



# CE 401 Civil Engineering Seminar

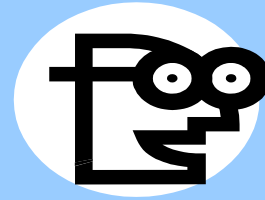
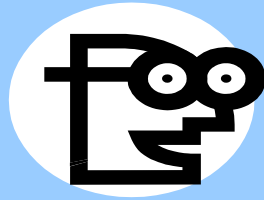
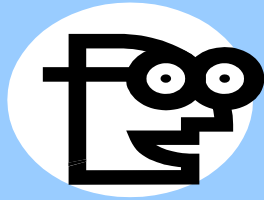
## Quiz 2 Procedures:

1. When you arrive for class, pick up one copy of the quiz and one copy of the answer sheet.  
There are enough for each student, but no extras.
2. Print your name on the quiz and answer sheet.
3. You have until 11:15 to complete the quiz. If you need additional time, beyond the 11:15 end time, please arrive early to begin the quiz earlier.
4. The quiz is closed book and no electronic devices allowed
5. When you complete the quiz, or when time expires, place the quiz and answer sheet together in a single stack on the podium.



# E 401 Civil Engineering Seminar

## General Questions:



**It's QUESTION TIME !!**



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## Nice Guys Finish Last

### QUIZ 1 RESULTS

#### **Quiz 1**

**Range: 10-18; Average 14.2**

**W/ Text Historic 10-20; Average 14.9**

**0 (0 of 29) Perfect Scores on Quiz 1**

**Note: Historic Range is for the Post TEXT period**

**Quiz scores for quiz 1 are higher than the historic performance results.**



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## ESSAY TEAMS:

ESSAY TEAMS - SECTION 2		
Last Update		2-Person Teams
1/30/2026 15:34		0
Unassigned Students	AMBER	
Student Formed Teams	BLACK	
Assigned Teams	RED	
Adkins	201	
Burke	201	
Knerr	202	
Torres	202	
Clark	203	
Eilers V	203	
Davis	204	
Terrill	204	
Muthukrishnan	205	
O'Donnell	205	
Jordan	206	
Salbego	206	
Farmer	207	
Kinzer	207	
Cannon	208	
Temple	208	
Dunn	209	
McGinnis	209	
Freeland	210	
Harwood	210	



# CE 401 Civil Engineering Seminar

## Discussion Question Activity:

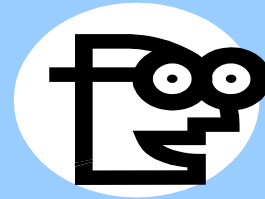
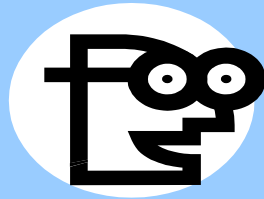
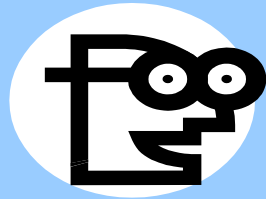
### •WEEK 3: DISCUSSION GROUP ACTIVITY

Timely Initial Posts: 96.7%			Last Update 30-Jan-26 3:35 PM				
Section 2			Week 3	Discussion Question Activity Report			
Question	Group	Leader	1	2	3	4	5
1	A	Torres	Knerr	Muthukrishnan	O'Donnell	Torres	
1	B	Salbego	Freeland	Jordan	Kinzer	Salbego	
1	C	Burke	Adkins	Burke	Temple		
1	D	McGinnis	Davis	McGinnis	Terrill		
1	E	Clark	Clark	Eilers V	Farmer		
1	F	Cannon	Cannon	Dunn	Harwood		
2	A	Knerr	Knerr	Muthukrishnan	O'Donnell	Torres	
2	C	Temple	Adkins	Burke	Temple		
2	E	Eilers V	Clark	Eilers V	Farmer		
3	B	Jordan	Freeland	Jordan	Kinzer	Salbego	
3	D	Davis	Davis	McGinnis	Terrill		
3	F	Dunn	Cannon	Dunn	Harwood		
Font Legend							
non-bold No post made, time for posting remains			non-bold		Late Post before consensus, 20% loss		
<b>Bold / Bold</b> Post made within Time			<b>Bold</b>		<b>Post is made after consensus, 60% loss</b>		
Non-Bold Leader-No Consensus Posted, -5 Points			<i>Ital. non-bold</i>		<i>No Post Made, 100% loss</i>		



