SEE YOU IN HOLLYWOOD, FLORIDA!
Marriott Hollywood Beach
You will find the NAFE conference schedule and registration forms on the NAFE website, www.nafe.org.
For Hotel Reservations - www.hollywoodbeachmarriott.com or call 888 788 2711

PRESIDENT’S MESSAGE
By ROSS CURTIS

Well, here we are near the year’s end and shortly thereafter the end of my Presidency of the National Academy of Forensic Engineers (NAFE). In my last letter for InterACTION, I wrote about this being a year of transition and change. There has been a lot of transition and change this year, but rather than list all we have accomplished, let me refer you to Executive Director Arthur Schwartz’ letter below. I want to focus on things that he has not covered in his writing.

First of all, 2014 has been a year of GROWTH for the Academy. The total number of members and affiliates as of December 11, 2014 was 472, broken down as follows (please appreciate that this total fluctuates on a daily basis due to acquisitions and departures):

- Fellows 119
- Senior Members 128
- Members 100
- Correspondents 119
- International Members 3
- Honorary Members 1
- Students 4

In the above categories of membership:

- 38 are life members (annual dues of $100, (see Article III, Section 3 of the Bylaws and AP No. 9)
- 1 is a member whose dues have been waived (Bylaws Article III, Section 2)
- 21 are new Correspondents, and
- 5 are new full members (Member, Senior Member, or Fellow)

There are currently 6 applications for membership being screened by the Admissions Committee. As you can see, NAFE is healthy and growing!

Mentor Program: One of the items we discussed at the BoD retreat in March was establishing a Mentor program where more experienced members would be teamed with newer members or affiliates to provide coaching for the new members in the practice of forensic engineering. Under the leadership of Paul Stephens as chair of the Mentor Program, the program is vibrant and growing. This opportunity is viewed as
an incentive/enticement for younger engineers to consider joining NAFE, and so far it seems to be working. Read Paul’s article about NAFE’s Mentorship Program below. Many thanks to Paul and his committee for designing and establishing the Mentor Program!

On-Line Academy Business: Payment of dues, the Academy Directory, CPD reporting, meeting registrations, voting, Special Board of Directors meetings minutes and many other Academy business activities are now available on line. In fact, most NAFE business is now being conducted electronically, thanks to Mike Leshner, Bruce Wiers, John Leffler, and their committees. See Mike Leshner’s article, Update on the Website, below in this newsletter.

The Articles of Incorporation and Bylaws Committee, chaired by Smith Reed is working on re-structuring classes of membership, including a new category of Associate Member that would be for Professional Engineers not yet qualified for full membership. An example would be individuals who have not testified in court subject to cross-examination enough times to become a Member and thereby become certified as a Diplomate Forensic Engineer (DFE). Smith’s committee is revising the AOI and Bylaws to reflect these changes and others, including streamlining the application process for membership by electronic means. When the committee finishes its work, the changes will be submitted to the BOD and then the membership for approval.

To facilitate meetings of the General Membership and the Board of Directors, I have proposed adopting the use of Robert’s Rules of Order, Newly Revised to govern the efficient and orderly conduct of business and the preparation of minutes. The Bylaws Committee is presently considering this proposal in their revisions to the AOI and Bylaws.

We have a new Journal Editor on board, Ellen Parson, who is working to produce many fine papers resulting from presentations and critique by colleagues in the Regular Seminars, starting with the one in Washington, DC on July 6, 2014.

As I near the end of my term as President, I want to thank all members of the Academy for their support, and I am especially grateful to the individuals who have insured that this year of transition and change and growth has gone smoothly. Our Vice Presidents and other members of the Board of Directors have taken an active role in this process, and I know that my successor, Jeff Armstrong, is well prepared to step into office and keep NAFE moving ahead.

