

WSPE eNews

A monthly publication from the Wisconsin Society of Professional Engineers

July 2013 Edition

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1. President's Message

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

Well, summer is finally here. It is hot again, and as usual I am already complaining about the hot weather. I guess I should have lived in Houston, TX or Miami, FL so I would not be complaining about our Wisconsin summers.

I am not happy with the Brewers performance this year but I guess there is always next year. As you can see I have lost hope with this year. On a more optimistic side, I am looking forward to seeing both the Badgers and Packers play this fall.



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

The 2012-2013 WSPE calendar year is nearly over. As stated in my President's message in June, WSPE has accomplished a lot in this last year. It could not have been done without the WSPE State Officers and all of their hard work and countless hours they devote to WSPE. A special thanks goes out to our WSPE State Officers of 2012- 2013:

- 1 President: Frederick W. Groth, P.E., S.E.
- 1 Vice-President: Pam Mazur
- 1 Vice-President: Glen R. Schwalbach, P.E., F. NSPE
- 1 Secretary: Angela Hanz, P.E.
- 1 Treasurer: James A. Buggs, PE.
- 1 Past President: Keith Nikolay, P.E.
- 1 National Delegate: John M. Parisi, P.E., F. NSPE
- 1 Executive Director: Edward M. Rodden II, E.I.T.

We have a few changes in our upcoming WSPE State Officers. John Parisi will be stepping down as our NSPE National Delegate. John has served for the past two terms (four years) as our National Delegate. John has put in countless hours representing WSPE/NSPE and participating in several national NSPE committees. A special thanks goes to John Parisi for his dedication to WSPE and NSPE.

John has graciously decided to fill the Vice President vacancy taking over the Marketing Portfolio for the 2013-2014 term. He may be reaching out to you and your company to help us with some programs in the near future.

Our new National Delegate will be James A. Buggs, PE, who will be taking over and sworn in at the NSPE Annual Meeting in Minneapolis this July. Replacing Jim as WSPE State Treasurer will be Gary Ferguson, PE.

We are still looking for a President-elect and Vice President for the 2013 to 2014 term. If you are interested or know of someone willing to serve, please contact Keith Nikolay, our nominating committee chairman, at nikolayk@AyresAssociates.com. We would like our new President-elect and Vice President in place by July 31, 2013 to start the new term.

Our NSPE Annual meeting is right around the corner in Minneapolis, MN on July 17 through July 20, 2013. The NSPE Annual meeting location is probably closer **this year than in the past or in future years, so please consider attending. If you are interested in attending, please register on-line on the NSPE website.** The NSPE Annual meeting has several interesting programs, many of which offer the opportunity to receive continuing education credits.

WSPE will continue to monitor key legislature and budget bills being sponsored that will effect our engineering profession. As these bills move through the legislature, WSPE will 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 getting involved in WSPE so we can be become your valued organization again. If you have questions about how to get 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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2. Welcome New WSPE Members

Please join us in welcoming our new WSPE members!

Metro Chapter

John Reinbold, PE	Licensed	Caterpillar
James Volkmann, PE	Licensed	Pillar Induction

Northwest Chapter

Ellyn Subak, PE	Licensed	Midwest Manufacturing
Matthew Decur, PE	Licensed	City of Chippewa Falls
L. Ronald Bartels, PE	Licensed	Sterling Point Ventures, LLC

Southeast Chapter

Paul Gutknecht, PE	Licensed	Eaton
Mike Hahlbech, PE	Licensed	Pieper Electric, Inc.

Southwest Chapter

Steve Winistorfer, PE	Licensed	TECCO
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Wisconsin Valley Chapter

Kevin Hansen, PE	Licensed	ERCO Worldwide
Ryan Arnold, PE	Licensed	Becher Hoppe Associates, Inc.

Interested in becoming a member?

Check out the member benefits at the following links:

<http://www.wspe.org/joinwspe.shtml>

<http://www.nspe.org/Membership/index.html>

Contact Ed Rodden at ExecDir@wspe.org with any questions regarding membership.

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3. The Economic Loss Doctrine

By Attorney Randall J. Andersen

The economic loss doctrine is a rule of law which generally provides that when a person buys a product, claims against the seller based on the tort of "negligence" are barred unless the product causes damage to a person or to **property other than the product itself. If the economic loss doctrine applies,** the buyer will not be permitted to bring a negligence claim, and instead will be limited to bringing a breach of contract claim.

Remedies for breach of contract are often more limited than remedies pursuant to a negligence claim. For example, many contracts include provisions waiving the right to recover consequential damages (which would be available with a negligence claim). Also, the statute of limitations for bringing a breach of contract claim can in some instances be shorter than the statute of limitations for bringing a negligence claim.

In 2012, the Wisconsin Court of Appeals applied the economic loss doctrine to a claim for damages against a design builder, in the case of [Kalahari Development, LLC v. Iconica, Inc.](#) The plaintiff sought to hold the design builder liable for leaks and other construction defects at the Kalahari Resort and Conference Center. Almost ten years after substantial completion of the project, Kalahari sued the design builder for construction defects, including allegations of negligent performance of architectural and construction services.

The Court of Appeals concluded that although professional design services were

involved, the primary purpose of the contract was the construction of a "product" (the resort facility) and therefore the economic loss doctrine was applicable and a claim for negligence was not available under Wisconsin law.