# E 401 Civil Engineering Seminar

## De George Review Questions:



**It's QUESTION TIME !!**



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## Failures:

**WHAT DOES “PROJECT FAILURE” MEAN?**



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## Failures:

### **WHAT DOES “PROJECT FAILURE” MEAN?**

**Project failure occurs when the client or other stakeholder sustain losses on their investment because the constructed facility fails to function as expected.**

**This can occur for many reasons including:**

- **Not delivering the project;**
- **Delivering a project that does not satisfy expectations;**
- **Delivering a project late;**
- **Delivering a project over its budget; OR**
- **Delivering a project that does not function as required**

**Failure can occur during design, during construction, or after construction**

**<https://www.projectmanager.com/blog/top-10-reasons-for-project-failure>**





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## Failures:

**WHAT TYPE OF DAMAGES OCCUR WHEN  
PROJECTS FAIL?**



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## Failures:

### **WHAT TYPE OF DAMAGES OCCUR WHEN PROJECTS FAIL?**

**Almost Always, the owner's expectations have not been satisfied, damaging client relations.**



# CE 401 Civil Engineering Seminar

## Failures:

### **WHAT TYPE OF DAMAGES OCCUR WHEN PROJECTS FAIL?**

**Almost Always, the owner's expectations have not been satisfied, damaging client relations.**

**Usually, there is financial loss and property damage**



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## Failures:

### **WHAT TYPE OF DAMAGES OCCUR WHEN PROJECTS FAIL?**

**Almost Always, the owner's expectations have not been satisfied, damaging client relations.**

**Usually, there is financial loss and property damage**

**Sometimes, there is personal injury**



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## Failures:

### **WHAT TYPE OF DAMAGES OCCUR WHEN PROJECTS FAIL?**

**Almost Always, the owner's expectations have not been satisfied, damaging client relations.**

**Usually, there is financial loss and property damage**

**Sometimes, there is personal injury**

**Occasionally there is loss of life**



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## Failures:

### **WHY DO THESE PROJECT FAILURES OCCUR?**

**Do some failures occur due to errors by design professionals?**



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## Failures:

### **WHY DO THESE PROJECT FAILURES OCCUR?**

**Do some failures occur due to errors by design professionals?**

**Do all failures occur due to errors by design professionals?**



# CE 401 Civil Engineering Seminar

## Failures:

### **WHY DO THESE PROJECT FAILURES OCCUR?**

**Do some failures occur due to errors by design professionals?**

**Do all failures occur due to errors by design professionals?**

**What causes failures to occur when it is NOT an error by a design professional?**





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## Failures:

### **WHY DO THESE PROJECT FAILURES OCCUR?**

**Do some failures occur due to errors by design professionals?**

**Do all failures occur due to errors by design professionals?**

**What causes failures to occur when it is NOT an error by a design professional?**

**Construction Errors?**



# CE 401 Civil Engineering Seminar

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**Do some failures occur due to errors by design professionals?**

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**What causes failures to occur when it is NOT an error by a design professional?**

**Construction Errors?**

**Post Construction Events such as poor/no maintenance?**



# CE 401 Civil Engineering Seminar

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**Post Construction Events such as poor/no maintenance?**

**Post Construction Events such as unanticipated use of the facility?**



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**Construction Errors?**

**Post Construction Events such as poor/no maintenance?**

**Post Construction Events such as unanticipated use of the facility?**

**Post Construction Events such as fires, earthquakes, sinkholes, hurricanes, tornadoes, tsunamis, impact by cars, trucks, ... , airplanes?**



# CE 401 Civil Engineering Seminar

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### **WHY DO THESE PROJECT FAILURES OCCUR?**

