brings advanced equipment, systems and direct services to the global mining industry. With its focus solely on mining, Joy Global designs, manufactures, distributes and services extensive product lines of highly reliable P&H surface mining equipment and JOY underground mining machinery used to cut, crush, load and convey coal and industrial minerals worldwide. Customers receive a superior experience through direct relationships with Joy Global's support people, and through its services located close to the mines. Joy Global is continuously working to make mining operations safer and more productive. With Joy Global's innovative equipment and life-cycle services, mine operators are able to consistently achieve the lowest cost per unit of production over the life of the equipment. Please visit our website [www.joyglobal.com](http://www.joyglobal.com) for more information.

Joy Global Inc. offers excellent benefits, a continual focus on training and development and a financially sound company in a growing industry. We are currently looking to add a Senior Engineer-Electric Mining Shovels to our Milwaukee location.

Joy Global Inc. offers an excellent benefit package including 401(k), profit sharing, medical, dental, vision and life insurances, wellness programs, tuition reimbursement and more.

**Senior Bridge Engineer**

The Madison, WI office of Michael Baker Jr., Inc. is growing and is recruiting for a senior bridge engineer to work on existing major bridge projects and help us to continue to grow our Wisconsin bridge practice.

The successful candidate will be responsible for managing a bridge design squad including taking the lead role in the structural design, oversight, and plan production for bridge projects. Additional requirements include excellent technical skills and strong verbal and written communication skills.

Baker offers excellent benefit packages that includes: Medical, Dental, Vision, Disability Insurance, Life Insurance, Flexible Spending Accounts, Additional Paid Time Off, Flex-Time, 401-K Retirement Plan, Tuition Reimbursement and Employee Credit Union.

To learn more about the company or the position – or to apply online, please visit us on the web at [www.mbakercorp.com/careers](http://www.mbakercorp.com/careers) and apply for position IRC43782. You may also contact Anne Wilkinson at [awilkinson@mbakercorp.com](mailto:awilkinson@mbakercorp.com) **EOE, M/F/D/V/E-Verify**

If interested in posting a job or your resume on our website, contact Ed Rodden II at [ExecDir@wspe.org](mailto:ExecDir@wspe.org).

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**6. Welcome New WSPE Members!**

These new members consist of both professional and student members. Thanks for considering WSPE as a professional organization to support.

**Metro Chapter**

Snehanshu Banerjee	Student Member	Marquette University
James Hensel, PE	Licensed Member	North Shore Engineering LLC
Matt Seib	Student Member	
Thomas Spieles, PE	Licensed Member	Ch2MHill
John Kastner, PE	Licensed Member	R A Smith National
Adam Wrass	Student Member	

#### South West Chapter

Cameron Frederiksen Student Member RVT Engineering Services LLC

#### South East Chapter

Russell Roberson, PE Licensed Member General Electric HealthCare  
Gerald Harris, PE Licensed Member Marquette University  
Andrea Houseman, PE Licensed Member  
Roger Strohm, PE Licensed Member Village of Fredonia

#### Western Chapter

Bradley Schmidtkecht, PE Licensed Member West Wisconsin Telecom Coop

#### Wisconsin Valley Chapter

Howard Barker, PE Licensed Member RVT Engineering Services LLC

Interested in becoming a member? Check out the benefits at the following links:

- 1) <http://www.wspe.org/joinwspe.shtml>
- 2) <http://www.nspe.org/Membership/index.html>

Questions should be forwarded to either Keith Nikolay at [nikolayk@AyresAssociates.com](mailto:nikolayk@AyresAssociates.com) or Ed Rodden II at [ExecDir@wspe.org](mailto:ExecDir@wspe.org).

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#### We Need Your News!

- Is your chapter hosting an event?
- Did your chapter get some new members?
- Have you started your own business?
- Is your company taking on a really challenging project?

If you said "yes" to any one of these questions, or would like to share anything even remotely newsworthy with the rest of WSPE, please send your articles to Clayton Grow, WSPE eNews Editor, [clayton@thewritingengineer.com](mailto:clayton@thewritingengineer.com).

We look forward to including your news in our monthly updates!

#### We Need Your Email Address!

If you are reading a paper copy of the WSPE eNews, you're missing out! Send your email address to Ed Rodden, WSPE Executive Director, at [ExecDir@wspe.org](mailto:ExecDir@wspe.org) or call him at (414) 531-1129 to receive electronic eNews.

#### Advertisers Wanted!

If you are interested in advertising in the WSPE eNews, please contact Ed Rodden, WSPE Executive Director, at [ExecDir@wspe.org](mailto:ExecDir@wspe.org) or (414) 531-1129.

#### Update Your Information with WSPE

Did you...

- ...get a new job?
- ...get promoted?
- ...get a new phone number or email address?
- ...get your PE license?

**Tell us about it!** Send your new information to Ed Rodden, WSPE Executive Director, at [ExecDir@wspe.org](mailto:ExecDir@wspe.org) or call him at (414) 531-1129 and he'll make sure your information is updated in both the WSPE and NSPE databases. We'd also like to include an article in the next eNews summarizing your recent change or accomplishment to inform your fellow WSPE members.



Join the discussion at [WSPE's LinkedIn Group](#).

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