

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

Monday, August 9, 2010
Oregon Room
Hilton Garden Inn
19677 East Jackson Drive
Independence, 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. Royce Fugate at 8:00 a.m. on Monday, August 9, 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
Curtis Thompson, General Counsel
Shawn Hagerty, Board Investigator

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 May 3, 2010 Professional Engineering Division Open Meeting, the June 18, 2010 Open Professional Engineering Division Telephone Conference Call, and the July 7, 2010 Professional Engineering Division Open Meeting were approved as submitted.

Report from Kevin Skibiski's Ad Hoc Committee regarding discipline specific licensing and whether Missouri should offer the new 16 hour NCEES structural exam even though it does not currently license by discipline

Mr. Skibiski provided a report to the Professional Engineering Division Members regarding the Ad Hoc Committee concerning discipline specific licensing and whether Missouri should offer the new 16 hour NCEES structural exam even though it does not currently license by discipline. Mr. Skibiski and various licensed Professional Engineers from across the State of Missouri have discussed this issue. The first question addressed by the group was: Should Missouri consider offering the two day Structural Engineering exam even though Missouri does not license Structural Engineers as a separate discipline? The committee stated that, "Yes, they thought Missouri should offer the exam if it is feasible and if NCEES would agree to proctor it for the other states." The second question asked of the group was: Should Missouri study further the issue of licensing Structural Engineers by discipline? The committee was split on their response to this question so it was decided to table any further action until more study and research can be done. Therefore, the Division Members decided to recommend to the full Board that Ms. Kempker advise Mr. Jerry Carter at NCEES, that the Missouri Board is still studying this issue and are trying to determine if offering the exam would be cost effective.

Discuss "Who Can Write Easements/Legal Descriptions"

At approximately 8:10 a.m., Professional Land Surveying Division Members Mike Freeman, Dan Govero, and Mike Flowers, along with the Board's Executive Director, Judy Kempker, the Board's Investigator, Shawn Hagerty, and Ms. Laurie Koelling, Board Staff, joined the meeting. Also, please note that Former Board Chair, James S. Anderson, P.L.S., joined the meeting. The Members of the Professional Land Surveying Division discussed "Who can write easements/legal descriptions" with the Members of the Professional Engineering Division. Mr. Freeman stated that the professional societies are currently working on a proposed change to the statute. Therefore, until the statute gets changed, it was decided to recommend to the full Board that it continue to address this matter on a case by case basis.

At 8:25 a.m., the members of the Land Surveying Division, Ms. Kempker, Ms. Koelling, Mr. Hagerty, and Mr. Anderson departed the meeting.

Discuss an email from Bruce Wylie, MSPE Executive Director, asking if the Board would support eliminating the industrial exemption

The Members of the Professional Engineering Division discussed the email from Mr. Wylie asking if the Board would support eliminating the industrial exemption from Chapter 327, RSMo. The Division Members think this would require a lot of time and

effort on the part of MSPE in order to get the industrial exemption eliminated; however, if this is something the society decides it wants to pursue; the Division Members will recommend that the Board support them. The Division Members then directed Ms. Kempker to contact the Member Board Executives of NCEES asking if other states have or have contemplated eliminating the industrial exemption. Ms. Kempker is to let Mr. Wylie know that the Board is contacting the other state licensing boards for more information and will get back to MSPE when there is additional information to report.

Discuss result of the subcommittee on Consistency of Discipline and review the forms the subcommittee drafted

Mr. Fugate gave a report to the Professional Engineering Division Members regarding the results of the subcommittee on consistency of discipline. Mr. Fugate advised the Division Members that the committee had met twice since the Board last met and that Ms. Kempker came up with a sheet to be utilized when cases are referred to the Attorney General's Office which should result in faster and more efficient ways of getting cases filed with the Administrative Hearing Commission or the court system. A copy of the referral was distributed to each member for review and to be utilized during this meeting when a case is referred to the Attorney General's Office.

Discuss the NCEES Annual Meeting scheduled for August 18-21, 2010 in Denver, Colorado

Mr. Skibiski advised the Division Members that he will be attending the NCEES Annual Meeting scheduled for August 18-21, 2010 in Denver, Colorado as the funded delegate and after much uncertainty, Mr. Mike Freeman, P.L.S, was finally approved to also go. Mr. Skibiski then stressed how important he thought it was to have two members from the Professional Engineering Division and Professional Land Surveying Division each to attend this and future meetings and that politics should not be involved with travel of Board business. It was suggested that Mr. Skibiski and Mr. Freeman bring this matter up to NCEES at the annual meeting and ask that NCEES give the option of each State Board paying more in their annual dues to cover at least one member from each of the two divisions (Professional Engineering and Professional Land Surveying) so that at least two members from each State Board could attend the annual meetings. Ideally, it would be nice to have two members from each of the Professional Engineering and Professional Land Surveying Divisions to cover each of the concurrent sessions.

