

**OPEN MINUTES**  
**Missouri Board for Architects, Professional Engineers,  
Professional Land Surveyors and Landscape Architects**

Oregon Room  
Hilton Garden Inn  
19677 East Jackson Drive  
Independence, Missouri  
Tuesday, August 10, 2010

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects was called to order at 8:00 a.m. on Tuesday, August 10, 2010 in the Oregon Meeting Room, Hilton Garden Inn, 19677 East Jackson Drive, Independence, Missouri. The Board met in both open and closed sessions during the meeting as reflected in the minutes. Ms. Kempker declared the meeting open for business.

**Members Present**

Randy Miltenberger, Chair of the Architectural Division  
Kenneth Frashier, Member of the Architectural Division  
Kathy Achelpohl, Member of the Architectural Division  
Royce Fugate, Chair of the Professional Engineering Division  
Kevin Skibiski, Member of the Professional Engineering Division  
Abiodun "Abe" Adewale, Member of the Professional Engineering Division  
Mike Freeman, Chair of the Professional Land Surveying Division  
Dan Govero, Member of the Professional Land Surveying Division  
Mike Flowers, Member of the Professional Land Surveying Division  
Bob Hartnett, Chair of the Landscape Architectural Division  
Jerany Jackson, Member of the Landscape Architectural Division  
Marian "Munnie" Pacino, Public Member

**Others Present**

Judy Kempker, Executive Director  
Shawn Hagerty, Board Investigator  
Sandra Robinson, Executive Assistant  
Jane Coffman, Board Staff  
Laurie Koelling, Board Staff  
Curtis Thompson, General Counsel

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 Board currently does not have a Board Chair, Ms. Kempker called the meeting to order and asked for nominations of an individual to conduct the remaining business of the meeting. The Members of the Board discussed the selection of an individual to conduct the business of the meeting. Upon discussion, Mr. Miltenberger nominated Mr. Robert Hartnett to conduct the remaining business of the meeting. Mr. Freeman seconded the nomination and it unanimously carried. Ms. Kempker then turned the meeting over to Mr. Hartnett.

### **Approval of Minutes**

A motion was made by Mr. Miltenberger to approve the May 4, 2010 Open Board meeting, the July 1, 2010 Open Committee of the Board Telephone Conference Call, and the July 29, 2010 Open Committee of the Board Telephone Conference Call minutes as submitted. The motion was seconded by Ms. Jackson and unanimously carried.

### **Report the progress on issues identified in the Strategic Plan**

Mr. Hartnett presented a report on the progress on issues identified in the Board's Strategic Plan. Mr. Hartnett stated that the following objectives have been completed: Evaluate need to adjust licensee renewal fee (ongoing quarterly as part of the Board's Executive Director's Report); Create and maintain healthy policy goals for the Board's reserve fund (completed May 2010); Allow Landscape Architects to serve as chair/ranking vice chair as well as cast a vote (approved and will become on effective August 28, 2010); Add a fourth engineer to Board to assist with excessive work load of Engineering Division of the Board (approved and will become effective on August 28, 2010); Change restrictive quorum requirement that require cancelling meetings slowing down disciplinary process and other important work plus several other changes (approved and will become effective on August 28, 2010); and, Update New Board Member orientation procedure, Board Member job descriptions, and continue to expedite new Board member orientations (completed by Board's Executive Director at May 2010 meeting). Mr. Hartnett stated that the remaining goals and/or objectives are pending the appointment of a new Board Chair or ongoing.

### **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 Board 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." Therefore, Ms. Kempker was directed to send an email response to Mr. Jerry Carter, Executive Director for the National Council of Examiners for Engineering and Surveying (NCEES), advising that the Missouri Board decided to rethink its decision of not to offer the new Structural Exam. The Board knows that individuals who are currently serving as an active duty member of the United States Armed Forces (not a retired member or a federally employed civilian), can request to take an exam in a state or territory different from the one in which they are applying for licensure. Therefore, since NCEES administers the exams for the Missouri Board, the members have decided that if NCEES would be willing to proctor the new Structural Exam in Missouri for applicants who reside in Missouri but who had made application for a structural license in another state, the Missouri Board would be supportive of that type of arrangement since it would bear no cost or extra workload to the Missouri Board. The motion was seconded by Mr. Govero and unanimously carried. The second question asked of the group was: Should Missouri study further the issue of licensing Structural Engineer discipline? The committee was split on their response to this question. Mr. Skibiski asked the Board Members what direction they thought the Board should go on this matter. Since the Board Members were indecisive, Mr. Skibiski suggested that this matter be discussed again when the Design Alliance next meets on September 23, 2010. The Board then directed Ms. Kempker to place this matter on the Board's November 2010 Agenda for further discussion.

