

OPEN MINUTES
Telephone Conference Call of the
Missouri Board for Architects, Professional Engineers,
Professional Land Surveyors and Landscape Architects

February 25, 2009

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects met via telephone conference call and was called to order by Ms. Judy Kempker, Executive Director, at 2:00 p.m. on Wednesday, February 25, 2009. A quorum being present, the meeting was declared open for business.

Members Present

Randy Miltenberger, Chair of the Architectural Division
Kathy Warman, Member of the Architectural Division
Royce Fugate, Chair of the Professional Engineering Division
Kevin Skibiski, Member of the Professional Engineering Division
Mike Gray, Chair of the Land Surveying Division
John Teale, Member of the Professional Land Surveying Division
Mike Freeman, Member of the Professional Land Surveying Division
Bob Hartnett, Chair of the Landscape Architectural Division
Jerany Jackson, Member of the Landscape Architectural Division

Members Not Present

Promod Kumar, Member of the Professional Engineering Division
Munnie Pacino, Public Member

Others Present

Judy Kempker, Executive Director
Sandra Robinson, Executive Assistant
Shawn Hagerty, Board Investigator
Curtis Thompson, Assistant Attorney General

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.

Selection of Individual to Conduct Meeting

Since the reappointment of Jim Anderson was recently withdrawn by Governor Nixon, the board currently does not have a Board Chair. Therefore in the absence of a Board Chair, Ms. Kempker called the meeting to order and asked for nominations of an individual to conduct the remainder of the meeting. The Members of the Board discussed the selection of an individual to conduct the meeting. Upon discussion, Mr. Hartnett nominated Mr. Mike Gray to conduct the remaining business of the Board Conference Call. Ms. Warman seconded the nomination and it unanimously carried. Ms. Kempker then turned the meeting over to Mr. Gray

Who is available to meet with the Geology Board on April 7, 2009 to discuss the MOU?

The Board Members discussed who would be available to meet with the Geology Board on April 7, 2009 to discuss the Memorandum of Understanding. Ms. Kempker announced that Mr. Promod Kumar has stated that he will be attending and that also she and Mr. Thompson will be attending the meeting. In addition, Mr. Jim Anderson, P.L.S. and former Chair of the Board, will be attending the meeting as a member of the public since he is the one who initially signed the MOU between the two Boards.

Discuss comments received regarding Proposed Amendment to Board Rule 20 CSR 2030-5.030 Standards for Admission to Examination – Architects (regarding use of the term Architectural Intern)

The Board discussed the comments received regarding the Proposed Amendment to Board Rule 20 CSR 2030-5.030 Standards for Admission to Examination – Architects (regarding use of the term “Architectural Intern”). The Board received four (4) letters of comment from the following individuals: Kurt Thompson, AIA; Mark Tinsley, Associate Architect; Brad Feeler; and, Bruce Lindsey, Dean UMSL College of Architecture. Upon discussion, Mr. Miltenberger made a motion directing Ms. Kempker to address the comments as follows:

COMMENT: A comment was received, via email, from Bruce Lindsey, Dean & E. Desmond Lee Professor of Community Collaboration, College of Architecture & Graduate School of Architecture & Urban Design, One Brookings Dr. Campus Box 1079, Washington University at St. Louis. Mr. Lindsey strongly supports the amendment to change the designation of architecture graduates to Architectural Intern.

RESPONSE: The Board reviewed this comment and appreciated Mr. Lindsey' support. Since Mr. Lindsey merely stated that he was in support of the Proposed Amendment, no changes were made as a result of this comment.

COMMENT: An email was received from Mr. Brad Feeler (bfeeler@gmail.com) advising that as the law is currently written, and as he understands it, use of the word "architect" in any way (e.g., architectural) or in combination with any other words (e.g., architectural designer, architectural technician, staff architect) is forbidden if you are not a licensed architect. Mr. Feeler questions if this is too strict of an approach for one who is unlicensed in applying a title to themselves, or for companies granting titles for unlicensed architects that they employ. Mr. Feeler commented that as long as he's been practicing architecture, Architectural Intern has always been an acceptable term in the industry and is clearly known as an unlicensed professional (and likely one that is seeking licensure). Mr. Feeler believes that the state of Missouri is safeguarding the use of the title or term Architect for those only with licenses, and he can understand and appreciate this. However, he does not see anything wrong with using titles such as Architectural Designer, Architectural Technician, or any other such titles that imply duties they perform, without using the term "Architect" in the title.

RESPONSE: The Board reviewed this comment and appreciated Mr. Feeler's support of the use of the term "Architectural Intern;" therefore, no changes were made as a result of this comment.

COMMENT: An inquiry was received from Mr. Kurt Thompson, AIA, via email, asking if the title "Architectural Intern" has an 'expiration date' or sunset period for those who have been out of school for, say, ten years or more or would this title apply 'forever' until licensure is achieved?

RESPONSE: The Board reviewed this comment and decided that the term "Architectural Intern" would be treated the same as "Engineer Intern" in that there is no expiration date. The title could be used indefinitely by those qualified to use it. Since Mr. Thompson was only seeking clarification, the Board decided it was not necessary to amend the rule. Therefore, no changes were made as a result of this comment.