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**In Korean Shopping Center case, there is little to no evidence that design error caused this failure. I asked about the designer's contributions to see who would recognize this point.**



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**In Korean Shopping Center case, there is little to no evidence that design error caused this failure. I asked about the designer's contributions to see who would recognize this point.**

**Why do so many try to fault designers?**



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## Failures:

**Why do so many try to fault designers?**



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## Failures:

### **Why do so many try to fault designers?**

**Many Engineers share a common tendency,  
e.g.,**

**They believe that if something goes wrong on  
their project, it must be their fault, AND  
they are ever ready to accept responsibility.**

**Do not accept responsibility until a proper  
investigation reaches that conclusion!!!**





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## Failures-Korean Shopping Center

**1. Who is the owner of this facility?**



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## Failures-Korean Shopping Center

1. Who is the owner of this facility? **Sampoong Group, a Korean developer**
2. Who designed the original 4 story structure?



# CE 401 Civil Engineering Seminar

## Failures-Korean Shopping Center

1. Who is the owner of this facility? **Sampoong Group, a Korean developer**
2. Who designed the original 4 story structure? **Don't know because the designer is never identified in the video, or in any of the written accounts of this failure, but it could have been a D-B Contractor, or the owner's in house design professionals**
3. Who was the original builder and what happened to that builder?



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## Failures-Korean Shopping Center

1. **Who is the owner of this facility?** Sampoong Group, a Korean developer
2. **Who designed the original 4 story structure?** Don't know because the designer is never identified in the video, or in any of the written accounts of this failure, but it could have been a D-B Contractor, or the owner's in house design professionals
3. **Who was the original builder and what happened to that builder?**  
**Woosung Construction. Installed the foundations, but when the owner wanted to change to shopping mall and add 5<sup>th</sup> floor, the owner fired Woosung because Woosung refused to build it that way.**
4. **Who was the new builder and who owned the new builder (company)?**



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## Failures-Korean Shopping Center

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4. **Who was the new builder and who owned the new builder (company)?** After firing Woosung Construction, Sampoong Group hired its wholly owned subsidiary construction company to build the facility in accordance with plans revised by Sampoong Group.



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## Failures-Korean Shopping Center

1. **Who is the owner of this facility?** Sampoong Group, a Korean developer
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5. **The Owner may have been the designer and the builder!!!!!!!**



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5. **The Owner may have been the designer and the builder!!!!!!!  
And the briber!!**



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## Failures-Korean Shopping Mall

**HAVE YOU LEARNED ABOUT PROJECT DELIVERY SYSTEMS?**





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## Failures-Korean Shopping Mall

**HAVE YOU LEARNED ABOUT PROJECT DELIVERY SYSTEMS?**  
**Design-Bid-Build (DBB)**



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## Failures-Korean Shopping Mall

