



## WSPE eNews

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

### October 2012 Edition

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#### 1. President's Message

By Frederick W. Groth, P.E., S.E.

Summer is gone, fall is here, and winter is around the corner. Leaves on trees are already turning. Autumn is the one of the most beautiful times of the year in Wisconsin, so get out and enjoy it!!!

And with fall comes the most important part, football mainly: GO Badgers!!!! and GO Pack!!!! I am sure you all agree. Yes, I did not agree with the call made last Monday with Seattle Seahawks on touchdown. That was a very bad call. I am sure it will get talked about for some time (about a week).



*Frederick W. Groth, P.E.,  
S.E.  
WSPE President for 2012 -  
2013*

In last month's President's Message, I outlined my goals as WSPE President.

One important goal was to increase membership by 10%. We have had several brainstorming sessions and have outlined some ideas. See the article later in this eNews titled "[WSPE Membership Brainstorming Session](#)". I would like each of you to review these recommendations and see if you have any other recommendations. After reviewing recommendations, I would like each of you to rank by importance which recommendations are more important to you. You can rank each by placing a 1 beside the most important, 2 for second most important, 3 thru 7 for next most important. We will then prioritize and try implementing the 5 or 7 most important recommendations. **Please respond by October 9, 2012** with your recommendations via email at [fred.groth@graef-usa.com](mailto:fred.groth@graef-usa.com). Handwritten, scanned in recommendations and rankings are fine. We are planning on moving ahead with top ranked recommendations on October 10, 2012 after our board meeting.

Another topic that is being discussed is our upcoming WSPE Discovery Conference. The Discovery Conference will be held in April of 2013 (date and place to be announced shortly). The location is presently being planned for the Milwaukee Area. We are looking for this conference to be either a 1 day day, 1 1/2 day or 2 day conference. We would appreciate your input on length of conference and whether you would be interested in attending conference for continuing education credits if we extended conference to 1 1/2 day or 2 day conference and offered more 1 hour sessions. Please contact Ed Rodden (email: Ed Rodden II, E.I.T. [ExecDir@wspe.org](mailto:ExecDir@wspe.org)) with your recommendations. Ed would also appreciate anyone willing to be on the Discovery Conference Planning Committee.

Lastly, I would like to address some questions you have forwarded to me, Brad

Volker and Ed Rodden about continuing education. Some of the questions we have been able to answer quickly. Others, we have forwarded to the Department of Safety and Professional Services (formerly Department of Regulation and Licensing) and received mixed answers. We are presently trying to verify answers to some of these questions and will be getting back to you shortly. We apologize for the delay in getting you answers but the answers from the Department of Safety and Professional Services were confusing at best.

Until then, **please help by becoming involved in WSPE so we can be become your organization again that you value.** If you have questions about how you can be become involved, please email me at [fred.groth@graef-usa.com](mailto:fred.groth@graef-usa.com) or give me a call at (608) 335-2978. You can also email our WSPE executive director Ed Rodden at [ExecDir@wspe.org](mailto:ExecDir@wspe.org).

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## 2. WSPE Member Nominated by The President of the United States

*Courtesy of Ruekert/Mielke*

*Waukesha, WI* –Local businessman William Mielke, President and CEO of Ruekert/Mielke, was nominated by President Obama to be an advisor for the Saint Lawrence Seaway Development Corporation (SLSDC).



*William Mielke*

"I am extremely honored to be nominated to this advisory role that will have such a large impact on our country's future economic viability," Mielke commented. A seasoned civil engineer, Mielke previously served as a member of the Special Committee on the Great Lakes Resources compact. His strong professional experience will be a key asset to the SLSDC as they strive to improve both the economic and environmental development of the entire Great Lakes Region.

In 2011 Mielke received the national private sector Qualifications Based Selection (QBS) award handed out by the National Society of Professional Engineers (NSPE) and the American Council of Engineering (ACEC). He is a fellow of ACEC and a diplomat for the American Academy of Environmental Engineers. Prior to that Mielke was a member of the Joint Architect/Engineer Committee on Federal Procurement of Engineering services, serving as chairman his last year on the committee. Mielke earned a B.S. in Civil Engineering from the University of Wisconsin-Madison and is a registered Professional Engineer and Land Surveyor.