Happy and Safe Season’s Greetings to all,

Ross

EXECUTIVE DIRECTOR’S MESSAGE
BY ART SCHWARTZ

It has truly been a privilege to serve as NAFE Executive Director since February 1, 2014. The period since the beginning of the transition has been extremely productive and personally rewarding. Working closely with the NAFE Board of Directors and the NAFE membership has provided me with an ever increasing understanding and appreciation of the
critical role played by forensic engineers in their professional practice, the high ethical standards of the NAFE members and the selfless dedication of the NAFE leadership.

This has been a year of extraordinary and unprecedented transition for NAFE. In addition to the transition in the NAFE Executive Directorship, NAFE headquarters, along with all NAFE records and publications were relocated from the New York City area to Alexandria, Virginia. NAFE leaders conducted an intensive facilitated one-day leadership retreat in early 2014 to focus on NAFE’s future direction. Operationally, NAFE embarked upon a transition from all paper records to electronic records along with an online membership database, including an online membership application and membership upgrading system. Using a temporary pre-assigned user name and password, all NAFE members and affiliates may now log into the NAFE website, create a more personalized user name and password, update their member profile, access NAFE products and services, pay their dues and engage with their NAFE member and affiliate colleagues on professional, technical issues, and in fellowship. NAFE also undertook a NAFE Journal editorship transition, instituted online membership voting for NAFE officers and directors, engaged in a study of the NAFE government documents, launched an online NAFE membership directory, added multiple membership features to the NAFE website (www.nafe.org) which including vital NAFE documents and publications, initiated a mentoring program for NAFE members, and conducted a very successful national meeting on July 5-6, 2014 in Washington, DC.

I especially want to congratulate all NAFE officers, directors, committees and task forces for their diligent work in instituting the aforementioned changes as well as the NAFE membership for their patience in seeing these changes through. As with most transitions, these changes did not occur without an occasional bump or hiccup, but for the most part, all changes went smoothly and without disruption to NAFE operations.

Very exciting events are in store for 2015, with the NAFE Winter Meeting, “Regular” and “Special” Seminars on January 9-11, 2015 at the Marriott in Hollywood Beach, Florida and the NAFE Summer Meeting, “Regular” and “Special” Seminars on July 17-19, 2015 at the brand new Marriott Bellevue in the Seattle, Washington area. Superb technical and professional sessions, social events and networking opportunities are being planned. I sincerely hope to see you in Hollywood Beach, FL and in Bellevue, WA!

EDITORS MESSAGE
BY PAMELA CURTIS

Recently Ross passed me the October issue of PE, the magazine of the National Society of Professional Engineers. As a former English teacher, this publication is not on my normal reading list, but the articles he pointed out were of great interest to me. The first, “Gathering STEAM,” chronicles the growing movement to add the Arts, the “A,” to the acronym “STEM” (Science, Technology, Engineering and Math) that
is currently prevalent in education. The article states that adding the arts to an integrated STEM curriculum attracts more students and produces more effective thinking and problem solving and cites programs at the Rhode Island School of Design, Brown University, MIT, Yale, Cornell, Princeton, and Michigan State University.

Yes, yes, and yes! For 25 years I taught at Thomas Jefferson High School for Science and Technology (known as TJ), a consistently top-ranked public high school in Alexandria, VA. While the focus, as the name suggests, is on STEM subjects, state requirements and we in the Humanities made sure that our budding engineers, doctors, nuclear physicists, computer scientists, and research geniuses also consumed (and usually enjoyed) comprehensive doses of literature, history, music, foreign languages, etc. For many of my years at TJ, I taught in the ninth grade program called IBET that stands for Integrated Biology, English, and Technology. The three teachers in each team jointly planned about 20% of their courses around research projects that students carried out in groups resulting in formal papers and a live presentation to students and parents.

The second article, “Miss Possible Brings Female Role Models to the Playroom,” hits another of my interests—removing the obstacles girls may still face in “male” STEM subjects. “Miss Possible,” the invention of two young women at the University of Illinois, is a series of dolls inspired by real women “who did something cool for the world...starting in the STEM fields.” The dolls are enhanced by on-line stories and activities. Also mentioned in the article is “GoldieBlox,” an engineering toy for girls, one that our granddaughter loves.