### **Report from Subcommittee on Consistency with Discipline**

Ms. Jackson gave a report to the Board regarding the results of the subcommittee on consistency of discipline. Ms. Jackson stated that the committee had met twice since the Board last met and that Ms. Kempker drafted 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 during the Division meeting on Monday, August 9<sup>th</sup> and was utilized during those meetings when a case was referred to the Attorney General's Office. Mr. Flowers made a motion that the Board include a list of Chapter 60 violations, specifically, 60.301-345, 60.401-491 and 60.650-659, on the Attorney General Referral Form. The Members of the Land Surveying Division will provide a complete list with explanation to Ms. Kempker to be included on future Attorney General Referral Form. The motion was seconded by Mr. Fugate and unanimously carried.

While the Board was appreciative of the committee's efforts, the Board Members asked that the committee meet again to compile information regarding the statistics from the civil penalties that the Board has previously imposed to include the types of cases and the amount of civil penalty imposed for each case. The Board would also like to look at the types of cases that received revocation, suspension, and/or probation. Therefore, the Board directed the committee to again meet and report their findings to the Board at its November 2010 meeting.

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

The Board Members discussed Mr. Bruce Wylie's email regarding interest in eliminating the industrial exemption clause from Chapter 327, RSMo. Upon discussion, Ms. Kempker was directed to respond back to Mr. Wylie advising that the Board realizes it will take a lot of time, planning, and effort on the part of MSPE in order to be successful in eliminating the exemption; however, if this is something the Society decides it wants to pursue, it will have the support of the Board. In the interim, the Board further directed Ms. Kempker to poll the NCEES ListServe to see how many other states have an industrial exemption clause in their law and how many have either attempted to, or were successful at, eliminating such exemption. Ms. Kempker is to then keep the Board and Mr. Wylie informed of the results from the poll as they become available.

**Probation Violation Hearing**

At approximately 10:00 a.m., the Board conducted a Disciplinary Complaint Hearing in the matter of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects vs. Jeff Ganime. Mr. Ganime did not appear. Assistant Attorney General Edwin Frownfelter appeared for the Board. Mr. Hartnett stated for the record that the hearing had convened. The record was established by a certified court reporter and a copy made a part of the Board's file in Case No. 10-001. When the hearing was concluded (at approximately 10:25 a.m.), Mr. Frownfelter was told that the Board would issue an Order soon after it has completed its deliberations. Mr. Frownfelter then departed.

**Motion to Close**

At approximately 10:25 a.m., Mr. Hartnett 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. 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 Ms. Jackson. A roll call vote was taken and unanimously carried. Mr. Hartnett asked that all visitors leave the room. There being none, Mr. Hartnett declared the meeting closed to the general public.

### **Reconvene in Open Session**

At approximately 10:30 a.m., the Board reconvened its open meeting for the purpose of continuing discussions of the remaining open agenda items.

Please note that Mr. Frownfelter joined the meeting at approximately 10:35 a.m.

### **Discuss "Who Can Write Easements/Legal Descriptions"**

Mr. Freeman advised the Board Members that the Professional Engineering and Professional Land Surveying Division Members had met on Monday, August 9, 2010 to discuss "Who can write easements/legal descriptions." Mr. Freeman stated that the professional societies were working on a proposed change to the statute. Therefore, it was decided by the Board that in the interim, the Board will continue to address "who can write easements/legal descriptions" on a case by case basis.

### **Discuss and decide if the Board wants to be an exhibitor at the Missouri Association of Counties' (MAC) 39<sup>th</sup> Annual Conference and Trade Show which is scheduled for November 21, 22 and 23, 2010 at Tan-Tar-A Resort, Osage Beach, Missouri**

The Board discussed being an exhibitor at the Missouri Association of Counties' (MAC) 39<sup>th</sup> Annual Conference and Trade Show which is scheduled for November 21, 22 and 23, 2010 at Tan-Tar-A Resort, Osage Beach, Missouri. Ms. Kempker advised the Board Members that she along with Board Staff Members Sandy Robinson and Jane Coffman would man the booth for the Board. Mr. Freeman and Ms. Jackson agreed to assist with a booth when they had free time during the conference. Ms. Kempker stated that she would register the Board for the conference and trade show and see that the booth is set up at the appropriate times.