### **About Ruekert/Mielke:**

For more than 65 years, Ruekert/Mielke has provided engineering solutions for a working world, maintaining a reputation as one of the top civil engineering firms in the Upper Midwest. The firm puts the best interests of their clients first so that projects, studies, planning and financial advice serve communities now and well into the future.

Ruekert/Mielke's mission is to understand and respond to client's needs through personalized and timely, cost-effective solutions. Our long-term relationships with clients have made us the firm we are today; it is their support and trust that allows Ruekert/Mielke to remain dedicated in providing innovative engineering solutions for communities.

### **About Saint Lawrence Seaway Development Corporation:**

Created in 1954 to maintain the Saint Lawrence Seaway between the Port of Montreal and Lake Erie, the Saint Lawrence Seaway Development Corporation (SLSDC) is headquartered in Massena, N.Y.. The SLSDC strives to serve the marine transportation industry by providing a safe, reliable waterway that is efficient, technologically advanced and environmentally responsible.

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## 3. WI Valley Chapter News

By Angela Hanz, P.E.

The next WSPE WI Valley Chapter meeting is planned for Tuesday October 02, 2012 at 4:00 pm. We will tour the City of Wausau Wastewater Treatment Plant. The City recently installed micro-turbines for electric generation. The wastewater treatment plant is located at 435 Adrian St. in Wausau.

After the tour, a social hour will be held at Bull Falls Brewery located at 901 E. Thomas St. Wausau. The newly elected WSPE President, Fred Groth, P.E., S.E. will give a short presentation/discussion during the social hour on the continuing education requirements for Wisconsin which will include a discussion on how to document your hours and how to determine if a class qualifies. Food will be

provided by WSPE and drinks are on your own.

Please RSVP to Angela Hanz at [seccr@wspe.org](mailto:seccr@wspe.org) if you will be attending.

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#### 4. WSPE Membership Brainstorming Session

By Frederick W. Groth, P.E., S.E.

##### Increasing Membership

- Get access to full PE and EIT list for WI so we can contact all engineers about WSPE (the opt-out provision has really hurt us in this regard). Even if we can only get permission for a one-time mailing through DSPS, at least we'll have a chance to get some current information into the hands of potential members. I would emphasize the 15 free PDH's per year offered through NSPE.
- Make it a top priority to staff the FE/PE exam sites and hand out information to potential engineers. Emphasize 6-month free at beginning of new membership.
- Need to concentrate on broader base, i.e., mechanical, civil, electrical, industrial, chemical, manufacturer, IEE, ; Start with Belke; Send letter to ACEC asking them to ; Need to develop the benefits - i.e., WSPE Discovery Conference , continuing education ; Sell licensure benefits
- Make it a top priority to get speakers into engineering colleges to talk about professional licensure and membership in professional associations, making a point to emphasize NSPE benefits over other organizations. Getting involved at career fairs or other things where we could have a booth and give away food or goodies would be a draw for younger potential members.
- Combine with other groups such as ASCE's Younger Member Group for activities to get more exposure and to be able to market the value in belonging to more than one organization (profession (e.g., NSPE), general area (e.g., civil), specialty (e.g., transportation).
- NSPE Younger Members /Organize separate student chapters
- NSPE direct mailer to PE/EIT list
- NSPE recruitment information
- Enterprise Membership Program -
- WMC (Wisconsin Manufacturers & Commerce)
- NSPE offers a refresher course for becoming licensed in civil engineering only – Guaranteed ; WSPE could offer same courses ;
- What do we need to do to appeal to younger members?
  1. Continuing Education
  2. Other ideas that would appeal to younger members
    1. Have meetings that are family events
    2. NSPE younger members document – John P to provide
    3. Offer more web seminars so members can go on line to participate during lunch
    4. Give breaks to WSPE members for attending web seminars with other colleges and technical schools
    5. NSPE web seminar – Lunch and learn

##### Increase attendance at WSPE Discovery Conference

- Combine our DC with other organizations for all future conferences so we will always have a larger base and can incorporate more focused technical presentations. ASCE has a couple of really good conferences each year, so if we can become an integral part of those and also get hooked up with some other associations, we could greatly expand our exposure and marketing opportunities. People need to be made aware of how much NSPE/WSPE does to protect their interests.
- Get date and announcement out sooner; Milwaukee area in April 2013; Six months in advance

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#### 5. Actual Versus Apparent Authority - It's Easier to Become Liable Than You Think

By Attorney Robert A. Mich, Jr.

