

OPEN MINUTES
Professional Engineering Division of the
Missouri Board for Architects, Professional Engineers
Professional Land Surveyors and Landscape Architects

Conference Room D
Doubletree Hotel & Conference Center St. Louis
16625 Swingley Ridge Road
Chesterfield, Missouri
May 4, 2009

The Professional Engineering Division of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects was called to order by Mr. Fugate at 8:00 a.m. on Monday, May 4, 2009. A quorum being present, Mr. Fugate declared the meeting open for business.

Members Present

Royce Fugate, Chair of the Division
Promod Kumar, Member of the Division
Kevin Skibiski, Member of the Division

Others Present

Sandra Robinson, Executive Assistant
Curt Thompson, General Counsel

To better track the order in which items were taken up on the agenda, each item in the minutes will be listed in the order it was discussed in the meeting.

Please note that Ms. Judy Kempker joined the meeting at approximately 8:10 a.m.

Approval of Minutes

On motion of Mr. Kumar, seconded by Mr. Skibiski and unanimously carried, the minutes for the January 26, 2009 Professional Engineering Division Open Meeting were approved as submitted.

Discuss the Texas Subcommittee on Regulation of Software Engineering (There are no Missouri universities that offer ABET accredited degrees in Computer Software Engineering. The University of Missouri – Columbia, the Missouri University of Science and Technology and Washington University offers BS degrees in Computer Engineering but not Computer Software Engineering. The University of Missouri – Kansas City offers BS degrees in Electrical and Computer Engineering but not Computer Software Engineering.)

Mr. Kumar discussed the Texas Subcommittee on Regulation of Software Engineering with the Members of the Professional Engineering Division. Messrs. Kumar and Mr. Skibiski drafted a letter of response similar to the letters of response from the states of New York and Delaware. Upon discussion, Mr. Skibiski made a motion directing Ms. Kempker to send the following letter of response to NCEES: “The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects expresses its support for the development of an exam in software engineering for the Principles and Practice of Engineering exam. Our research anticipates approximately 15-25 examinees per year.” The motion was seconded by Mr. Kumar and unanimously carried.

Please note that Mr. Thompson departed at approximately 8:30 a.m.

Report on the April 2009 NCEES Central Zone Meeting in Des Moines, Iowa

Mr. Skibiski gave a report to the Members of the Professional Engineering Division regarding the April 2009 NCEES Central Zone Meeting which was held in Des Moines, Iowa. Mr. Skibiski advised the Members that the Distinguished Service award was presented to Ms. Cheri Leigh. Mr. Skibiski reported that topics of discussion at the meeting were: Engineering Education Task Force (formerly B plus 30); changes to the Structural Engineering Exam; and computer based testing and design build.

Discuss emails from Mike Kirn and David Burkhart regarding Senate Bill 506 and House Bill 447 and their effect on Board Rule 20 CSR 2030-21.010 Design of Fire Suppression Systems

The Professional Engineering Division Members discussed the emails from Mr. Mike Kirn and Mr. David Burkhart regarding Senate Bill 506 and House Bill 447 and their effect on Board Rule 20 CSR 2030-21.010 Design of Fire suppression systems. Upon discussion, Mr. Skibiski made a motion directing Ms. Kempker to send email responses to Messrs. Kirn & Burkhart by stating that the Board agrees with them and shares their concern of SB 506 and HB 447. However, it appears

that neither of the bills is moving and will most likely not be passed this legislative session. However, if either of the bills would start to move or be reintroduced next session the Board will solicit the assistance of the Missouri Society of Professional Engineers (MSPE) in opposing the bills. The motion was seconded by Mr. Kumar and unanimously carried.

Discuss the Proposed Amendment to Board Rule 20 CSR 2030-21.010 Design of Fire Suppression Systems and the effect Senate Bill 506 and House Bill 447 might have on the Board Rule

The Members of the Professional Engineering Division discussed the Proposed Amendment to Board Rule 20 CSR 2030-21.010 Design of Fire Suppression Systems and the effect Senate Bill 506 and House Bill 447 might have on the Board Rule. Mr. Skibiski made a motion to recommend to the full Board on Tuesday, May 5, 2009, that they move forward with the proposed amendment for Board Rule 20 CSR 2030-21.010 as previously approved at the January 2009 meeting, which is as follows:

- (3) The design of fire suppression systems for dwelling units as defined in NFPA 13D is exempt and is not required to be designed by a professional engineer so long as the layout and sizing of these systems are done by a Level III Technician certified in the Fire Suppression System Layout by the National Institute for Certification of Engineering Technologies (NICET). Engineer decisions needed when the scope of the project is not clearly addressed in NFPA 13D shall be done by a qualified professional engineer.

The motion was seconded by Mr. Kumar and unanimously carried.