### **HAVE YOU LEARNED ABOUT PROJECT DELIVERY SYSTEMS?**

#### **Design-Bid-Build (DBB)**

**Design Phase: Owner Hires Prime Designer**

Preliminary Design

Final Design

Regulatory Approvals

**Construction Bidding: Owner submits Design for Competitive Bidding**

**Construction Phase: Owner hires contractor to build per plans & specs**

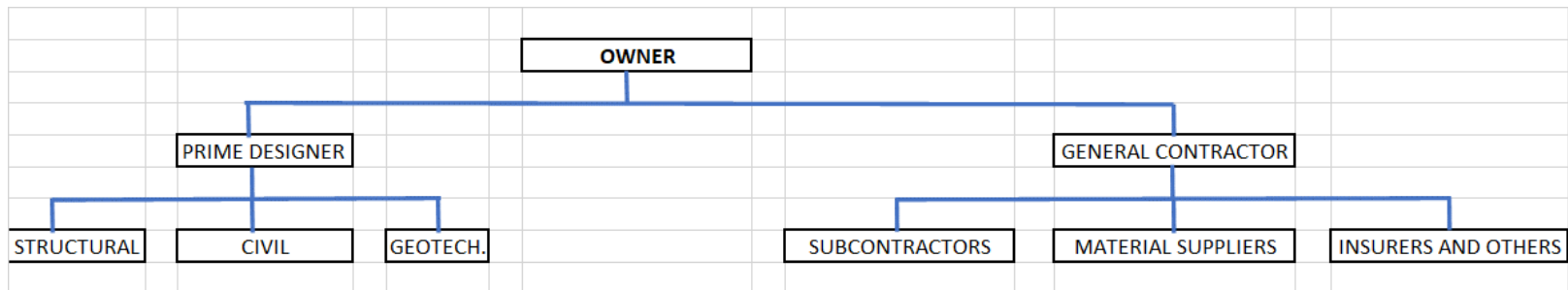


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## Failures-Korean Shopping Center

### 1. The Design-Bid-Build Project Delivery Process.

1. The Owner Hires the Designer/Design Team?
2. The Owner Hires the Constructor/Builder?



**What is the relationship between the Designer and Constructor?**



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## Failures-Korean Shopping Mall

### **HAVE YOU LEARNED ABOUT PROJECT DELIVERY SYSTEMS?**

#### **Design-Bid-Build (DBB)**

**Design Phase: Owner Hires Prime Designer**

Preliminary Design

Final Design

Regulatory Approvals

**Construction Bidding: Owner submits Design for Competitive Bidding**

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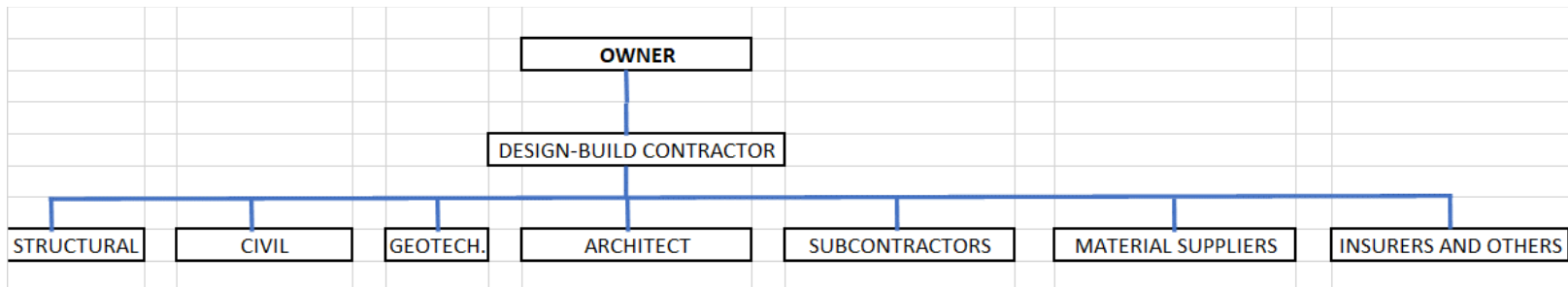
#### **Design-Build (DB)**



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## Failures-Korean Shopping Center

1. The Design/Build Project Delivery Process.
  1. The Owner hires a Design/Build Contractor
  2. The DB Contractor does design work in packages, Foundations, Grading and Drainage, Structural Systems, Mechanical/Electrical Systems, Paving, etc.?
  3. The DB Contractor does the construction work as the various design packages are released.



**As compared to the D-B-B model, what role do design professionals play in the D-B model?**



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## Failures-Korean Shopping Mall

### CONSTRUCTION DELIVERY SYSTEMS

#### PROJECT DELIVERY SYSTEMS

##### Design-Bid-Build (DBB)



Separate Contracts Between Owner and Design Team and Between Owner and Construction Team

##### Design-Build (DB)



Single Contract Between Owner and Design-Build Contractor



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## Failures-Korean Shopping Mall

### **HAVE YOU LEARNED ABOUT PROJECT DELIVERY SYSTEMS?**

#### **Design-Bid-Build (DBB)**

**Design Phase: Owner Hires Prime Designer**

Preliminary Design

Final Design

Regulatory Approvals

**Construction Bidding: Owner submits Design for Competitive Bidding**

**Construction Phase: Owner hires contractor to build per plans & specs**

#### **Design-Build (DB)**

**Owner hires Design/Build Contractor**

**The design/Build contractor**

Does design, Construction estimating, and construction in one singular motion.