Case law decided by judges and appellate courts over the past 120 years provides the rules for calculating damages awarded to property owners in construction defect lawsuits.

A property owner who brings a lawsuit for construction defects seeks an award of money in compensation for the failure of the contractor to comply with its contractual obligations. In the usual case, the measure of damages is the cost of repairs. The court awards a sum of money which will be required to repair or replace the construction defects.

However, there are exceptions to the "cost of repair" rule. The courts have

recognized that in some cases repairing or replacing construction defects would constitute "economic waste." If repairing the construction defect would result in "unreasonable destruction of the work" or if the cost of the repairs is "materially disproportionate to the value of corrections" then the court has the option of awarding damages based on the "diminished value" rather than the cost of repair. The diminished value is the difference between the value that the building would have had if it had been properly constructed, and the value of the building with the construction defect.

Calculating damages under the economic waste doctrine using the diminished value rule will frequently result in a lower damages award to the owner. The economic waste doctrine has been recognized by the courts in Wisconsin for more than 100 years. It was originally known as the "diminished value rule." Now it is known as the economic waste doctrine.

One of the best known early cases involving the economic waste doctrine was decided by Justice Benjamin Cardozo, a well known and respected appellate court justice from New York. The name of the case was Jacob & Youngs, Inc. v. Kent, which involved plumbing installed at a "country residence." The plumber used pipe which did not comply with what had been requested by the owner. The court awarded damages based on the diminution in value of the property (rather than the cost of repair), because the pipe used by the plumber was comparable in quality and appearance to what had been requested by the owner, and because requiring replacement would result in extensive demolition to the completed building, at great expense. The court emphasized that the cost of replacement was "grossly and unfairly out of proportion to the good to be attained."

Part of the rationale for the economic waste doctrine is that awarding damages based on the cost of repair will, in some circumstances, lead to an economic windfall to the property owner. The concern is that in some cases, if the property owner is awarded the full cost of repair or replacement, he may simply pocket the damages award without actually making the repair or replacement.

A contractor cannot always count on the option of having damages calculated based on the diminished value method, and there are no hard and fast rules as to when the rule will be applied. For example, the diminished value method probably will not be applied if the repairs are required because of a dangerous or hazardous condition, or if the defect or deficiency in the work resulted from the contractor's bad faith. Also, if the property owner actually makes the repair or replacement prior to or during the litigation, the windfall rationale will probably not apply, in which case the court may be more likely to award damages based on the cost of repair/replacement.



*Attorney Robert A. Mich, Jr. 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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## 6. Women in Engineering Career Day at UW-Platteville

By Tammy Salmon-Stephens, Director, Women in Engineering, Math and Science Programs, UW-Platteville

Colleagues,

It is that time of year to start gathering students for the Women in Engineering Career Day at UW-Platteville. This year's event will be held Monday, October 29, 2013 on the UW-Platteville campus. Registration is open on the web site and I'm hopeful that each of you will consider gathering a group of girls to participate in our longest standing Women in EMS Program at UW-Platteville.

**Please feel free to distribute this broadly within your networks. Programs like this are critically important in assisting in attracting under-represented students, including women to the STEM fields.**

For more information and links to registration, please go to: [www.uwplatt.edu/wep/career\\_day](http://www.uwplatt.edu/wep/career_day).

The preferred registration date is Monday, October 14, 2012. Registrations will still be accepted, even after the preferred deadline if the enrollment limit is not reached. If you would prefer that a registration form be mailed directly to you, send a request to [wemscareeday@uwplatt.edu](mailto:wemscareeday@uwplatt.edu).

For those of you interested in our full line of programs and information web links, I have included a summary below. As always, if you have any questions, please contact us!