## **Report from Architectural Division**

Mr. Miltenberger stated that the Members of the Architectural Division thought the Open House Forum on August 9<sup>th</sup> was a success with approximately 10 Architects attending.

Mr. Miltenberger then reported that he had received a phone call from AIA-St. Louis' Executive Director, Michelle Swatek, inquiring as to why the Board sends the civil penalties that it collects to the county school fund where the violation occurred. Since it appears that the associations and licensees do not understand the Board's civil penalty law, Mr. Miltenberger suggested that this be a topic for the Board's next newsletter.

Also, Mr. Miltenberger advised the Board Members that an owner of a day care in Missouri had been soliciting opinions from various sources as to whether she needed to hire an architect in the remodel of the facility. Mr. Miltenberger cautioned the Members of the Board not to talk to individuals requesting a Board opinion on such matters, but instead to direct the person to submit a written request to the Board Office so that it can be addressed by the full Board.

Lastly, Mr. Miltenberger stated that former Board Member Stuart Scroggs, A-3731, had emailed Ms. Kempker inquiring if the Missouri Board would be interested in offering an electronic version of the seal on its website similar to what Texas offers. Ms. Kempker advised that after researching the matter and talking with the Texas Board of Architecture, she discovered that the images of the seal on the Texas Board's website are available to download, and the file allows a person to edit or personalize the image in the AutoCAD program. She advised while this feature sounded great, the procedure was questionable. Ms. Kempker discovered that the image is downloadable by the general public and it is not restricted to licensees. Therefore anyone with the correct computer program would be able to generate their own seal as a computer image which is a major security concern. Ms. Kempker checked with the Division's Information Systems Manager to see if a program could be built to have an option for the seal to be downloaded to the licensee in an un-editable electronic file wherein the licensee's name and license number would automatically be merged into a downloadable image, if and only if, the licensee were to enter a pin number that was specifically assigned to him or her. Ms. Kempker stated that the Division's MIS Manager stated that anything is possible, but at a cost. Also, the Board would have to gain Department approval in order to make such an option available which would require extensive system programming and new software all of which would come at a significant price. Upon discussion, Mr. Miltenberger made a motion directing Ms. Kempker to send an email response to Mr. Scroggs advising that while having an electronic version of a seal on the Board's website would be beneficial to its licensees, there are major concerns of security involved and therefore the Board decided not to make the Missouri seals available for download at this time.

### **Report from Professional Engineering Division**

Mr. Fugate stated that, at this time, the Members of the Professional Engineering Division did not have anything to report, other than they too thought the Open House Forum on August 9<sup>th</sup> was a big success with approximately 31 Professional Engineers attending.

### **Report from Professional Land Surveying Division**

Mr. Freeman stated that the Members of the Professional Land Surveying Division also thought the Open House Forum on August 9<sup>th</sup> was successful. Mr. Freeman said they had 7 Professional Land Surveyors in attendance.

Mr. Freeman then advised the Board Members that he along with Mr. Skibiski, will be attending the NCEES Annual Meeting scheduled for August 18-21, 2010 in Denver, Colorado. Both Messrs. Freeman and Skibiski stressed the importance of having at least one member of the Professional Engineering Division and one member of the Professional Land Surveying Division to attend this and future meetings. (Ideally, two members from each of these divisions would attend.) Upon discussion, Mr. Freeman made a motion to recommend at the national meeting that NCEES offer the option of increasing the annual dues to include pre-paid expenses for not just one funded delegate but for two funded delegates so that combined Professional Engineering and Professional Land Surveying Boards can be assured of sending at least one engineer and one land surveyor to every annual meeting. This would be similar to what other national organizations are doing. The motion was seconded by Mr. Skibiski and unanimously carried.