My point, I guess, is that education at all levels should be as broad as possible. Girls should be as welcome as boys in STEM fields, and all students should be encouraged to develop interests in the arts. Well-rounded students produce knowledgeable citizens, people who continue to learn and grow throughout their lives.

Please send me your articles, milestones, anecdotes, etc. Pecurtis2@frontier.com

MONTE PHILLIPS HONORED

A brief account of Monte’s honor was included in the last issue’s NEWSBRIEFS; the following is excerpted from the letter from ASCE.

Monte L. Phillips, Ph.D., P.E., Dist.M.ASCE was recently named a Distinguished Member of the American Society of Civil Engineers (ASCE), the society’s highest accolade. To date only
649 of ASCE’s worldwide members have been elected to receive this honor since the society’s founding in 1852.

Phillips will be recognized for his work in the creation and passage of additional education as a prerequisite for licensure in the National Council of Examiners for Engineering and Surveying (NCEES) Model Law, and for his dedication as an educator and leader in the engineering field. He will receive the award at the ASCE Global Engineering Conference in Panama City, Panama, Oct. 7-11, 2014.

For nearly 40 years, Phillips educated the next generation of engineers as a professor at the University of North Dakota, the University of Illinois and Ohio Northern University.

ZADIKOFF INVITED TO ILC
Gerald Zadikoff P.E., M.ASCE, MNAFE, M.NSPE, M.FES

In September Gerald was invited to serve as a member of the ASCE Industry Leaders Council (ILC). The ILC engages senior leaders from industry, academia, government, and non-governmental organizations and provides opportunities for networking and collaboration with industry leaders in a multi-disciplinary setting to develop solutions to key challenges facing the profession such as workforce development, sustainability, project delivery improvement, risk management, and infrastructure resilience.

Since 2012, the ILC has researched and deliberated on the broad topic of improving the Nation’s infrastructure. This past July, the ASCE Board of Direction accepted the ILC’s recommendation to establish a grand challenge to reduce the life cycle cost of infrastructure by 50% by 2025 and to foster the optimization of infrastructure investments for society.

BRACKEN ELECTED CHAIRMAN

Earlier this month, the members of Florida’s Board of Professional Engineers elected William Bracken to serve as Chairman of the Board. The Florida Board of Professional Engineers is comprised of eleven members appointed by the governor and is responsible for regulating the practice of engineering through rulemaking, reviewing applications, overseeing the administration of examinations and licensing qualified applicants.

During the first three years of his appointment to the Board, Bill served as Chairman of the Structural Rules committee, Florida Building Code CEU Requirements committee, SE Licensure committee, and Authorized Representative committee. In addition he served on the Applications committee, the FBPE Rules committee and as FBPE’s representative to NCEES.

Bill is the President and Principal Engineer of Bracken Engineering, which he founded in 1996. His career spans more than 25 years and has centered on the practice and instruction of structural engineering and building codes. Within this field, Bill has conducted and directed design, analysis, and engineering of various types of projects. As an instructor for the International Code Council, Bill
teaches structural and non-structural code related classes. Bill is a Fellow of the Structural Engineering Institute (SEI) and a Diplomate of NAFE.

**HOPE TO SEE YOU AT THE SPECIAL SEMINAR**

By **MICHAEL LESHNER**, PE, Education Committee Chair

We have a really interesting program lined up for you Sunday, January 11, 2015 at the NAFE Special Seminar. Art Schwartz, Ross Curtis and Sam Sudler will update on ethical issues that may affect Forensic Engineering practice. You will participate in evaluation of some case studies and learn how and why the NSPE Board of Ethical Review decided on each. Then **Bill Bracken** will summarize and update on the Rules and Laws affecting Forensic Engineering practice.