Tammy Salmon-Stephens  
Director, Women in Engineering, Math and Science Programs  
UW-Platteville

#### **STEM Scholars Program**

Freshmen and transfer student renewable scholarship (\$3,800)  
<http://www.uwplatt.edu/stem scholars/>  
Email: [stem@uwplatt.edu](mailto:stem@uwplatt.edu)

#### **Women in STEM Living and Learning Community**

Residential undergraduate student community for Women in STEM  
[www.uwplatt.edu/wistemllc](http://www.uwplatt.edu/wistemllc)  
Email: [wistemllc@uwplatt.edu](mailto:wistemllc@uwplatt.edu)

Women in EMS Program Newsletters  
[www.uwplatt.edu/wep/newsletters](http://www.uwplatt.edu/wep/newsletters)

Friday, Nov. 30-Sunday, Dec. 2, 2012

#### **Sky's the Limit Program: Reaching for the Sky**

Girls in grades 11-12, \$75  
[www.uwplatt.edu/wep/reachingforsky](http://www.uwplatt.edu/wep/reachingforsky)  
Email: [skysthelimit@uwplatt.edu](mailto:skysthelimit@uwplatt.edu)

Friday, March 15-Sunday, March 17, 2013 (NOTE - THIS IS A DATE CHANGE)

#### **Sky's the Limit Program: Dreaming of the Sky**

Girls in grades 7-8, \$75  
[www.uwplatt.edu/wep/dreamingofthesky](http://www.uwplatt.edu/wep/dreamingofthesky)  
Email: [skysthelimit@uwplatt.edu](mailto:skysthelimit@uwplatt.edu)

Saturday, March 17, 2013 (NOTE - THIS IS A DATE CHANGE)

#### **Pioneering Your Future**

Girls in grades 6-8, \$20  
[www.uwplatt.edu/pyf](http://www.uwplatt.edu/pyf)

Friday, April 26-Sunday, April 28, 2013

#### **Sky's the Limit Program: Exploring the Sky**

Girls in grade 9-10, \$75  
[www.uwplatt.edu/wep/exploringthesky](http://www.uwplatt.edu/wep/exploringthesky)  
Email: [skysthelimit@uwplatt.edu](mailto:skysthelimit@uwplatt.edu)

Thursday, April 11, 2013

#### **College of Engineering, Mathematics and Science EXPO**

All students, all ages, FREE  
[www.uwplatt.edu/expo](http://www.uwplatt.edu/expo)

Sunday-Saturday June 9-15, June 16-22 and/or July 7-13, 2013

#### **Explore Engineering co-ed summer program**

Week-long, college credit-based summer camp for rising students in grades 10-12  
Resident: \$795, Commuter: \$570  
[www.uwplatt.edu/go/exploreENG](http://www.uwplatt.edu/go/exploreENG)

Sunday-Saturday July 14-20, 2013

#### **Focus on Engineering: Electrical and Microsystems and Nanotechnology Engineering**

Week-long, college credit-based summer camp for rising students in grades 10-12  
Resident: \$795, Commuter: \$570  
[www.uwplatt.edu/go/FESP](http://www.uwplatt.edu/go/FESP)

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## **7. Ethics Training for PE's**

From IEEE Madison Section October Newsletter

Date: Wednesday, November 7, 2012

Time: 10:30am - 1:00pm

Speaker: Laura Grossenbacher, PhD and Howard Rosen, PhD.

Agenda: Pre-registration will begin at 10:00am.  
Presentation will begin at 10:30am.

Promega BioPharmaceutical Technology Center  
5445 E Cheryl Pkwy

Location: Room Number: Auditorium

Fitchburg, WI 53711

Menu: Pizza buffet provided: \$5 for IEEE members, \$10 for non-members, free for students.

Deadline: Nov. 2. Go to  
[https://meetings.vtools.ieee.org/meeting\\_view/list\\_meeting/14397](https://meetings.vtools.ieee.org/meeting_view/list_meeting/14397)

RSVP: to register. Please send questions or difficulties to CJ Gervasi at: [cj@cgervasi.com](mailto:cj@cgervasi.com)  
Non-member guests are always welcome!

