

WSPE eNews

A monthly publication from the Wisconsin Society of Professional Engineers

June 2013 Edition

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1. WI MATHCOUNTS Team Wins Spirit Award

By Darwin D. Behlke, P.E.



The 2013 Wisconsin MATHCOUNTS National Competition Team.

The 30th Annual National MATHCOUNTS® Competition will certainly be one to remember. Why did the WI Team win the Spirit Award? The team that wins the Spirit Award needs to have a team spirit that is noticed by the MC staff. They certainly did have spirit... thanks to Christopher Xu.

In the written rounds, Christopher placed fifth, which earned him a seat for the Countdown Round (CDR). But, during lunch, he had an allergic reaction to nuts that went undetected in a peach cobbler. Instead of competing in the CDR... he went to the emergency room. After being stabilized, the doctors released him at about 11 p.m. At 9 a.m. Saturday morning, he was ready to go sightseeing with the team. Since he was unable to compete in the CDR, he lost four places and ended up as a Participant... in ninth place. The MATHCOUNTS officials were thankful to be updated on Chris's condition.

Back at the Marriott after the CDR, the Mathletes®, coaches, and advisors set out to make it into the Guinness World Records for the fastest time to construct/arrange the first 25 rows of Pascal's Triangle (human formation). Each of the 325 participants had an envelope with one of the numbers from the first 25 rows of Pascal's Triangle (PT). When the Guinness World Record Official said, "Go," they opened their envelope to see what number they had and where they needed to go. A good way of describing it was organized chaos. Those with the first and last three numbers for each row formed the outline of PT diagonals. Meanwhile on the side, those with intermediate numbers formed a triangle with an area missing at the bottom. A third group with the large numbers were forming a triangle at the back of the ballroom. The second group filed in and joined the first group. Finally, the third group marched forward and completed the PT in 6 minutes and 16.57 seconds. For photos, just Google: "Guinness World Record Pascal's Triangle". The top results will show the story of how the Mathletes®, coaches, and advisors made it into the Guinness World Records.

The WI Team, comprised of consisted of Chris Xu, Peter Yang, Anusha Sahai,

and Bryan Jin and Coach Sowmya Partha, narrowly missed receiving a "Top Ten" award: they took 11th place. They needed one more problem right in the Team Round to make the Top 10. The Massachusetts Team placed first, the Washington Team second, and the Florida Team placed third. The first place winner of the CDR was Alec Sun from Massachusetts. Second place went to Ashwin Sah from Oregon. Third place as a Semifinalist was Andy Xu from South Carolina. Fourth place as a Semifinalist was Franklin Wang from Virginia. For other results go to <http://mathcounts.org/document.doc?id=1043> At the Awards Banquet, the WI Team received other awards. Chris and Peter were two of nine who received the "Threepeat" Award for participating at National for all three years. Bryan received a "Repeat" Award for participating at National for two years. When he was a sixth grader, he narrowly missed making it to Nationals by finishing 5th at State.

This will give you an idea how tough competition was at the MATHCOUNTS National Competition this year: last year Chris finished third in the written rounds with an individual score of 44. This year, he finished fifth with the same score. The Problem Writing Committee made this year's written competition harder, because last year one Mathlete had a perfect score, one had one wrong, and Chris had just two incorrect answers. This year, Alec Sun had a perfect score, three Mathletes@ had one wrong and six Mathletes had two incorrect answers, which required a Tie Breaker Round to establish the top twelve Mathletes. Next year the problems will need to be very difficult indeed! If this year's WI Team were to compete against the 1997 WI Team that won Nationals, this year's team would have won.

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2. President's Message

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

Well, summer is just around the corner. Not happy with the Brewers performance this year, but have faith, they can still turn it around if they work at it. **Packer's training camp will be starting soon.** We will see how the new players look, what talent we got and who is likely to stay.



*Fred Groth, P.E., S.E.
WSPE President, 2012 – 2013*

At our WSPE Discovery Conference, I announced my WSPE President's Goals for 2013 to 2014. I would first like to talk about our past accomplishments. Our past accomplishments are:

- Passed continuing education legislative and was pro-active in helping write AE-13 continue education requirements.
- AB288: Eliminating PE registration without an exam
- Worked on fixing our financial issues and are on solid ground now
- New Part-time Executive Director
- Filing for Tax Exempt Status for WSPE & Chapters (Nearly finished)

A great deal of thanks goes to many WSPE members, board members, both present and past and our present Executive Director Ed Rodden. These people put in countless hours to make this happen.