After lunch, we have a special treat - Attorney **Rebecca Levy-Sachs** will advise how to survive a Daubert challenge. She has successfully challenged engineers and scientists under Daubert criteria and will coach us on how to make sure our reports and testimony are Daubert-proof.

**John Branch, Smith Reed and Tom Cocchiola** will present several test cases in which the issues involve a determination of whether a product or process is "unreasonably dangerous." Both Plaintiff and Defense perspectives will be explored for each case. Finally, Attorney **Rebecca Levy-Sachs** will cross-examine the experts regarding their "Unreasonably Dangerous" vs. "Reasonably Safe" opinions.

We planned the schedule with plenty of time for questions and answers. You can register for the meeting by logging in to nafe.org and clicking the EVENTS tab. See you there!

**UPDATE ON THE WEBSITE**

By **MICHAEL LESHNER**, Director at Large

Most of you have already logged into our website - [http://www.nafe.org](http://www.nafe.org) - and found the Member Landing Page, where you have access to the full library of NAFE Bylaws, historical documents, and other members-only files. Links to current Board Minutes and Committee Reports are there, as well as a link to the Member Directory and Advanced Search. If you have not used the Advanced Search, please give it a try. You can filter and search for members by Name, State, Basic Discipline, Geography, etc, or any combination of attributes.

You may have already updated your profile, paid annual dues, and registered for NAFE meetings online. This month, Members, Senior Members and Fellows will have access to the new online CPD reporting process. When you login and view your own profile, your 5-year CPD history will be shown at the bottom. This data is private and not viewable by other members.

If you have suggestions for website content or organization, please do not hesitate to give me a shout - mike@leshner.com
NAFE’S MENTORSHIP PROGRAM

By PAUL STEPHENS, Chair of Mentorship Committee

President Ross Curtis, NAFE Executive Director Arthur Schwartz, Executive Director Emeritus Marvin Specter, and the Board of Directors held a strategic planning session at NSPE headquarters last spring. An outside facilitator with considerable experience with engineering societies was utilized to encourage innovative thinking and new programs that would benefit the Academy and its dues payers.

The group recognized that many who joined NAFE, including the writer, did so after considerable years of prior engineering experience at corporations or design/build firms. Often, we had limited or no experience with the ethical standards of forensic engineering practice, self-employment, running a business, consulting contracts, dealing with attorneys, and with appropriate responses to the adversarial aspects of an expert witness vocation. The mentorship program was conceived and developed to assist those new to the forensic engineering field with the transition from their former vocations.

NAFE’s new, 2014 on-line membership database is used to initiate the program. Effective this year, all dues payers are listed in the confidential, members-only accessible membership directory via NAFE.org. All dues payers are encouraged to update their profiles regularly, which include the capability either of requesting a mentor or offering to be one.

When a new request is received, the Database Administrator notifies the Mentorship Program Committee Chair of the request. The Committee Chair then searches the database for an appropriate mentor and provides a recommendation to the individual that requested the mentor. The mentor is not made aware of the Committee Chair’s recommendation. Once a mentor is accepted, the Committee Chair asks the mentor to contact the individual that requested a mentor. Frequency of future contact is left up to the individuals.

Five (5) matches have been made to date. Mentor recommendations have been made to seven (7) other individuals. Several engineers that are not NAFE dues payers have asked to participate after seeing NSPE’s article about the NAFE mentorship program. Most expressed interest in joining NAFE after learning that the mentorship program was for NAFE dues payers.

Additional information is available in the FAQ section of NAFE.org. You may also contact the writer at 609-242-7707 or at stephenspe@verizon.net. I encourage new or less experienced forensic engineers to take advantage of this new program.

Editor’s Note: The committee consists of Paul Stephens (Chair), Marvin Specter, Lin Manning, Michael Leshner, Liberty Lewis, and John Bell.