Design Activity Performed Concurrently with Construction Process

**Which Delivery System was probably used for Korean project?**

**Which Delivery System was used for the Hyatt project?**

See: <https://www.levelset.com/blog/design-build/>



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## Failures-Korean Shopping Mall

**HAVE YOU LEARNED ABOUT PROJECT DELIVERY  
SYSTEMS?**

Did This owner use

ODB?

**OWNER-DESIGN-BUILD**





# CE 401 Civil Engineering Seminar

## Failures-Korean Shopping Mall

**HAVE YOU LEARNED ABOUT PROJECT DELIVERY  
SYSTEMS?**

Did This owner use

ODB?

**OWNER-DESIGN-BUILD**

**With ODB, how does a professional  
restrain the owner's ambitions?**



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## Failures-Korean Shopping Center

### Discussion Question #1

After watching the video about this failure, and reading the summary of this failure in the text, please respond to the following:

a) Based on your viewing of the video and the reading in Chapter 3 about this failure:

What role did the project owner play in the critical decisions that led to this failure?

What role did the project designer play in the critical decisions that led to this failure?

What role did the project builder play in the critical decisions that led to this failure?

b) Identify three specific decisions to act or refrain from action that you believe contributed most to causing this failure, and for each of your decisions, identify whether the owner, a project design professional, or the project builder is primarily responsible for the decision. For each decision, you must choose only one party, as no fence-straddling is allowed.

c) In your opinion, which project participant (the owner, a project design professional, or the project builder) is most responsible for this failure, and which participant is the least responsible for this failure?

<b>A</b>	<b>Torres</b>
<b>B</b>	<b>Salbego</b>
<b>C</b>	<b>Burke</b>
<b>D</b>	<b>McGinnis</b>
<b>E</b>	<b>Clark</b>
<b>F</b>	<b>Cannon</b>



# CE 401 Civil Engineering Seminar

## Failures-Korean Shopping Center

### Discussion Question #1

**b) Identify three specific decisions to act or refrain from action that you believe contributed most to causing this failure, and for each of your decisions, identify whether the owner, a project design professional, or the project builder is primarily responsible for the decision. For each decision, you must choose only one party, as no fence-straddling is allowed.**

- **Changing from Office to Mall use- 60%**
  - Column size reduction and removal of partition walls
  - Weak slab/column connections
  - Escalators cut into floor slabs
  - Owner ignoring advice
- **Adding lots of weight at top (5th floor, roof equipment, kitchen)- 37%**
  - Adding the 5th Floor with heavy floor and equipment-
  - Adding AC Units to roof-
  - Not redesigning for escalator, and roof and 5th floor heavier loading
- **-Dragging AC units over roof slab when moved- 2%**
- **-Not closing building when distress seen- 1%**
  - Not cause of failure therefore not responsive to the question
  - Clearly, expansion of number of injuries and deaths



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## Failures-Korean Shopping Center

### Discussion Question #1

**When did each of these changes occur, and who decided to make the change?**



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## Failures-Korean Shopping Center

### Discussion Question #1

**When did each of these changes occur, and who decided to make the change?**

- **Changing from office to mall?**



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## Failures-Korean Shopping Center

### Discussion Question #1

**When did each of these changes occur, and who decided to make the change?**

- Changing from office to mall? **Constr. /Owner**
- Adding a 5<sup>th</sup> floor?



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## Failures-Korean Shopping Center

### Discussion Question #1

**When did each of these changes occur, and who decided to make the change?**

- Changing from office to mall? **Constr. /Owner**
- Adding a 5<sup>th</sup> floor? **Constr. /Owner**
- Moving the A/C Units on roof?



# CE 401 Civil Engineering Seminar

## Failures-Korean Shopping Center

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**When did each of these changes occur, and who decided to make the change?**

- Changing from office to mall? **Constr. /Owner**
- Adding a 5<sup>th</sup> floor? **Constr. /Owner**
- Moving the A/C Units on roof? **Post Constr. /Owner**
- Refusing to Evacuate building?