#### **Certificate Information**

This course is approved for 2 professional development hours and fulfills the requirements for Professional Conduct & Ethics in all states (except FL). Attendees will receive University of Wisconsin-Madison certificates of attendance to document meeting the requirement. As of 2012, Wisconsin requires 30 hours of continuing education every two years, of which 2 hours must be in the area of Professional Conduct and Ethics. The complete rules from the WI Department of Safety and Professional Services (formerly Department of Regulation and Licensing) can be found at: [https://docs.legis.wisconsin.gov/code/admin\\_code/a\\_e/13.pdf](https://docs.legis.wisconsin.gov/code/admin_code/a_e/13.pdf)

#### **Abstract**

This course will provide two professional development hours, satisfying the ethics requirement for professional engineering licensure in Wisconsin. After completing this seminar, attendees will be more aware of the fundamental canons of a recognized Code of Ethics for Engineers (particularly the IEEE code). They will recognize when they are facing a complex ethical dilemma, and be able to identify stakeholders and potential consequences for them (long-term costs, safety concerns, violations of privacy or rights, breaches of contracts, breaches of confidentiality, conflicts of interest, etc.). They will be asked to discuss and analyze situations involving multiple conflicting personal, professional, and ethical obligations.

#### **Biography**

Howard Rosen is a Program Director in the Department of Engineering Professional Development, College of Engineering, at the University of Wisconsin-Madison. He specializes in developing continuing education programs on issues in public works infrastructure. His academic research interest is in the dynamics of technological development and organizational change. He has written and taught extensively on these subjects. Rosen received his doctorate from the Division of Social Sciences of the University of Chicago. He was a member of the Stanford University (Program in Values, Technology & Society) and on the faculty of the Illinois Institute of Technology. While at the Illinois Institute of Technology, Rosen was a member of the Center for the Study of Ethics in the Professions. He developed and taught the Center's first class on Engineering Ethics and was co-author of A SELECTED ANNOTATED BIBLIOGRAPHY OF PROFESSIONAL ETHICS AND SOCIAL RESPONSIBILITY IN ENGINEERING. As a member of the Department of Engineering Professional Development at the University of Wisconsin-Madison, he continues to teach a course on "Ethics in Public Works".

Laura Grossenbacher is Director of the Technical Communication Program in the Department of Engineering Professional Development, College of Engineering, at the University of Wisconsin-Madison. She holds a Ph.D. in English from the University of Texas at Austin, and has been teaching courses in engineering communication at UW-Madison for sixteen years. She has done consulting work in proposal writing for private engineering firms (such as HNTB, Inc. and Affiliated Engineers, Inc.) and has taught communication and ethics as part of the UW-Madison College of Engineering study abroad programs in both Toulouse, France, and Hangzhou, China. She is an active member of the Association for Practical and Profession Ethics, serving as a judge at their National Ethics Bowl collegiate competition since 2003. Her particular interests within engineering ethics have been informed by her work abroad and by her development of case studies for a capstone course she teaches for undergraduate engineering students, Current Issues in International Engineering. She has given several professional presentations on issues in engineering ethics, most recently at the APPE Conferences in 2011 and 2012 and at the Congress for Social and Ethical Implications at Arizona State University in November 2011. In January 2012, she was invited ethics faculty for the "NNIN Winter School," a two-week intensive study-abroad program held at UNICAMP, Brazil, designed for outstanding US and Brazilian graduate students, sponsored by the NSF.

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### **8. Open Officer Positions: WSPE Executive Board**

By Ed Rodden II, EIT

We are still seeking a few key positions on the WSPE Executive Board in the 2012-2013 term. We meet once a month via teleconference for about 1 hour.

Brief descriptions of the responsibilities of these positions are listed below.

Only those members who are current members of NSPE and their State Society are eligible to serve in the position of President, President-Elect and Vice President of either NSPE or their State Society. Duties and responsibilities for each Officer are defined as follows:

#### **President-Elect**



The President-Elect shall act as president in the president's absence, and shall undertake assignments at the request of the president, the Executive Committee, or the Board. The principle activity of the president-elect shall be an examination of the Society and the development of plans for the following year.

#### **Vice President – Membership Portfolio**

In the absence of, or in the case of the inability of the president and president-elect, it shall be the duty of one of the three vice presidents, in order of precedence, to perform all the duties of president. Each vice president shall serve as chair of a portfolio and liaison to a group of chapters as determined by the president.

The President Elect positions will consist of a brief interview with the current President and the Executive Board. The commitment for this position is a 3 year term, where the open Vice President position is for part of a fiscal year.

If you are interested in any of these officer openings, please email 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!



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



["Like" us on Facebook.](#)

#### **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.

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