A QUESTION FROM ROBERT ANDERSON

Are you violating the Engineering Registration Act?
An article in the July 17, 2013, Wall
Street Journal questioned whether occupational licensing laws could trump free speech. The particular issue arose when a licensed family psychologist in North Carolina wrote a newspaper article concerning how to react to a spoiled 17 year-old son, and the column ran in Lexington, Kentucky. The attorney general and the licensing board sent a letter ordering the psychologist to stop publishing his column in the state because he was not licensed in Kentucky. The State of Kentucky believed his advice constituted the unlicensed practice of a profession and was not protected by the First Amendment. Licensing boards across the country are using this argument to justify the censorship of ordinary advice.

Now suppose a professional engineer writes a paper concerning a solution to a problem based on engineering principles. Suppose this paper is accepted by a journal for publication and that the publication is distributed to states in which the author is not licensed as a PE. Can a similar situation occur in this case?

Ed. Note: Bob wants to begin a dialogue on this topic. What is your opinion? Opinions will appear in future newsletters.

NAFE SPONSORS “PUT THE BRAKES ON FATALITIES DAY™”

Along with many other national and local groups, NAFE sponsored this year’s Put the Brakes on Fatalities Day on October 10, 2014. Begun in 2001, its goal are to deliver messages to the public about the major causes of transportation fatalities, chiefly highway fatalities, and their avoidance, in an upbeat fashion and to heighten consciousness about what people can do and what official steps they should take to reduce transportation fatalities and accidents on American highways, roads and streets by calling attention to reducing fatalities on one specific day and also with other traffic safety events held during the year.

Larry Emig, P.E., a now retired Kansas DOT staffer and member of NSPE, conceived the idea. In 2006 the Transportation and Development Institute of ASCE became the overseer of the program that now involves a “who’s-who” of major transportation organizations. This year’s slogan is “Drive attentively! Your life depends on it.” According to NHTSA, highway fatalities are decreasing.

BOYELL TESTIFIES ON MOBILE PHONE EVIDENCE—OUTCOME VARIES
By ROGER BOYELL

The homicide cases in two different jurisdictions were similar. In both cases the defendant was accused of the revenge murder of a rival at a specific date, time, and place. Some witnesses claimed the defendant was at the scene, while other witnesses claimed the defendant was elsewhere. Prosecution and defense relied on, among other evidence, mobile telephone records of the defendant and the other individuals allegedly involved in the crime.

In both cases NAFE member Roger L. Boyell was retained by the defense to interpret the cryptic computer data
contained in the Call Detail Records and Cellsite Location Lists supplied by the cell phone carriers in response to subpoenas. He testified about how mobile telephones operate, how the radio signals propagate between user handsets and base stations, and what the resulting records portray about localizing the users.

Common to these two cases, computer printouts and maps were presented to support the argument that the defendants were using their mobile phones but were not at the crime scenes. After Boyell gave his testimony accordingly and was dismissed, defense counsels emphasized to the juries that such physical evidence should be trusted over conflicting witness testimony.

The Alabama jury apparently agreed, as they acquitted the defendant. The South Carolina jury returned a guilty verdict -- sentenced to 30 years. Of course we don't know what other factors the juries took into account, but it is interesting that similar forensic matters can have such different outcomes.

RICE PUBLISHES NOVEL

Richard Rice, PE, (578F) turned to Amazon.com to help him publish his novel, *...to be made whole again* and found the people there amazingly helpful during the process. The novel tells the story of a doctor in the Low Country of South Carolina who is made a quadriplegic in an accident on a defectively constructed road. Her lawyer and the forensic expert take on a corrupt road builder and an incredulous insurance company. The plaintiff and defense forensic experts have very significant roles in the story.

Rice commented, “In the spirit of full disclosure, this story incorporates 20 plus years of cases and the people involved...[T]he big question was whether to call this book fiction or non-fiction. I consulted MANY literary people about this. The most germane example given to me was that the characters and plots in *The Great Gatsby* were people and situations that were well known to F. Scott Fitzgerald. Yet, this work is known as fiction. Will the people who my characters are based on recognize themselves and some of the situations in my book? Maybe. However, everything I have written about is in the public record and has been expounded upon with my newly obtained literary license.”

