

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

Monday, January 25, 2010, 8:00 A.M.  
Lincoln Room  
Capitol Plaza Hotel and Convention Center  
415 West McCarty  
Jefferson City, Missouri

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, January 25, 2010. A quorum being present, Mr. Fugate declared the meeting open for business.

**Members Present**

Royce Fugate, Chair of the Division  
Kevin Skibiski, Member of the Division  
Abiodun "Abe" Adewale, Member of the Division

**Others Present**

Sandra Robinson, Executive Assistant  
Shawn Hagerty, Board Investigator  
Bruce Wylie, Executive Director for MSPE  
Britt E. Smith, P.E., Vice President of MSPE

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.

**Approval of Minutes**

On motion of Mr. Skibiski and seconded by Mr. Adewale, the minutes for the November 2, 2009 Professional Engineering Division Open Meeting were approved as submitted.

### **Election of Division Chair, Exam Chair and PDH Audit Chair**

Mr. Skibiski nominated Mr. Fugate for Professional Engineering Division Chair. Mr. Adewale seconded the nomination and it unanimously carried. Since Mr. Fugate is serving on an expired term, it was decided to elect a Vice Chair of the Division. Therefore, Mr. Fugate nominated Mr. Skibiski for Vice Chair of the Professional Engineering Division. Mr. Adewale seconded the nomination and it unanimously carried. Mr. Skibiski nominated Mr. Adewale as Exam Chair for the Professional Engineering Division. Mr. Fugate seconded the nomination and it unanimously carried. Mr. Adewale nominated Mr. Skibiski as PDH Audit Chair for the Professional Engineering Division. Mr. Fugate seconded the nomination and it unanimously carried.

### **Discuss response to the Board from Richard C. Purcell, E-24726, regarding the function of the Natural Resources Conservation Service (NRCS) and if its procedures are in compliance with Missouri's statutes and rules related to engineering**

The Members of the Professional Engineering Division discussed the response to the Board from Richard C. Purcell, E-24726, regarding the function of the Natural Resources Conservation Service (NRCS) and if its procedures are in compliance with Missouri's statutes and rules related to engineering. Also, the Division Members reviewed and discussed the letter of response sent to Mr. Purcell from the Board's General Counsel, Curt Thompson. Upon discussing the information presented, the Division Members decided no further response was necessary at this time as well as it was noted that Mr. Thompson will be speaking to NRCS at their meeting in March 2010; therefore, no further action was taken.

### **Discuss question from Mr. Richard Kutta, E-16095 wherein he asks if the Board has a position on a Professional Engineer sealing as-built drawings or the proposed ordinance being drafted by the St. Louis-St. Louis County Metropolitan Sewer District?**

The Members of the Division held a discussion regarding the question from Mr. Richard Kutta, E-16095 wherein he asks if the Board has a position on a Professional Engineer sealing as-built drawings or the proposed ordinance being drafted by the St. Louis-St. Louis County Metropolitan Sewer District. Upon discussion, Mr. Skibiski made a motion to recommend to the full Board, that Ms. Kempker be directed to send a letter to Mr. Kutta advising that the Board agrees with him in that the proposed ordinance would put an unacceptable burden of responsibility on the professional engineer, unless: 1) The PE who seals and signs the "As-Built Plans" was the original engineer of record who prepared the plans and had project responsibility during construction of the facilities; or, 2) Was the successor PE who, because the licensee in responsible charge is unavailable to complete the work, took over the project. The Board recommends that a

disclaimer paragraph be placed on the "As-Built Plans" which clearly and accurately identifies how and from whom the "As-Built" information was obtained, either by the PE personally, under his/her direct supervision, or furnished by others; and, that to the best of his/her knowledge, the information shown is accurate and correct. The motion was seconded by Mr. Adewale and it unanimously carried. Mr. Skibiski stated that he would assist Ms. Kempker with the drafting of the letter to Mr. Kutta.

Please note that at approximately 8:15 a.m., Ms. Nancy Plaster joined the meeting.

**Discuss whether the Missouri Board will accept a graduate degree if the undergraduate degree is from an ABET accredited university**

The Members of the Professional Engineering Division discussed whether the Missouri Board would accept a graduate degree if the undergraduate degree is from an ABET accredited university. Upon discussion, it was decided that the point is moot since the individual is presently a licensed Missouri P.E., therefore, no response is necessary.

Please note that Mr. Hagerty departed the meeting at approximately 8:20 a.m.

**Motion to Close**

At approximately 8:25 a.m., Mr. Fugate then 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. Adewale. A roll call vote was taken and the motion unanimously carried. Mr. Fugate asked that all visitors leave the room. Messrs. Wylie and Smith departed the meeting. Mr. Fugate then declared the meeting closed to the general public.

**Reconvene in Open Session**

At 4:37 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. Adewale and unanimously carried, the meeting adjourned at 4:37 p.m.

ATTEST:

\_\_\_\_\_  
Executive Director

Date Approved:\_\_\_\_\_