COMMENT: A comment was received, via email, from Mr. Mark Tinsley, Associate Architect, stating that he does not necessarily

disagree with the title Architectural Intern; however, he feels it is incredibly difficult to name people's roles these days without using the term "architect or architectural." He inquired if there should be a rule written to define acceptable language for how to name other roles in architectural offices so there would be standardization. Mr. Tinsley's main concern is about the specific language associated with this change. Since "this amendment allows a person participating in the Intern Development Program through the National Council of Architectural Registration Boards **who has graduated with a National Architectural Accreditation Board accredited degree or equivalent degree from Canada** to use the title of "Architectural Intern," he wonders about the others who have attended non-accredited programs and are enrolled in IDP pursuing registration or those who have accumulated enough experience to pursue registration (at least until 2012 when these will be excluded from applying for registration)? Should they also be allowed to use the term Architectural Intern while they are actively in pursuit? Mr. Tinsley feels if one is allowed, then all should be allowed. He states that in both cases there could be abuse since a person could drag it out and use the term indefinitely if they do not eventually take the exam and pass or fulfill the IDP requirements. He said the rule is intended to keep people from representing themselves to the public as architects or architectural --- without proper credentials and this change would elevate a few, but not all interns and give them a more respected title and represent them to the public as more than a technical support person. He thinks the Board should be fair and evenhanded and allow all IDP participants in pursuit of licensing in Missouri to use the term "Architectural Intern" while in process regardless of education, or let no one use the term until they are registered.

RESPONSE: The Board reviewed this comment and agreed that clarification was necessary and therefore decided to amend the rule as follows:

(1) Every graduate from a curriculum fully accredited by the National Architectural Accreditation Board (NAAB), or other designated agencies as recognized by the National Council of Architectural Registration Boards (NCARB), who shall apply for architectural licensure shall submit with and as a part of the application documents as required in section 327.131, RSMo, a fully certified and completed Intern Development Program (IDP) record. ***A person participating in IDP through NCARB who has graduated with a NAAB accredited degree or equivalent degree from Canada or who has acquired a combined total of twelve years of education, above the high***

school level pursuant to Section 327.131 may use the term "Architectural Intern."

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

Discuss the proposed revisions to Chapter 327 via Senate Bill 298

The Board discussed the proposed revisions to Chapter 327. Ms. Kempker announced that the revisions to Chapter 327 (Senate Bill 298) had not been moving. The Board Members decided that it would be advantageous for them to meet with its professional societies to discuss SB 298 since the Board is of the opinion that the bill contains a number of significant changes that would be very beneficial to the Board and its operation as well as to its licensees. Therefore, Mr. Hartnett made a motion directing Ms. Kempker to send letters to the presidents of the American Institute of Architects-Missouri (AIA-MO), Missouri Society of Professional Engineers (MSPE), Missouri Society of Professional Surveyors (MSPS), Missouri Association of Landscape Architects MALA, and Consulting Engineers Council of Missouri, inviting them, or a representative, to a face-to-face meeting with the Board on Tuesday, May 5, 2009 in Chesterfield, Missouri for the purpose of discussing several issues of concern which have been raised since the initial filing of SB 298 in the hopes of resolving the issues before the 2010 Legislative Session. The motion was seconded by Mr. Miltenberger. A roll call vote was taken and unanimously carried.

Discuss email from Josephine Emerick, P.E. wherein she asked if the Board would consider a forum for licensees, if sponsored or requested by MSPE?

The Members of the Board discussed an email received from Josephine Emerick, P.E. wherein she asked if the Board would consider a forum in St. Louis, Missouri for licensees, if sponsored or requested by the Missouri Society of Professional Engineers (MSPE). Upon discussion, Mr. Miltenberger made a motion directing Ms. Kempker to respond to Ms. Emerick's email advising that due to the uncertainty of the Board Membership at this time, the members decided they would rather wait and host a "licensee forum" at a later date. The motion was seconded by Mr. Teale. A roll call vote was taken and unanimously carried.

Motion to Close

At 2:47 p.m., Mr. Gray called for a motion to close the meeting to the general public for the purpose of discussing complaint matters. Mr. Miltenberger 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. Hartnett. A roll call vote was taken and unanimously carried. Mr. Gray asked that all visitors please disconnect from the conference call. There being none, the meeting was declared closed to the general public.

Reconvene in Open Session

At 4:10 p.m., the meeting reconvened in open session.

Board Membership Issues

Mr. Miltenberger made a motion to ratify motions made by Board Members during the open session of the Board's quarterly meeting on January 27, 2009. The motions are as follows: Motion to go into closed session; motion to approve the minutes from the November 3, 2008 Open Board Meeting, the December 8, 2008 Board Open Telephone Conference Call, and the January 8, 2009 Board Open Telephone Conference Call minutes; motion directing Mr. Thompson to draft possible language for the Proposed Amendment to Board Rule 20 CSR 2030-2.010(15) and provide a report to the Board at its May 2009 meeting; a motion directing Ms. Kempker to advise the Geology Board that the members of the APELSLA Board would like to have a chance to review the Joint Task Force on Areas of Practice document and meet with the Geology Board **prior** to the document being released to the general public; Motion to go back into closed session; a motion to amend Board Rule 20 CSR 2030-21.010 to clarify that the design of fire suppression systems for one and two family residential homes is not required to be designed, prepared, and sealed by a professional engineer; Motion to go back into closed session; Motion to Go Back into Closed Session; and, motion to adjourn. The motion was seconded by Ms. Jackson and carried with John Teale abstaining from voting.

Reconvene for Purpose of Adjourning

There being no further business to come before the Board, Mr. Miltenberger made a motion to adjourn the meeting. The motion was seconded by Ms. Jackson and unanimously carried. The meeting adjourned at 4:15 p.m. on February 25, 2009.

ATTEST:

Executive Director

Date Approved:_____