*Ed. Note: Richard’s book is available in both paperback and Kindle format from Amazon.com.*

LEGISLATIVE COMMITTEE REPORT
BY ROSS CURTIS

Federal Legislation Affecting Forensic Engineering Practice

With the changes in leadership in Congress, it is unlikely that any of the bills addressing Forensic Science reform (that would also affect Forensic Engineering) will see any action soon by the new Congress. The Senate bills, S. 2022, S. 2177, and S. 2341 were all introduced by Democratic Senators and the House Bill, H.R. 3064 failed to gain any support from the Republican leadership in the House.

It is apparent that Congress has many much more important issues to deal with.
for the foreseeable future, so it is unlikely that replacement legislation will be introduced for quite some time.

**From NSPE Daily Designs, December 12, 2014**

**Navy’s Laser Weapon System Successfully Completes Testing.**

The Christian Science Monitor (12/11, Suhay) reports that the Office of Naval Research’s chief of naval research Matthew L. Klunder announced Wednesday that its Navy Laser Weapon System (LaWS) “locked on and destroyed the targets we designated with near-instantaneous lethality” in tests aboard the USS Ponce between September and November. The announcement stated “laser weapons are powerful, affordable, and will play a vital role in the future of naval combat operations,” and could be used against targets including drones, helicopters, and small boats. The Navy has said the LaWS weapon system is safer than conventional weapons and requires fewer crew to operate, costs “less than a dollar per shot,” and will hopefully be deployed in several variations by 2020.

The Florida Times-Union (12/10) reports that in tests conducted aboard the USS Ponce in the Arabian Gulf, the LaWS system successfully destroyed moving targets on the water and an unmanned Scan Eagle mid-flight. The article notes that sailors claimed the weapon system had flawless performance “even in high winds, heat, and humidity. The system exceeded expectations for reliability and maintainability.”

**Moderate Democratic Senators Call On EPA To Give States More Time To Comply With Power Plant Rules.**

The Hill (12/12, Cama) reports that “six moderate Democratic senators” are asking the EPA “to give states more time to comply with its climate rule for power plants. Citing reports from the North American Electrical Reliability Corporation, states, businesses and others, the senators said the proposed deadlines in the rule could threaten electric reliability.” The senators didn’t “ask that the rule be scrapped but had specific suggestions to make it more attainable. It also does not express support for it.” The senators “signing the letter were Sens. Claire McCaskill (Mo.), Amy Klobuchar (Minn.), Joe Manchin (W.Va.), Mary Landrieu (La.), Heidi Heitkamp (N.D.) and Joe Donnelly (Ind.).”

**Virginia Files Lawsuit Against Trinity Industries Over Guardrails.**

A few major news outlets, including the New York Times, along with several Virginia-based news sources report that on Thursday, Virginia Attorney General Mark R. Herring filed a complaint in Richmond Circuit Court against Trinity Industries for selling unapproved guardrails to the state that were not properly tested. The lawsuit comes in the wake of a $525 million Federal verdict against the company in October following a finding of defrauding the Federal government for not informing the FHWA of the changes it made to its ET-Plus guardrail. Reports note that following the jury verdict in October, the FHWA urged Trinity to conduct new tests on the guardrails.

For its part, the New York Times (12/12, B2, Ivory, Kessler, Subscription Publication) reports that the lawsuit “makes Virginia the first governmental entity to participate in whistle-blower suits” against Dallas-based Trinity. The
article says that the lawsuits were brought on behalf of the Federal government and state governments, “but none of those entities, until now, have been plaintiffs.” According to the Times, Virginia’s lawsuit seeks “civil penalties and the recovery of costs” if the new tests show that the guardrails are “unsafe and must be replaced.”

