TO: NSPE Board of Directors  
cc: State Society Executives Council  
FROM: Mark J. Golden, FASAE, CAE  
Executive Director  
DATE: 3 March 2015  

1. National Engineers Week (and Related Activities)

With the early scheduling of Future City competition finals this year, National Engineers Week events in Washington DC spread into nearly two weeks of high profile celebrations of the professional engineer.

President Harve Hnatiuk and I were kept busy as judges and presenters in the 2015 Future City Finals, February 14-18th in Washington. Since last fall, 40,000 middle school students from 1,350 schools have been engaged in the competition. Teams from 37 middle schools and organizations, each a winner of intense regional competitions, participated in the finals.

St. John Lutheran School (Rochester, Michigan) took home the grand prize of a trip to US Space Camp and $7,500 for its school's STEM program. (This is the second year in a row that the team from St. John’s took top prize.)

Second place went to West Ridge Middle School (Austin, Texas), with a $5,000 contribution to its STEM programs, sponsored and presented by NSPE.

NSPE also sponsored, selected and presented a special award to the team whose model best demonstrated “Protecting the Public’s Safety and Welfare through Competent and Ethical Engineering.” This was won by Southwest Middle School (Lawrence, Kansas).

On February 24th, Harve and I were privileged to attend the Draper Prize Dinner at the National Academy of Sciences building. The Charles Stark Draper Prize for Engineering, recognizing engineers whose contributions have significantly impacted society by improving the quality of life, providing the ability to live freely and comfortably, or permitting access to information, was presented to five pioneers in developing LED technology. In addition, the Fritz and Delores Russ Prize, for bioengineering achievements worldwide that have improved the human condition, was presented to five pioneers in the development of cochlear implants.

On February 26th, NSPE hosted the Federal Engineer of the Year Award at the National Press Club in Washington, DC. Victor Mendez, Deputy Secretary, US Department of Transportation, delivered the keynote address, and 25 agency winners were acknowledged.
Selected as the top federal engineer was Lt. Col. Patrick Miller, P.E., with the U.S. Air Force, 628th Civil Engineer Squadron.

Impressive as the honorees were, the veritable who’s who of senior engineering leadership attending the luncheon provided ample evidence of the prestige of this award and the high regard held for this list of agency winners. Attendees included:

- The US Navy’s Chief of Civil Engineers and Commander of Naval Facilities Engineering Command;
- The Commander of the Naval Surface Warfare Center;
- The US Coast Guard’s Chief Engineer;
- The US Air Force’s Director of Civil Engineers; and
- The Commanding General of the US Army Corps of Engineers, among others.

For this year’s Girl Day (February 26th), DiscoverE launched a social media campaign around the idea that there is a little bit of engineer in every girl and it's our job to “bring it out.” EWeek partners were encouraged to get employees, colleagues, members and students involved, and a robust toolbox of resources was provided, including:

- Seven videos, which were rolled out daily in the week leading up to Girl Day on Thursday, February 26th;
- An infographic which showcases five things every girl should know about engineering;
- A social media campaign (#BringItOut) for use showcasing the efforts of supporting organizations to bring out the engineer in every girl; and
- A network of local organizations hosting Girl Day events around the country.

And finishing out the week was Discover Engineering Family Day at the National Building Museum. From opening at 10 AM until closing at 4:00 PM, Saturday, February 28th, there was always a line of eager children at NSPE’s display, getting a practical demonstration of engineering and the opportunity to build a catapult to launch ping pong balls at a castle -- visible in the center of the photo.

2. Member Value

It is important to remember that while EWeek and the Future City competition have grown into programs of national stature and their success is possible only through the broad support of the entire engineering community, it all started with NSPE. Establishing National Engineers Week in 1951 and our careful stewardship of the program as it grew, allowed it to become an asset for all the engineering societies.

Giving back is important and valued by NSPE’s membership. On February 23rd, NSPE sent an email blast to more than 84,000 members, past members, member prospects and individuals who
have had some interaction with us in the past, reminding them of the opportunity to be involved in EWeek and MATHCOUNTS.