Review email from NCEES Associate Executive Director Davy McDowell, P.E. in which he asks if a Member of the Board could speak to ASHREA St. Louis Chapter regarding B + 30

The Members of the Professional Engineering Division reviewed the email from NCEES Associate Executive Director Davy McDowell, P.E. in which he asks if a Member of the

Board could speak to ASHREA St. Louis Chapter regarding B + 30. Upon discussion, the Division Members directed Ms. Kempker to notify Mr. McDowell advising that either Mr. Skibiski or Mr. Adewale will speak to the ASHREA St. Louis Chapter, depending on their work schedules.

Review Dr. Ralph Quatrano's response letter to the Professional Engineering Division meeting with him at Washington University regarding his role as Dean and the future of the School of Engineering & Applied Science at Washington University

The Members of the Professional Engineering Division reviewed the response from Dr. Ralph Quatrano regarding the meeting the Professional Engineering Division held with him at Washington University on July 7th regarding his role as Dean and the future of the School of Engineering and Applied Science at Washington University. Mr. Skibiski commented that the meeting was productive and beneficial. It was determined that Washington University's professors who are in a position to make decisions are licensed, such as professors who teach upper level engineering courses. Both Messrs. Skibiski and Adewale did not think that Dr. Quatrano needed to be licensed and that Washington University was making steps to comply with Chapter 327, RSMo. Therefore, the Division Members directed Ms. Kempker to notify MSPE that the Professional Engineering Division Members met with Dr. Quatrano and left with the understanding that the individuals at the University who are in a position to make decisions regarding engineering matters are licensed, specifically, the professors who are teaching the upper level engineering courses. The Members of Professional Engineering Division are now satisfied that Dr. Quatrano will ensure that the University operates in compliance with Chapter 327, RSMo.

Motion to Close

At 9:40 a.m., Mr. Fugate called for a motion to close the meeting to the general public for the purpose of discussing disciplinary and complaint matters. Mr. Skibiski made a motion that the meeting be closed to the general public pursuant to the provisions of Sections 610.021(1) and (14), and 620.010.14(7), RSMo, for the purpose of discussing complaint matters. The motion was seconded by Mr. Adewale. A roll call vote was taken and unanimously carried. Mr. Fugate asked that all visitors leave the room. There being none, the meeting was declared closed to the general public.

Reconvene in Open Session

At approximately 11:55 a.m., the Professional Engineering Division Members reconvened back into Open Session for the purpose of meeting with area licensees to discuss matters of mutual interest.

Open House Public Forum

At approximately 12:00 Noon approximately 31 Kansas City area licensees met with the Members of the Professional Engineering Division of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, to discuss items of common interest relative to licensure, enforcement, and regulation of engineering in the State of Missouri as set forth in Chapter 327, RSMo at the Board's "Open House Forum."

Please note that Ms. Kempker departed the meeting at approximately 12:15 p.m.

Go Back into Closed Session

At 1:05 p.m., Mr. Fugate called for a motion to go back into closed session 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. Adewale made a motion that the Professional Engineering Division go back into closed session, closing the meeting to the general public pursuant to Chapters 610.021 subsection (14), 610.021 subsection (1) and 324.001.8 and 324.001.9, RSMo. Mr. Skibiski seconded the motion. 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 approximately 3:00 p.m., the Professional Engineering Division Members reconvened in Open Session for the purpose of meeting with the Members of the Architectural Division to discuss the comments received in response to Mr. Skibiski's newsletter article entitled "Incidental Practice." Members present: Randy Miltenberger, Chair of the Architectural Division; Kathy Achelpohl, Member of the Architectural Division; Kenneth Frashier, Member of the Architectural Division, Royce Fugate, Chair of the Professional Engineering Division; Kevin Skibiski, Member of the Professional Engineering Division; and Abiodun "Abe" Adewale Member of the Professional Engineering Division. Also present: Judy Kempker, Executive Director, Curtis Thompson, General Counsel, Shawn Hagerty, Board Investigator, Sandra Robinson, Executive Assistant, and Jane Coffman, Board Staff.

The Architectural and Professional Engineering Divisions discussed the comments received in response to Mr. Skibiski's newsletter article entitled "Incidental Practice"

The Architectural Division met with the Professional Engineering Division in the Oregon Meeting Room to discuss the comments received in response to Mr. Skibiski's newsletter article entitled "Incidental Practice." Ms. Kempker announced that she had only received two comments in response to Mr. Skibiski's article and they were both in favor of making no change. After a short discussion, it was unanimously decided that the Architectural and Professional Engineering Divisions will continue to address each complaint on a case by case basis, therefore no change was necessary.

Go Back into Closed Session

At 3:15 p.m., Mr. Fugate called for a motion to go back into closed session 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 Professional Engineering Division go back into closed session, closing the meeting to the general public pursuant to Chapters 610.021 subsection (14), 610.021 subsection (1) and 324.001.8 and 324.001.9, RSMo. Mr. Adewale seconded the motion. 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 4:15 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 4:15 p.m.

ATTEST:

Executive Director

Date Approved:_____