My new WSPE President's Goals for 2013 to 2014:

- Visit our local chapters; WSPE state chapter must understand better the issues at our local chapters and work together to grow WSPE local chapters and membership. WSPE state chapter is here to service you. I am looking to have both our President and President-elect visit local chapters.
- Put on 2014 WSPE Discovery Conference and increase attendance at conference
- Participate in 2014 Mathcounts
- Increase membership, especially younger members
- More member participation in committees and officer roles
- Find new Executive Director to replace Ed Rodden who has asked to step down

Each of these goals can only be accomplished with participation from our WSPE members. So please volunteer and participate. You will feel and see the accomplishments you make.

Our nominating committee headed by Keith Nikolay is still looking for our President-elect for 2013 to 2014 term. If you are interested or you know a good candidate, please email Keith at nikolayk@AyresAssociates.com. We want our new President-elect in place by June 15, 2013 if possible so that person can attend the NSPE Annual Meeting.

Our NSPE Annual meeting is in Minneapolis, MN on July 17 through July 20, 2013. If you are interested in attending please register on-line at NSPE website.

The NSPE Annual meeting has several interesting programs and you can get continuing education credits for attending the various programs.

Lastly, WSPE is monitoring key legislature and budget bills being sponsored that will effect our engineering profession. As these bills move through the legislature, WSPE plans to be proactive in reviewing and providing engineering input. If you are interested in being a member of our WSPE legislative cabinet please call me at (608) 335-2978 or email me at fred.groth@graef-usa.com.

Please help by becoming involved in WSPE so we can be become your valued organization again. If you have questions about how you can be become involved, please email me at 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.

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3. Engineering the Key Ingredients to Your Success

By Angela Hanz, P.E.



KNOW YOUR STRENGTHS! KNOW YOUR GENIUS!

What are the essential elements to success in business? You can answer that question in hundreds of ways, but here are four fundamentals that would probably make most people's lists:

1. *Knowledge*: You must know what you're talking about
2. *Application*: You must have a plan and a procedure to deliver your product
3. *Solutions*: You must be able to successfully solve people's problems
4. *Promotion*: You must have a system to attract, assist and retain customers

Among these, which is the most important to your business? Which one would you consider to be your strength? Did you select the same answer to both questions? If you didn't, then there's work to be done.

At the June Lunch & Learn for the Wisconsin Valley Chapter, the topic will be: **"Engineering the Key Ingredients to Your Success."** The presenter will be Rick Stecker, Director of *Grounds to Grow Coaching*, Wausau, WI. Rick specializes in business performance coaching for small to medium-sized businesses.

The June Lunch & Learn will be held on: **Tuesday, June 18, at 11:45am.**
The place: **Wausau Entrepreneurial and Education Center, 100 N. 72nd Ave. Wausau, WI**
Lunch: **Provided by 2510 Restaurant and Deli**
(Please bring \$5 for this build-your-own-sandwich lunch .)

RSVP by 06/14/2013 to Angela.Hanz@wi.usda.gov if you will be attending.

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4. Enforceability of Mandatory Arbitration Provisions

By Attorney Robert A. Mich, Jr.

In an effort to avoid significant litigation costs, many businesses incorporate mandatory arbitration provisions into their contracts. While courts will generally enforce such provisions, there are certain instances in which a challenge to the arbitration provision will be upheld.

One such example is Riley v. Extendicare Health Facilities, Inc., Appeal No. 2012 AP 311 (Dec. 27, 2012) found at:

<http://www.wicourts.gov/ca/opinion/DisplayDocument.html?content=html&seqNo=91015> (recommended for publication). In this case, Carl Riley was admitted to an Extendicare facility for health care treatment, at which time his wife signed an alternative dispute resolution agreement on his behalf. The ADR agreement provided that disputes between the parties shall be resolved by binding arbitration with the National Arbitration Forum ("NAF") (or an alternative service selected by the parties if NAF was unable or unwilling to serve) and that the process was to be conducted in accordance with the NAF Rules and Code of Procedure.