At the intersection between several strategic issues that the board has recently discussed (the advocacy/communications platform, member value, the role of NSPE in advocacy), NSPE has submitted a written report (previously shared with the board) to the NCEES Participating Organizations Liaison Council (POLC)\(^1\).

As a vehicle for addressing legislation, regulation, accreditation criteria, and credentialing standards, the issues on the POLC agenda can be pretty arcane and technical; however, the reason and need to address them never are. Although NSPE will be addressing many of the same regulatory details with the POLC as in previous years, this year’s report was drafted to create a broader context, explaining why these issues are important to the integrity and credibility of the PE license.

Staff is working on a general dissemination of this report to the members, but more importantly, a process to ensure that many of the activities NSPE currently engages in, which have previously been considered too “inside baseball” to be of general interest, are communicated to our members in a manner that makes them aware of why it matters to them and to their license.

NSPE’s POLC representative, Past President Robert Green, and I will be attending the meeting on March 7\(^{th}\).

3. Advocacy

We were disappointed, but not surprised by the United State Supreme Court’s ruling in *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, handed down on Wednesday, February 25\(^{th}\). In a 6-3 vote, the court ruled that a state regulatory board made up mostly of members of the regulated profession was not immune from antitrust allegations and that the NC Dental Board had violated federal law when it tried to prevent lower-cost competitors in other fields from offering teeth-whitening services.

As discussed in my September 3\(^{rd}\) board update, this issue has potential ramifications for state engineering boards as well, since many of them are also largely populated by members of the profession. Moreover, the extent of state governmental oversight of board activities (the factor that shields boards from antitrust claims) is often unclear or too passive to stand up to the new standard set in the Supreme Court ruling.

There is both a challenge and an opportunity here for NSPE. No one questions the necessity and important role engineering boards play in regulating professional practice to protect the public interest, but these boards could fall victim to severe, even if unintended consequences from the NC dental board case.

\(^1\) Actual membership in NCEES, you will recall, is held by the state licensing boards. Engineering and surveying associations like NSPE are represented through this council. It meets annually and allows each society to bring issues of concern to the community of licensing boards as a whole.
The solution to such a risk is clear and active supervision of licensing boards by state (government) authorities and precision in defining the scope of regulated professional practice. That will require action at the state level (by the licensing boards themselves and in many cases probably also through state legislation).

We are drafting a public statement from NSPE, which we will share with you as soon as it is available. We are trying to strike the tone of a “call to action” by the profession at all levels, rather than a “sky is falling” notice. This issue has also moved up the list of critical issues that Past President Robert Green and I will be engaging NCEES with, at the POLC meeting next week.

NSPE joined in a “friend of the court” brief before the Virginia Supreme Court in support of an appeal of a lower court decision in the case, William H. Gordon Associates, Inc. v. Heritage Fellowship, United Church of Christ, a/k/a Heritage Fellowship Church, et al. As the board discussed on its last call, the circuit court ruled that the engineer breached his duty of care by relying upon the representations made by the manufacturer as to specified building material's suitability for use in his design. If affirmed, this ruling would require a professional engineer to independently test and verify the accuracy of a product manufacturer’s representation to satisfy the professional standard of care in his or her designs.

NSPE also addressed the lower court’s error in stopping the clock on the statute of limitations during an extended period after the engineer had completed and delivered sealed plans to the client but the construction was postponed, while the owner faced financing and permitting delays.

Finally, NSPE’s amicus brief addressed the trial court’s failure to enforce the contractor’s obligations, which were clearly defined in the contract.

NSPE also weighed in with a letter of support for legislation, championed by our Maryland state society, which would remove any implication from state law that Maryland city or local government employees practicing engineering are exempt from licensing requirements. Maryland House Bill 752 is scheduled for hearings March 3rd and Senate Bill 738 is scheduled for hearings March 18th.

Unfortunately, there are also several bills emerging at the state level that are less positive for the integrity and value of the PE in protecting the public health, safety, and welfare.

Bills have been introduced in the Florida legislature (HB 217 and SB 338) to require a separate license for structural engineers, to take effect in 2019. It does include a grandfather clause for current PEs, but is contrary to NSPE’s long established position of recognizing PE licensure as the defining qualification for practice and opposing licensure by designated branch or specialty (Position Statement 1737).