The plaintiff still could have pursued a claim for breach of contract; however, it had waited more than six years from the date of substantial completion of the project to file suit. The Court concluded that the breach of contract claim was barred by Wisconsin's six-year statute of limitations. Kalahari had argued that Wisconsin's ten-year statute of repose for construction defects was applicable. However, the Court of Appeals ruled that because Kalahari was limited to a breach of contract claim, the six-year statute of limitation applied, and dismissed the action.

The scope of the precedent set by the Kalahari case is limited by its facts. The Wisconsin Supreme Court has previously ruled, in the case of Insurance Co. of North America v. Cease Electric, Inc., that if the contract is primarily for a service (as opposed to a contract for a "product"), then the economic loss doctrine will not apply.



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

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4. WSPE 2013-2014 Executive Board Officers Elected

Submitted by Ed Rodden

These officers begin their new positions effective July 1, 2013.

President

Fred Groth, P.E. S.E.
Southwest Chapter

Vice President –
Membership Portfolio
(OPEN)

Vice President –
Education Portfolio
Pam Mazur, P.E.
Fox River Valley Chapter

Treasurer
Gary Ferguson, P.E.
Metro Chapter

National Delegate (2 yr term)
James Buggs, P.E.
Metro Chapter

President-Elect
(OPEN)

Vice President –
Governmental Affairs Portfolio
Glen Schwalbach, P.E. F.NSPE
Fox River Valley Chapter

Vice President – Marketing Portfolio
John Parisi, P.E., F.NSPE
Fox River Valley Chapter

Secretary
Angela Hanz, P.E.
Wisconsin Valley Chapter

Contact information and biographical details will be available on our website here: <http://www.wspe.org/stateofficers.shtml>

It is very important that we fill the two vacant positions listed above (**President-Elect** and **Vice President - Membership Portfolio**). Please contact Fred Groth at fred.groth@graef-usa.com or Ed Rodden II at ExecDir@wspe.org. If you have questions about the President-Elect position, please contact Keith Nikolay at nikolayk@AyresAssociates.com.

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5. Display Booth for Sale

WSPE is doing some house cleaning. We have a display booth that we no longer need. This booth comes complete with all the necessary hardware for assembly and includes a hauling case.

The face of this booth allows for Velcro for attaching display information.

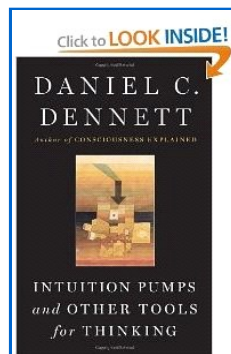


If you are interested in this display booth, please contact Ed Rodden II, the WSPE Executive Director, at ExecDir@wspe.org or (414)531-1129.

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6. Intuition Pumps and Other Tools for Thinking

Amazon Book Review



One of the world's leading philosophers offers aspiring thinkers his personal trove of mind-stretching thought experiments.

Over a storied career, Daniel C. Dennett has engaged questions about science and the workings of the mind. His answers have combined rigorous argument with strong empirical grounding. And a lot of fun.

Intuition Pumps and Other Tools for Thinking offers seventy-seven of Dennett's most successful "imagination-extenders and focus-holders" meant to guide you through some of life's most treacherous subject matter: evolution, meaning, mind, and free will.

With patience and wit, Dennett deftly deploys his thinking tools to gain traction on these thorny issues while offering readers insight into how and why each tool was built.

Alongside well-known favorites like Occam's Razor and *reductio ad absurdum* lie thrilling descriptions of Dennett's own creations: *Trapped in the Robot Control Room*, *Beware of the Prime Mammal*, and *The Wandering Two-Bitser*. Ranging across disciplines as diverse as psychology, biology, computer science, and physics, Dennett's tools embrace in equal measure light-heartedness and accessibility as they welcome uninitiated and seasoned readers alike. As always, his goal remains to teach you how to "think reliably and even gracefully about really hard questions."

A sweeping work of intellectual seriousness that's also studded with impish delights, *Intuition Pumps* offers intrepid thinkers—in all walks of life—delicious opportunities to explore their pet ideas with new powers.

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7. MSOE PEAK Mini-Conference, Sat., Sept. 28

Submitted by Brittney Lynn, MSOE Graduate Program Specialist



Register now for MSOE's next PEAK Mini-Conference on Saturday, September 28!

A [PEAK Mini-Conference](#) is a collaborative knowledge exchange among engineering and technical professionals facilitated by MSOE, with the goal of providing a cost-effective way for engineers and technical professionals to learn about new topics. In addition, PEs can earn the professional development hours (PDHs) now required for maintaining licensure in Wisconsin by attending PEAK sessions.

Featured sessions include:

- Ethics in Engineering
- What Engineers Need to Know About Marketing
- Running Effective Meetings
- Additive Manufacturing
- Project Management for Engineers
- Moving from Engineering Management to Leadership
- Envision Infrastructure Rating System
- Hydraulic Systems
- What Non-Software Engineers Should Know About Software Engineering
- Statistical Hypothesis Testing Using Excel
- Overview of the Envision Infrastructure Rating System

One PDH is awarded for each one hour of session completion, which means participants can earn up to 8 hours for attending the PEAK Mini-Conference! [Register now!](#)

Contact Brittney Lynn at [\(414\) 277-2345](tel:414-277-2345) or lynn@msoe.edu if you have any questions.

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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!

- 1 Is your chapter hosting an event?
- 1 Did your chapter get some new members?
- 1 Have you started your own business?
- 1 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



["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 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.