# CE 401 Civil Engineering Seminar

## Failures-Korean Shopping Center

### Discussion Question #1

**When did each of these changes occur, and who decided to make the change?**

- Changing from office to mall? **Constr. /Owner**
- Adding a 5<sup>th</sup> floor? **Constr. /Owner**
- Moving the A/C Units on roof? **Post Constr. /Owner**
- Refusing to Evacuate building? **Post Constr. /Owner**



# CE 401 Civil Engineering Seminar

## Failures-Korean Shopping Center

### Discussion Question #1

**c) In your opinion, which project participant (the owner, a project design professional, or the project builder) is most responsible for this failure, and which participant is the least responsible for this failure?**



# CE 401 Civil Engineering Seminar

## Failures-Korean Shopping Center

### Discussion Question #1

**c) In your opinion, which project participant (the owner, a project design professional, or the project builder) is most responsible for this failure, and which participant is the least responsible for this failure?**

- Who decided to reopen the facility on the day of the collapse after an inspector said to evacuate?**



# CE 401 Civil Engineering Seminar

## Failures-Korean Shopping Center

### Discussion Question #1

**c) In your opinion, which project participant (the owner, a project design professional, or the project builder) is most responsible for this failure, and which participant is the least responsible for this failure?**

- Who decided to reopen the facility on the day of the collapse after an inspector said to evacuate?**
- What happened to the owner and his son after this collapse?**



# CE 401 Civil Engineering Seminar

## Failures-Korean Shopping Center

### Discussion Question #1

**c) In your opinion, which project participant (the owner, a project design professional, or the project builder) is most responsible for this failure, and which participant is the least responsible for this failure?**

- Who decided to reopen the facility on the day of the collapse after an inspector said to evacuate?**
- What happened to the owner and his son after this collapse?**
- Who bribed the 12 building inspection officials?**



# CE 401 Civil Engineering Seminar

## Failures-Korean Shopping Center

### Discussion Question #1

**c) In your opinion, which project participant (the owner, a project design professional, or the project builder) is most responsible for this failure, and which participant is the least responsible for this failure?**

- Who decided to reopen the facility on the day of the collapse after an inspector said to evacuate?**
- What happened to the owner and his son after this collapse?**
- Who bribed the 12 building inspection officials?**
- Why didn't any of the design professionals involved in this project also go to prison?**



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## Failures-Korean Shopping Center

### Discussion Question #1

**Do you know the name/identity of the owner? Yes!**

**Sampoong Group**

**Do you know the name/identity of the original builder? Yes! Woosung Construction**

**Do you know the identity of the second builder? Yes! A wholly owned subsidiary of Sampoong!**

**Do you know the name/identity of the designer?**



# CE 401 Civil Engineering Seminar

## Failures-Korean Shopping Center

### Discussion Question #1

**Do you know the name/identity of the owner? Yes!**

**Sampoong Group**

**Do you know the name/identity of the original builder? Yes! Woosung Construction**

**Do you know the identity of the second builder? Yes! A wholly owned subsidiary of Sampoong!**

**Do you know the name/identity of the designer?**

**No! Why not?**





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## Failures-Hyatt

### Discussion Question #2

The Missouri Court of Appeals affirmed the Board of Registration's finding that Dan Duncan and Jack Gillum were grossly negligent and should each lose their engineering licenses. In affirming the Board's decision, the Court of Appeals said that while customs may shift the practical responsibility for the box beam connection design to the fabricator, customs cannot shift the legal responsibility for that design away from the structural engineer of record. The Court concluded that as a legal matter, the “buck stops” at the structural engineer of record.

