

**OPEN MINUTES  
PROFESSIONAL LAND SURVEYING DIVISION  
OF THE MISSOURI BOARD FOR ARCHITECTS,  
PROFESSIONAL ENGINEERS, PROFESSIONAL LAND  
SURVEYORS AND LANDSCAPE ARCHITECTS**

Monday, May 3, 2010  
Salon C Meeting Room  
St. Louis Marriott West  
660 Maryville Centre Drive  
St. Louis, Missouri

The Professional Land Surveying Division of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects was called to order at 8:00 a.m. on Monday, May 3, 2010 in the Salon C meeting room of the St. Louis Marriott West, 660 Maryville Centre Drive, St. Louis, Missouri. A quorum being present, Mr. Freeman declared the meeting open for business.

**Members Present**

Michael C. Freeman, Chair of the Division  
John Michael Flowers, Member of the Division  
Daniel L. Govero, Member of the Division

**Others Present**

Karen Payne, Board Staff  
Shawn Hagerty, Board Staff

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 Board Staff, Laurie Koelling, entered the meeting at 8:10 a.m.

**Approval of Minutes**

On motion by Dan Govero, seconded by Mike Flowers, the minutes of the previous January 24, 2010 and January 25, 2010 open meetings were approved as submitted.

**Discuss the “Statement of Support” for the Implementation of Computer Based Testing Submitted by the Member Board Administrator Networking Group of NCEES**

The Division Members then reviewed and discussed the “Statement of Support” for the implementation of Computer Based Testing submitted by the Member Board Administrator Networking Group of NCEES. It was the consensus of the Division Members to remain neutral on this issue until all information concerning the Computer Based Testing is determined. Also, in connection with this issue, Mike Freeman volunteered to contact some other states to see how they handle partial credit given on some exam questions as well as asking questions regarding their state’s “State Specific” exam to determine how Missouri’s pass/fail rate compares to other states.

**Discuss the Proposed Revisions to NCEES Zone Meeting and Continuity Guidelines**

Next, the Division Members reviewed and discussed the “Zone Meeting and Continuity Guidelines” for the purpose of considering the changes prior to the 2010 Zone meetings. The Land Surveying Division members were ok with the proposed revisions and indicated that they had no major opinion or concern regarding these guidelines.

**Discuss Letter from Keith Houseman from Geographic Information Systems regarding PDU Pre-Approval of the Following Correspondence Courses: “Wetlands Delineation Manual”; “Irregular Boundaries”; “Glossaries of BLM Surveying and Mapping Terms”; “Corner Restoration by Proportion”; “Standards and Guidelines for Cadastral Surveying Using GPS”; “Establishment of Calibration Base Lines”; and “Restoration of Lost or Obliterated Corners & Subdivision of Sections”**

Next, the Division Members reviewed and discussed the pre-approval request from Geographic Information Systems for their correspondence courses entitled “Wetlands Delineation Manual”; “Irregular Boundaries”; “Glossaries of BLM Surveying and Mapping Terms”; “Corner Restoration by Proportion”; “Standards and Guidelines for Cadastral Surveying Using GPS”; “Establishment of Calibration Base Lines”; and “Restoration of Lost or Obliterated Corners & Subdivision of Sections”. Due to the extensive amount of material to review the Division Members requested that Board Staff contact Mr. Houseman from Geographic Information Systems and request that he send three sets of CD’s for each course so they can be forwarded to each member for an individual review.

Once all members have had an opportunity to review all seven courses they will contact Ms. Kempker via email informing her of their approval, denial, or partial credit at which time Ms. Kempker will relay their decision to Geographic Information Systems.

**Discuss Letter from Wanda Lambert, Program Manager, for Samuel Ginn College of Engineering, Auburn University, Wherein she Requests PDU Pre-Approval for the Following Courses: “Construction Surveying”; “Role of Engineers/Surveyors in GIS”; “2007 National Readjustment of the North American Datum 1983”; “ALTAQ/ASCM Land Title Survey”; “History of the Government Land Office”; “Improving Surveying Field Procedures Using the Total Station”; “Surveying With GPS”; “Understanding Boundary Law, Case Law & Principles of Surveying Law”; and “Professional Ethics for Land Surveyors”**

Next, the Division Members reviewed and discussed the pre-approval request from Auburn University for their courses entitled: “Construction Surveying”; “Role of Engineers/Surveyors in GIS”; “2007 National Readjustment of the North American Datum 1983”; “ALTAQ/ASCM Land Title Survey”; “History of the Government Land Office”; “Improving Surveying Field Procedures Using the Total Station”; “Surveying With GPS”; “Understanding Boundary Law, Case Law & Principles of Surveying Law”; and “Professional Ethics for Land Surveyors”.

Again, due to the extensive amount of material submitted by Auburn University, the Division decided to equally divide the material submitted for the 9 courses to where each Division Member had material for 3 courses to review. Once each member has had an opportunity to review those three courses they will return the material along with their recommendation to Executive Director, Judy Kempker. Ms. Kempker is to then re-distribute the material to the other members until all have had an opportunity to review and give their recommendation. Upon receiving all responses Ms. Kempker is to then notify Ms. Lambert with Auburn University of the Division’s decision for each of the nine courses requested.