In Arkansas (HB 1158), Iowa (HF 46), and Minnesota (SF 784), bills have been introduced to provide “licensing relief.” These three bills appear to be part of an organized national effort and based on model legislation being promoted by the American Legislative Exchange Council, a membership association for state lawmakers. While this proposal is not directly targeted at the licensing of engineers, the PE could be collateral damage in such an aggressive and broad-stroke a campaign, just as in the North Carolina Dental Board case discussed above.
NSPE GR staff is currently checking with volunteer and staff leadership in these states, to be certain they are aware of these developments, ascertaining what efforts (if any) are underway to respond to these bills in their respective states, and explore their willingness and interest in coordinating with NSPE and other states on these matters.

We will certainly continue to monitor, communicate, support actions wherever we can.

On February 20th, US Representative Daniel Lipinski (Democrat, Illinois) introduced the 2015 Engineers Week Resolution. The bipartisan resolution, H. Res. 119, supports the goals and ideals of Engineers Week. NSPE worked very closely with Representative Lipinski on drafting and introduction of the resolution as well as garnering cosponsors. (The resolution currently has 18 cosponsors.) An action alert calling for support of the resolution was sent to NSPE members, resulting in 145 congressional offices being contacted by over two hundred NSPE members. If you have not yet contacted your Member of Congress, it is not too late to do so. You can get started by clicking here.

NSPE also continues to work garnering support for the Educating Tomorrow’s Engineers Act (H.R. 823), which would integrate engineering skills and standards into existing science curricula standards. NSPE’s advocacy has helped this bipartisan legislation already reach 20 cosponsors. NSPE Senior Manager of Government Relations Arielle Eiser is seen here with bill sponsor Paul Tonko (Democrat, New York).

The Federal Emergency Management Agency (FEMA) has issued proposed “Revised Guidelines for Implementing Executive Order 11988, Floodplain Management.” Interested and potentially affected NSPE members who could be impacted by this guideline are encouraged to learn more about the proposal and provide comments here. Comments must be received by April 6th.

4. Content

On February 20th, NSPE President-elect Tim Austin was the keynote speaker at the National Academy of Building Inspection Engineers in Atlanta. His presentation, “The Invisible Professional Engineer,” discusses the need for PEs, along with NSPE, to become more “visible” by transcending their purely technical roles and answering to their higher calling and purpose: to serve society. He does this by examining the NSPE Code of Ethics and reviewing recent publications critical of the engineering profession for ignoring the ethical implications of technological progress. The example of recent advances in artificial intelligence, which some have called the greatest potential threat to mankind’s existence, is used to illustrate the danger of technology pursued without guidance from the ethical compass that the professional engineer provides and the compelling need for the professional engineer to honor their higher obligation to the common good.
If imitation is indeed the highest form of flattery, we should be pleased by ASCE’s recent announcement of a “5 free PDHs” offer to its members.

5. **Finance, Administration, Operations and Staff Alignment**

I hope to be able to report to you within a week that we have hired a new Senior Director of Finance. Some 17 candidates were winnowed from nearly 100 submissions for serious consideration. Five candidates were interviewed. Two finalists were further interviewed by our Tate & Tryon consultants, and references were spoken to. As I write this update, we are in the final stages of background checks and verifications. This new, chief staff financial officer will have four primary goals to address: FY16 budget development, aligning budget and reporting with the Strategic Plan, developing a comprehensive plan for the NSPE HQ building, and organizing and supporting a joint investment committee and establishing investment policies for NSPE, the Educational Foundation and EWeek Foundation.

I am pleased to report that we met internal performance standards of completing financial statements within a month, even in the short 28-day month of February. January financials for NSPE, the NSPE Educational Foundation, and National Engineers Week Foundation were all completed and distributed to each entity’s treasurer and appropriate staff on February 26th. We continue to work to shorten the reporting time further.

Finally, please remember that access to NSPE leadership resources is always available to you in the [Leadership Toolbox](#). You will need to log in with your user name and password.

You can also review a detailed calendar of NSPE and state society events on the NSPE website [here](#) and your state society can include its educational offerings in the new, [PE Institute](#) marketing platform.