After Carl Riley passed away, his wife sued various Extendicare entities, alleging negligence and wrongful death claims. Extendicare moved to stay the circuit court proceedings and compel enforcement of the agreement requiring arbitration. Judy Riley opposed this motion on the basis that the agreement was void and unenforceable because NAF no longer engaged in consumer arbitration. The circuit court denied Extendicare's motion and an appeal followed.

Citing Wis. Stat. §788.01, the Court of Appeals acknowledged that the Wisconsin Arbitration Act generally provides that arbitration provisions are valid, irrevocable, and enforceable. *Id.*, ¶12. However, a court must decline to appoint a substitute arbitrator if the arbitrator was so integral to the arbitration agreement that the unavailability of the arbitrator brings the agreement to an end. *Id.*, ¶19. Conversely, if the choice of arbitrator was an ancillary logistical concern, the court could appoint a substitute arbitrator. *Id.* This case presented an agreement containing a non-exclusive arbitrator designation clause with a clause mandating use of the NAF Rules of Procedure. However, because NAF was referenced throughout the rules of procedure, its presence (or lack thereof) substantially affected the dispute resolution. *Id.*, ¶40. As such, the Court of Appeals determined that the party's designation of the NAF Rules of Procedure was integral to their agreement to arbitrate, but because there were no NAF rules in effect at the time of the lawsuit, the arbitration agreement could not be enforced. *Id.*, ¶44. The Court of Appeals also concluded that the NAF provisions could not be severed because the contract would be left without an arbitrator or a set of rules, requiring the court to rewrite substantial portions of the agreement not contemplated by the parties and to devise a new form and mode of arbitration. *Id.*, ¶47.

The lesson from this case is that parties should use clear and precise language to express their intentions regarding an arbitration agreement. If the terms of the agreement may result in an impossibility of performance, there is a risk that the arbitration provision may not be enforced.



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.

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5. Engineering News-Record: Call for "Best 2013 Projects"

Entries are due July 1st for ENR's [Best Projects 2013](#) competition.

Submit your best projects (completed from July 1, 2012 through June 30, 2013) to the premier annual awards program honoring the teams behind the best projects in the U.S. and Puerto Rico.

You can submit projects in 20 categories, including health care, renovation, green project, highways and education. Independent juries of industry leaders in design and construction from each of ENR's 10 regional sections will judge the projects using criteria including safety, innovation and teamwork. Judges will also present a special award to the project demonstrating excellence in construction safety.

The winners will be honored at an awards ceremony later in the year and will be featured in the regional sections of ENR. Projects deemed best in category will automatically compete in the Best of the Best Projects 2013, a national juried competition appearing nationally in ENR.

You can enter as many projects as you want, but remember, you can't win if you don't enter!

ENTRIES DUE JULY 1st! [CLICK HERE FOR MORE INFO](#)

OR VISIT <http://enr.construction.com/bestprojects/2013/Default.asp>

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6. Online Continuing Education Resource for Engineers: PDHengineer.com

PDHengineer has established partnerships with both NSPE and IEEE to provide online course discounts for association members. Be sure to apply your member discount code when purchasing online courses on PDHengineer.com.

2 Easy Ways to Earn PDH Credits:

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FREE 6-Month Trial Membership!

Interested in WSPE but not sure if you want to join? Try a 6-month FREE trial membership, courtesy of WSPE.

Go to www.wspe.org/WI%206%20months%20Free%20Membership%20Application.pdf to download an application.

Contact Ed Rodden, WSPE Executive Director, at ExecDir@wspe.org for details.

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.

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



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



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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 or call him at (414) 531-1129 to receive electronic eNews.

Advertisers Wanted!

You can help us offset the costs of producing this eNews by placing an advertisement here! If you are interested in advertising your company here, please contact Ed Rodden, WSPE Executive Director, at 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?

You can update your information yourself on the NSPE website!

[Click this link to update your membership information.](#)

Alternatively, you can send your new information to Ed Rodden, WSPE Executive Director, at 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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WSPE Mission Statement

WSPE is an organization of licensed Professional Engineers (PEs) and Engineering Interns/Engineers in Training (EIs/EITs).

Through education, licensure advocacy, leadership training, multi-disciplinary networking, and outreach, WSPE enhances the image of its members and their ability to ethically and professionally practice engineering.

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