**a) In 2 to 3 sentences, explain how you understand the distinction the Court of Appeals made between "practical responsibility" and "legal responsibility" for the design of the box beam connection on the Hyatt project.**

**b) In 2 to 3 sentences, explain whether and why the Board's revocation of Mr. Gillum's and Mr. Duncan's licenses to practice engineering speaks more to duties an engineer owes its client or duties an engineer owes the public.**

<b>A</b>	<b>Knerr</b>
<b>C</b>	<b>Temple</b>
<b>E</b>	<b>Eilers V</b>



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## Failures-Hyatt

### Discussion Question #2

**Professional Engineers have duties to protect their clients' interests as well as the public health, safety, and welfare.**

- 1. If a professional engineer violates a duty that harms 3<sup>rd</sup> parties, how do the 3<sup>rd</sup> parties get compensation for damages the engineer caused? **CIVIL LITIGATION/ARBITRATION****
- 2. If a professional engineer violates the duty to protect the public health, safety, and welfare, who brings that engineer to account?**
  - Isn't that why the Board of Registration exists?**



# CE 401 Civil Engineering Seminar

## Failures-Hyatt

### Discussion Question #2

- 1. Is the “punishment” imposed by the Profession against engineers like Mr. Gillum and Mr. Duncan the full punishment they receive for their GROSS NEGLIGENCE?**



# CE 401 Civil Engineering Seminar

## Failures-Hyatt

### Discussion Question #2

1. Is the “punishment” imposed by the Profession against engineers like Mr. Gillum and Mr. Duncan the full punishment they receive for their GROSS NEGLIGENCE? **No**
2. How do victims gain compensation for their losses?



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## Failures-Hyatt

### Discussion Question #2

1. Is the “punishment” imposed by the Profession against engineers like Mr. Gillum and Mr. Duncan the full punishment they receive for their GROSS NEGLIGENCE? **No**
2. How do victims gain compensation for their losses? **Civil Litigation**
3. Can engineers like Mr. Duncan and Mr. Gillum ever be subject to criminal enforcement and prison for their misconduct?



# CE 401 Civil Engineering Seminar

## Failures-Hyatt

### Discussion Question #2

1. Is the “punishment” imposed by the Profession against engineers like Mr. Gillum and Mr. Duncan the full punishment they receive for their GROSS NEGLIGENCE? **No**
2. How do victims gain compensation for their losses? **Civil Litigation**
3. Can engineers like Mr. Duncan and Mr. Gillum ever be subject to criminal enforcement and prison for their misconduct? **Yes**



# CE 401 Civil Engineering Seminar

## Failures-Hyatt

### Discussion Question #3

The technical explanation for the Hyatt collapse has been widely published, e.g., “Critical Design Change Responsible for Collapse at Hyatt.” The Missouri Court of Appeals affirmed the Board of Registration's finding that Dan Duncan and Jack Gillum were grossly negligent.

**1.Explain why the structural engineers of record did not recognize the inadequacy of the double-rod connection thereby allowing the use of the double-rod connection. In your answer, please address the following questions at a minimum:**

- Was the analysis of the double-rod connection so complex that the engineers made an error while analyzing it?
- Did the engineers fail to analyze the double-rod connection?
- Are there other plausible explanations for the engineers’ failure to recognize the inadequacy of the double-rod connection and prevent its use?

**2.Define “Gross Negligence” and “Negligence?”**

**3.Was the Board of Registration's finding of Gross Negligence rather than Negligence or No Negligence with respect to the structural engineers of record appropriate? How did the Board's finding of Gross Negligence affect the sanctions (loss of licenses) imposed by the Board in this case?**

<b>B</b>	<b>Jordan</b>
<b>D</b>	<b>Davis</b>
<b>F</b>	<b>Dunn</b>



# CE 401 Civil Engineering Seminar

## Failures-Hyatt

### Discussion Question #3

1. Did the engineers, Gillum and Duncan, lose their engineering licenses as punishment for a finding of legal liability or ethical violations?





# CE 401 Civil Engineering Seminar

## Failures-Hyatt

### Discussion Question #3

1. Did the engineers, Gillum and Duncan, lose their engineering licenses as punishment for a finding of legal liability or ethical violations? **Ethical Liability-Not doing what they SHOULD have done per Ethical Standards for the Profession BASED ON GROSS NEGLIGENCE.**
2. How were they held accountable for their legal civil liability, if at all?