The AP (12/12) reports that in response to the lawsuit, Trinity spokesman Jeff Eller said in a statement that the company “did not commit fraud against Virginia.” He added that the company plans to defend itself “fully against these allegations.”

ABC News (12/12, Galli) reports online that Virginia’s complaint also criticizes Trinity for not disclosing five crash tests conducted “in 2005-2006 in which the ET-Plus fails each time, including spearing the vehicle or flipping it over.”

The Richmond (VA) Times-Dispatch (12/12, Bacque) reports that Virginia’s Department of Transportation (VDOT) indicated that the guardrails “may have contributed to injuries in two accidents in the state.” Later, the report notes that the lawsuit is being brought under the state’s Fraud Against Taxpayers Act “based on evidence provided by a whistle-blower.”

From ASCE Government Relations Newsletter, December 12, 2014  
Congress Stumbles to FY15 Funding Bill

Congress struggled to meet its December 11th deadline to avoid a government shutdown and to fund the government for rest of fiscal year 2015. The funding legislation, known as the "CRomnibus" in Washington, was passed by the US House of Representatives last night with a slim majority, which sets the stage for final Senate passage either today or tomorrow. Securing the necessary votes proved a challenge for Speaker Boehner as he was forced to delay the vote by a few hours in order gather more support for the measure. The Senate is expected to adopt the measure by Saturday night and send it to President Obama’s desk for his signature.

The “CRomnibus” is a combination of a continuing resolution (CR), which keeps spending levels the same as the previous year and an omnibus appropriations bill. The omnibus is essentially a bundled spending package of 11 of 12 appropriation bills and would fund most federal programs through September of 2015. The continuing resolution portion would fund the Department of Homeland Security only through March.

From NSPE Daily Designs, December 15, 2014  
Inventor Alleges FHWA Failed To Disclose Safer ET-Plus Product.

The Goshen (IN) News (12/15) reports on the makers of the ET-Plus end terminal, Trinity Industries, who were found to have made cost-cutting changes to its shock absorbing system in 2005 without first alerting the government. Goshen News cites Dean Sicking and another guardrail-industry professional who now claim that Trinity had also quietly produced a third version of its ET-Plus with dimensions they say make it less prone to malfunctioning. Sicking stated he had told the FHWA about his measurements for a third
version in October 2013. According to the article, the FHWA, “which signs off on the crashworthiness of products, counts on manufacturers to make and deliver them as billed,” confirmed they spoke with Sicking in late 2013 but denied Sicking mentioning a possible third version.

**Engineer Pleads Guilty To Defrauding USAID**

Bloomberg News (12/12, Voreacos) reports Derish Wolff, former CEO of engineering consulting firm Louis Berger Group Inc. pleaded guilty to overbilling and conspiring to defraud the US Agency for International Development during a nearly 20-year period. The company agreed to pay $69.3 million to resolve civil and criminal investigations by the Justice Department into “false, fictitious, and fraudulent overhead rates” that resulted in overbilling from 1999 to 2007.

**DOT Funding Creates Jobs In Quonset**

The Westerly (RI) Sun (12/15) reports on an event held to announce that more than 10,000 people are now working at Quonset Business Park and its Port of Davisville. According to the Westerly Sun, Sen. Jack Reed (D-RI), a member of the Appropriations Committee, said that Quonset’s success reflects years of investments at the Federal and state level. Reed has worked to secure Federal funds to upgrade Quonset, including $182 million from the Federal Highway Administration funds; $55 million for the Freight Rail Improvement Project; and a $22.3 million grant for a crane and additional infrastructure from the Transportation Investment Generating Economic Recovery discretionary grants program, which is funded by the Federal Department of Transportation. (EDITOR’S NOTE: Davisville/Quonset Point is a former U.S. Navy Base, home of the SEABEES from WWII through the Vietnam conflict.)

