

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

Monday, August 9, 2010
Independence Room A
Hilton Garden Inn
19677 East Jackson Drive
Independence, Missouri

The Architectural Division of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects was called to order by Chairman Randy Miltenberger at 8:00 a.m. on Monday, August 9, 2010. A quorum being present, Mr. Miltenberger declared the meeting open for business.

Members Present

Randy Miltenberger, Chairman of the Division
Kathy Achelpohl, Member of the Division
Kenneth Frashier, Member of the Division

Others Present

Jane Coffman, 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.

Approval of Minutes

Ken Frashier made a motion to approve the minutes of the May 3, 2010 Architectural Division Open Meeting. The motion was seconded by Kathy Achelpohl and unanimously carried.

Report of the 2010 NCARB Annual Meeting

Kenneth Frashier reported to the Division members on the 2010 NCARB Annual Meeting and Conference held on June 24-26, 2010 in San Francisco, California, at which he and Judy Kempker, Executive Director Missouri Board, attended. The next conference will be held in Washington D. C.

Discussion of Results from the Subcommittee on Consistency of Discipline

Ken Frashier led the Division members in a discussion of the results of the subcommittee on consistency of discipline. Mr. Frazier said the subcommittee had met twice since the Board's last meeting and upon direction of the subcommittee, Ms. Kempker prepared a sheet to be utilized when cases are referred to the Attorney General's Office which should aid the AG's office in getting cases filed with the Administrative Hearing Commission or the court system in a more timely manner. Randy Miltenberger made a motion to send the subcommittee back to the table to prepare the document they were requested to do concerning the Board's consistency of discipline. The motion was seconded by Kathy Achelpohl and it unanimously carried.

Discussion of Offering an Electronic Version of the Seal from the Board's Website

The Division members discussed the use of an electronic version of the seal from the website. The members questioned if such a seal could be downloadable by the general public and not just restricted to licensees causing concerns about security. The Division also thought this may be beyond the jurisdiction of the Board and their Statutes/Rules along with a significant cost to the Department. The Architectural Division decided not to pursue making the Missouri seals available for download at this time.

Motion to Close Meeting pursuant to Sections 610.021(1) and (14), 324.001.8 and 324.001.9, RSMo

At 8:46 a.m., Randy Miltenberger 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. Ken Frashier made a motion that the meeting be closed to the general public pursuant to Chapter 610.02(1) subsection (14), 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 Kathy Achelpohl. A roll call vote was taken and unanimously carried. Mr.

Miltenberger asked that all visitors leave the room at this time. There being none, the meeting was declared closed to the general public.

Reconvene in Open Session

At 11:45 a.m. the Architectural Division members reconvened in open session for the purpose of meeting with approximately 11 Kansas City area licensees to discuss items of common interest relative to licensure, enforcement, and regulation of architecture in the State of Missouri as set forth in Chapter 327, RSMo during the "Open House Public Forum".

Motion to Return to Closed Session Meeting pursuant to Sections 610.021(1) and (14), 324.001.8 and 324.001.9, RSMo

At 1:50 p.m., Chairman Miltenberger 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. Kathy Achelpohl made a motion that the meeting be closed to the general public pursuant to Chapter 610.02(1) subsection (14), 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 Kenneth Frashier. A roll call vote was taken and unanimously carried. Mr. Miltenberger asked that all visitors leave the room at this time. There being none, the meeting was declared closed to the general public.

Reconvene in Open Session

At approximately 3:00 p.m. the Architectural Division members reconvened in open session for the purpose of meeting with the Members of the Professional Engineering 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.

Motion to Return to Closed Session Meeting pursuant to Sections 610.021(1) and (14), 324.001.8 and 324.001.9, RSMo

At 3:15 p.m., Chairman Miltenberger 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. Kenneth Frashier made a motion that the meeting be closed to the general public pursuant to Chapter 610.02(1) subsection (14), 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 Kathy Achelpohl. A roll call vote was taken and unanimously carried. Randy Miltenberger asked that all visitors leave the room at this time. There being none, the meeting was declared closed to the general public.

Reconvene in Open Session

At 4:15 p.m. the Architectural Division members reconvened in open session for the purpose of adjourning.

Adjournment

There being no further business, on motion of Kathy Achelpohl seconded by Kenneth Frashier and unanimously carried, the meeting adjourned at 4:15 p.m.

ATTEST:

Executive Director

Date Approved: _____