# CE 401 Civil Engineering Seminar

## Failures-Hyatt

### Discussion Question #3

1. Did the engineers, Gillum and Duncan, lose their engineering licenses as punishment for a finding of legal liability or ethical violations? Ethical **Liability-Not doing what they SHOULD have done per Ethical Standards for the Profession BASED ON GROSS NEGLIGENCE.**
2. How were they held accountable for their legal civil liability, if at all? **Civil Lawsuits Settled out of court using a pool of insurance money after the Board's finding of GROSS NEGLIGENCE.**
3. How were they held accountable for their legal criminal liability, if at all?



# CE 401 Civil Engineering Seminar

## Failures-Hyatt

### Discussion Question #3

1. Did the engineers, Gillum and Duncan, lose their engineering licenses as punishment for a finding of legal liability or ethical violations? Ethical **Liability-Not doing what they SHOULD have done per Ethical Standards for the Profession BASED ON GROSS NEGLIGENCE.**
2. How were they held accountable for their legal civil liability, if at all? **Civil Lawsuits Settled out of court using a pool of insurance money after the Board's finding of GROSS NEGLIGENCE.**
3. How were they held accountable for their legal criminal liability, if at all? **There was no criminal prosecution for wrongful death, but there could have been.**



# CE 401 Civil Engineering Seminar

## Hyatt Regency, Kansas City

- **Negligence Law Overview**
- **Four Elements, all must be proven for negligence**
  - **Duty Owed (By Defendant to Plaintiff)**
  - **Duty Breached (By the Defendant)**
  - **Real Damages (Incurred by Plaintiff)**
  - **Causal Link Between Defendant's Breach and Plaintiff's Damages**
- **Breach requires the jury to find an "Absence of Reasonable Care"**
  - **What would a reasonably prudent person have done?**
  - **Is a Reasonable Person Standard for conduct**



# CE 401 Civil Engineering Seminar

## Hyatt Regency, Kansas City

### •Gross Negligence Law Overview:

- All Elements of Negligence plus conduct so egregious that a Jury finds the defendant's conduct is:
  - Reckless disregard for the well being of others, or
  - Extreme Carelessness, or
  - A Failure To Use Even Slight Care
- Gross negligence is not differentiated from the negligence by the severity of damages, but when a jury says a breach disregards the well being of others.
- Engineers in Hyatt Case Lost License based on findings of Gross Negligence
- Professionals seldom lose licenses due to negligence



# CE 401 Civil Engineering Seminar

## Hyatt Regency, Kansas City

- **Slides provided by the Kansas City Star**
- **An informant appeared to a KC Star reporter at the scene on the night of the collapse with information about the cause of the collapse**
- **This informant told the reporter that an approved shop drawing would explain the cause of the collapse**



# CE 401 Civil Engineering Seminar

## Hyatt Regency, Kansas City

- **Slide Presentation:**

- **Kansas City Star who won a Pulitzer prize for their coverage of this failure.**
- **One reason they won the Pulitzer Prize is information the paper received from the informant the night of the failure.**



# CE 401 Civil Engineering Seminar

## Hyatt Regency, Kansas City

**As you watch the slides, think about this informant:**

- What did this person know?
- When did this person first know this?
- How would anyone acquire this knowledge?
- Who would be in position to acquire this knowledge?
- What training/expertise is necessary to understand the significance of the shop drawing?
- What level of moral obligation to blow the whistle before the failure would De George assign to this person?
- Is this informant a hero or a villain?
- Why does this person still remain anonymous?

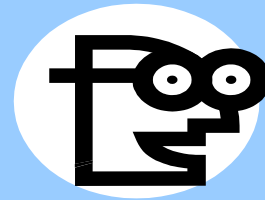
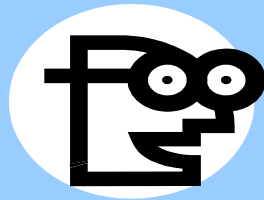
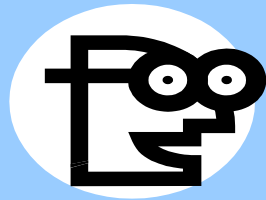
**Is this informant a whistle blower?**





# E 401 Civil Engineering Seminar

## Hyatt Regency Questions:



**It's QUESTION TIME !!**