**LETTER TO THE EDITOR**

By WILLIAM C. BRACKEN, PE

Editor,

I agree with the sentiments expressed by Mr. Specter in his article titled “MARVIN SPECTER ON THE IMPORTANCE OF THE ENGINEER’S SEAL” found in the 2014 spring / summer edition of the Interaction newsletter. An engineer’s use of his or her seal is a responsibility not to be taken lightly. In fact many States require the engineer to maintain control of his or her seal holding that engineer liable should the seal be improperly used by them or anyone else.

However, I was bothered by the fact that Mr. Specter’s article seemed to imply that only reports required an engineer’s seal. While I recognize that every State is different, as a Fellow of NAFE and the current Vice-Chair of the Florida Board of Professional Engineers I want to make sure that NAFE’s members and correspondents know that in Florida all final engineering documents filed for public record (directly or indirectly) is required by law to bear the engineer’s signature, date and seal at a minimum. Further, Florida Statutes 471.025(1) and Florida Administrative Rule 61G15-23.002 require not only all final engineering documents filed for public record (directly or indirectly) is required by law to bear the engineer’s signature, date and seal at a minimum. Further, Florida Statutes 471.025(1) and Florida Administrative Rule 61G15-23.002 require not only all final engineering documents filed for public record but also require all final engineering documents “provided to the owner or the owner’s representative” be signed, dated and sealed. This would
include not only plans but reports and even letters.

I would also offer that while Florida has in the past exempted out of state engineers from its licensure requirements when providing services strictly for the court, Florida DOES NOT exempt these engineers from its licensure rules. In other words, you might not be required to be licensed in Florida if all you are doing is providing testimony in a court case, but you are obligated to follow Florida’s rules.

Therefore, I would submit that in lieu of using the look, smell or title of a document, a licensed engineer is better served to simply develop the practice of signing, dating and sealing any document produced that contains an opinion, directive or creative work based on or reflecting the practice of engineering.

**NEWSBRIEFS**

**NAFE MEMBERS ARE ACHIEVERS!**

**Olaf H. Jacobson MS, PE,** Participated in the development and presentation of a one-day mock trial hosted by The Foundation of the American Board of Trial Advocates and the Colorado Chapter of ABOTA on April 11, 2014 in Denver, Colorado.

**Smith Reed, PE,** and three other engineers gave a presentation and participated in a panel discussion *Private Practice in Engineering* for the Upper (Connecticut River) Valley Subsection of ASME and the Dartmouth College School of Engineering on November 19, 2014.

**W. T. “Dusty” Yaxley, PE, CSP (270F)** was the guest speaker at the Duke Energy monthly safety meeting, “Safety in the Workplace”, held at The Duke Energy Offices and Meeting Facilities in Orlando, FL, June 25, 2014. Dusty presented a view from the Forensic Engineer’s experience in investigating and interpreting of facts for deposition and trial testimony. A discussion conducted by Mr. Yaxley answered many questions about workplace safety as it applies to deposition and court testimony.

**Dusty Yaxley** also took part in “The Great American Teach-In” by presenting “How to become an Engineer and Forensic Engineer” to three classes of 7th Grade Advanced Placement Math Students at Mulrennan Middle School located in the Tampa, FL area on November 20, 2014. The students were interested in the cases and methods of investigation as well as in how the testimony would be presented in court.

**Gerald Zadikoff,** PE, presented a paper at the 14th World Conference Cities and Ports in South Africa. The paper resulted from voluntary work he performed for the Mtwara Regional Council in Tanzania. Zadikoff’s expertise assisted the Regional Commissioner to create a design favorable to the community not only to private business.

**Richard Ziernicki,** PE, presented *Stand-Up Forklift Egress Times as a Function of Operator Compartment Guarding* at the ASME Congress and Exposition in Montreal, Canada on November 19, 2014.

SAD NEWS

Polly Collins, director of meetings for the NSPE, passed away on August 14, 2014. Polly retired in 2013 after more than 25 years of devoted service to NSPE and NAFE. She is remembered as a mentor, counselor, teacher and friend.