**Discuss a Request from Former Board Member, Kevin DeSain, PLS-2283, Regarding Board Members and State Land Surveyor Being Exempt from Having to Apply for Pre-Approval of PDU Credit**

Next, the Division Members reviewed and discussed the email received by Mike Freeman from former Board Member, Kevin DeSain, PLS-2283, stating that it is his opinion that the State Land Surveyor and Board Members should be exempt from having to apply for pre-approval of PDU credit. Upon discussion, Mike Flowers made a motion directing Mike Freeman to deny Mr. DeSain’s

recommendation that Board Members and the State Land Surveyor be exempt from having to apply for pre-approval of PDU credit since it is the Board's responsibility to control PDU credit and also inform Mr. DeSain that it would require a rule change to make such an exemption. Dan Govero seconded the motion and it unanimously carried. Voting in favor of the motion were Mike Flowers and Dan Govero.

**Discuss the 2010 NCEES Annual Meeting Scheduled for August 18-21, 2010 in Denver, Colorado and to Determine Who Will be Attending**

Next, the Land Surveying Division members discussed the 2010 NCEES Annual Meeting to be held August 18-21, 2010 in Denver, Colorado. Mike Freeman stated that he would like to attend the meeting and directed Executive Director, Judy Kempker, to request out-of-state travel on his behalf. (Mike Flowers and Dan Govero will not be attending the 2010 NCEES annual meeting.)

**Discuss an Email from Kyla Forsyth with RedVector Wherein she Imposes a Question as to Whether or not Their Online Webinars Qualify as Personal Contact Hours Pertaining to PDUs**

The Land Surveying Division members then reviewed the email from Kyla Forsyth with RedVector to Board Staff, Karen Payne, wherein she is inquiring if "webinars" would qualify as personal contact hours regarding Professional Development Units. Upon discussion, Mike Flowers made a motion directing Ms. Payne to respond to Ms. Forsyth by stating that it is the opinion of the Division Members that "webinars" would be considered non-personal contact hours per Board Rule 20 CSR 2030-020(1)(B). Dan Govero seconded the motion and it unanimously carried. Voting in favor of the motion were Mike Flowers and Dan Govero.

Please note that Board Investigator, Shawn Hagerty, departed the meeting at 8:40 a.m.

Please note that Legal Counsel, Curt Thompson, entered the meeting at 8:45 a.m. and departed the meeting at 9:40 a.m.

Please note that Board Investigator, Shawn Hagerty, re-entered the meeting at 9:00 a.m. and departed at 9:30 a.m.

Please note that Executive Director, Judy Kempker, entered the meeting at 9:30 a.m.

### **Discuss a Letter from Donovan Larson, PE, Regarding Preparation of Easement Descriptions**

Upon discussion, the Land Surveying Division members requested Legal Counsel, Curt Thompson, to review "Blanket Easements" and Section 137.185 RSMo for the purpose of providing some clarification on the preparation of easement descriptions. This issue was therefore tabled until the Full Board meeting on May 4, 2010 to allow Mr. Thompson an opportunity to review and give his recommendation for a response to Mr. Larson.

### **Motion to Close**

At 9:40 a.m., Chairman Freeman 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. Dan Govero 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 Mike Flowers and unanimously carried. Voting in favor of the motion were Mike Flowers and Dan Govero.

### **Reconvene in Open Session**

At 12:00 noon, the Professional Land Surveying Division reconvened in open session for the purpose of meeting with approximately 12 St. Louis area licensees to discuss any items of common interest relative to licensure, enforcement, and regulation of land surveying in the State of Missouri as set forth in Chapter 327, RSMo during the "Open House Public Forum".

Please note that Executive Director, Judy Kempker, entered the meeting at 12:45 p.m. and departed the meeting at 1:00 p.m.

### **Go Back Into Closed Session**

At 1:00 p.m., Mr. Freeman 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. Flowers made a motion that the Professional Land Surveying 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. Govero seconded the motion. A roll call vote was taken and unanimously carried. Mr. Freeman asked that all visitors leave the room. There being none, Mr. Freeman declared the meeting closed to the general public.

### **Return to Open Session**

At 3:55 p.m. the Members of the Professional Land Surveying Division reconvened in open session for the purpose of reviewing a pre-approval request from St. Charles Community College and for the purpose of adjourning the meeting.

### **St. Charles Community College's Pre-Approval Request for a Land Surveying Continuing Education Seminar to be Taught by Darrell Pratte, PLS, on Saturday, June 5, 2010 for 8 PDUs**

In conclusion, the Land Surveying Division members reviewed a pre-approval request received by the Board office via fax from Kevin DeSain of St. Charles Community College for a land surveying continuing education seminar to be taught by Darrell Pratte, PLS, on Saturday, June 5, 2010 for 8 PDUs. Since the request was forwarded without the "Pre-approval Form for Land Surveyor Professional Development Activities" Mike Flowers made a motion directing Ms. Kempker to respond to Mr. DeSain and request that he complete and submit the "Pre-approval Form for Land Surveyor Professional Development Activities" to accompany his request in order to be consistent with the Division's review of pre-approval requests. Dan Govero seconded the motion and it unanimously carried. Voting in favor of the request were Mike Flowers and Dan Govero.

**Adjournment**

There being no further discussion, a motion was made by Mike Flowers and seconded by Dan Govero to adjourn. The motion carried unanimously. The meeting adjourned at 3:55 p.m. on May 3, 2010.

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Executive Director

Approved by Board on: \_\_\_\_\_