Report on status of MOU between the Geology Board and the APELSLA Board and the email from the Washington State Board for Geology

Next, the Members of Professional Engineering Division held a discussion regarding the status of the Memorandum of Understand (MOU) between the Geology Board and the APELSLA Board. The Division Members discussed a document prepared by the JTFAP regarding "Engineering and Geology Practice Guidelines" as well as the email from the Washington State Board for Geology. The Washington Board thought that the document prepared by JTFAP is not ready for specific comment. They even questioned whether there is a need for such a document and found nothing in the JTFAP treatise content to be a convincing argument for its development. To their knowledge, none of the states requested this "clarification" and plainly said, "there is no value added to the professions with this document." The Washington Board also suggested that the document be retracted. They felt its purpose

should be revisited and justified to all of the professions involved. If sufficient evidence is accepted by each of the professional organizations and state boards, then a new version of the document should be drafted, this time taking into account state laws and eliminating the Bodies of Knowledge matrix. After much discussion, Mr. Kumar made a motion to recommend to the full Board that Ms. Kempker be directed to send a response to the Missouri Geology Board advising that the Missouri APELSLA Board concurs with the Washington State Geologist Licensing Board's analysis and agrees that there is no need for such a document. Therefore, the APELSLA Board encourages the Missouri State Geologist Licensing Board to take the same position. The motion was seconded by Mr. Skibiski and unanimously carried.

Discuss the 2009 NCEES Annual Meeting scheduled for August 12-15, 2009 in Louisville, Kentucky and who all will be attending and who will be the funded delegate.

The Professional Engineering Division Members discussed the 2009 NCEES Annual Meeting which is scheduled for August 12, 13, 14 and 15, 2009 in Louisville, Kentucky. Messrs. Skibiski and Kumar would both like to attend the annual meeting. The Division Members decided that Mr. Skibiski will most likely go as the "funded" delegate since Mr. Kumar already has a credit, the Division will discuss this matter further with the full Board when it meets on Tuesday, May 5, 2009.

Review and discuss questions regarding immediate personal supervision emailed to the Board from James Jordan, PE-2003011895

The Professional Engineering Division Members discussed an email from Mr. James Jordan, PE-2003011895 which contained questions regarding immediate personal supervision. Upon discussion, Mr. Skibiski made a motion to recommend to the full Board, that Ms. Kempker be directed to send an email response to Mr. Jordan advising the following answers to his questions:

Question 1 – Mr. Jordan asked: “Is it acceptable for a licensed out-of-state Missouri professional engineer to seal engineering documents that were partially developed by an in-state Missouri professional engineer of the same company, provided that the out-of-state engineer complies with all of the requirements of 20 CSR 2030-13.010 Immediate Personal Supervision – despite that both Missouri professional engineers work in separate offices for the same company?” Board’s **Response:** Yes, but please be reminded that all final plans are to be signed and sealed. A partially developed plan should contain the statement, "Preliminary, not for construction, recording purposes or implementation" or similar phrase.

Question 2 – Mr. Jordan asked: “Similarly, is it acceptable for an in-state Missouri Professional Engineer to seal documents partially developed by an out-of-state Missouri Professional Engineer of the same company, provided that the in-state engineer complies with all of the same requirements listed above, despite that both Missouri Professional Engineers work in separate offices for the same company? **Response:** “Yes, but again, please be reminded that all final plans are to be signed and sealed. A partially developed plan should contain the statement, "Preliminary, not for construction, recording purposes or implementation" or similar phrase.”

Question 3 – Mr. Jordan asked: “Is the issue concerning separate office locations only with regard to client communication?” **Response:** “Yes.”

Question 3 continued: “Is it okay to have supervision of the actual engineering work from remote office locations?” **Response:** “Yes, the Board recognizes that due to modern technology, direct supervision can be provided from remote office locations. However, the Professional Engineer signing and sealing the documents shall have involvement throughout the project and final approval. In the case of multiple offices, it is 'The managing agent's responsibility to assure that the requirements for immediate personal supervision are being met.' To see the additional duties of the Managing Agent, please see Board Rule 20 CSR 2030-10.010, which can be viewed by clicking on the following link: <http://www.sos.mo.gov/adrules/csr/current/20csr/20c2030-10.pdf>”

The motion was seconded by Mr. Kumar and unanimously carried.

Please note that Ms. Kempker departed the meeting at approximately 8:55 a.m.

Motion to Close

At approximately 9:00 a.m., Mr. Fugate called for a motion to close the meeting to the general public for the purpose of discussing confidential or privileged communications between this agency and its attorney as well as to discuss pending litigation and complaint matters. Mr. Skibiski made a motion that the meeting be closed to the general public pursuant to Chapter 610.021 subsection (14) and 324.001.8 and 324.001.9, RSMo for the purpose of discussing investigative reports, complaints, audits and/or other information pertaining to licensees or applicants; Chapter 610.021 subsection (1) RSMo for the purpose of discussing general legal action, causes of action or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under Chapter 610.021 RSMo which authorizes this agency to go into closed session during those meetings. The motion was seconded by Mr. Kumar. A roll call vote was taken and unanimously carried. Mr. Fugate asked that

all visitors leave the room. There being none, Mr. Fugate declared the meeting closed to the general public.

Reconvene in Open Session

At 4:16 p.m., the Professional Engineering Division Members reconvened in Open Session for the purpose of adjourning.

Adjournment

There being no further business, on motion of Mr. Skibiski seconded by Mr. Fugate and unanimously carried, the meeting adjourned at 4:16 p.m.

ATTEST:

Executive Director

Date Approved:_____