Mr. Freeman also advised that the Professional Land Surveying Division would like to recommend to the Design Alliance Committee and the Missouri Society of Professional Surveyors (MSPS) that Section 327.312(3) be revised to increase 12 semester hours to 30 semester hours. The extra hours would include: Mathematics (trigonometry or geometry) – 6 hours; Surveying A – 6 hours; Surveying B – 6 hours; Legal Aspects – 2 hours; Science – 7 hours; and Business/Communications – 3 hours. Further, Mr. Freeman advised that the Professional Land Surveying Division would also like to recommend to the Design Alliance Committee and the Missouri Society of Professional Surveyors (MSPS) to amend Section 327.314, RSMo to require 24 Professional Development Units (PDUs) for Land-Surveyor-in-Trainings (LSITs) within the four immediately preceding years prior to making application as a Professional Land Surveyor.

### **Report from Landscape Architectural Division**

Ms. Jackson stated that, at this time, the Members of the Landscape Architectural Division did not have anything to report, other than, like the other Divisions; they

too thought the Open House Forum on August 9<sup>th</sup> was successful. They had six Landscape Architects in attendance.

Mr. Hartnett then reported to the Board that Ms. Jackson is already the Region 2 Director for CLARB and is currently running for Secretary. Mr. Hartnett stated that he will be supporting her nomination when they attend the CLARB annual meeting in Baltimore, Maryland on August 26, 27 and 28, 2010. He advised the Board Members that when Ms. Jackson wins the nomination for Secretary, this will put her on the career tract to become President of CLARB.

### **Executive Director's Report**

Ms. Kempker presented the most recent information regarding the Board's Financial Report. She advised the Board that as of August 6, 2010, the fund balances were as follows:

Personal Service Balance was \$349,839.88. Originated with \$375,856. The Board has 93.08% of our PS funds remaining.

E&E (Expense & Equipment) Balance was \$295,749.12. Originated with \$331,587. We have 89.20% of our E & E funds remaining.

Fund Balance was \$3,469,607.61.

Ms. Kempker advised the Board Members that per current statute, in order to avoid a sweep of the Board's fund, the balance needs to be kept under \$3,959,943.00, or 3 times its appropriation (3 x \$1,319,981.00). However, it is recommended we keep a fund balance more at a level of 1.5 times our appropriation.

The Board's FY2011 Budget Request, which was submitted via HB 2007 was truly agreed and finally passed. The Board's FY2011 budget will remain the same as what its FY2010 appropriated budget was.

For FY 2011, Ms. Kempker explained that the Board was appropriated a total of \$707,443 for Expense and Equipment and Personal Service (\$331,587 was appropriated for E&E and \$375,856 for PS); \$122,100E for transfers (such as, Administrative Hearing Commission and Attorney General's Office); and, \$278,472E for payment of operating expenses to Professional Registration. Fringe Benefits expenses are not included in the Board's appropriation but they run approximately \$105,462/year.) This last fiscal year, the Board lapsed approximately \$49,000 in its PS and \$60,000 in its E&E funds.

Ms. Kempker then announced that due to the budget crisis that the state is currently in, the state's Office of Administration (OA) had earlier this year proposed

the consolidation of all state vehicles at which time the Division of Professional Registration (PR) was asked to reduce its fleet by 10%. Ms. Kempker advised the Board Members that she had previously reported on this to the Board at its May 2010 meeting. PR has now been asked by the Office of Administration for its 10%. As part of that reduction and in discussions with the boards affected, PR identified a plan that would assist PR in reducing the fleet by 5 and minimize any shortfalls in vehicle availability. As was discussed, with the 10% reduction, the plan is to consolidate all remaining board/division vehicles that are located in Jefferson City into PR's pool. This was the fairest way to administer the 10% reduction. This will increase PR's pool by 5 (4 cars/1 van). PR has proposed to surrender the oldest vehicles thus keeping the newer ones. The van which our Board currently owns is only one year old. Therefore, Ms. Kempker said it would be transferred to the pool and we would then be reimbursed for the cost of it. All vehicle usage after the consolidation will be funded through cost allocations. The cost allocation for all boards within the Division of Professional Registration will be based on each board's three year licensee count. The Professional Registration Administration staff will be working with Fleet Management and the boards to determine book value for the vehicles affected. To date, Professional Registration Administration has not been contacted to consolidate the division pool. However, Ms. Kempker has been advised that the Howerton building which is right across the street from the Professional Registration Building will be one of the locations of the consolidated dispatching services.

Next, Ms. Kempker provided the Board with the status of Board Rules. Board Rule 20 CSR 2030-6.015 – Application, Renewal, Reinstatement, Relicensure and Miscellaneous Fees Emergency Amendment. This Emergency Proposed Amendment was filed with SB, JCAR & SOS on July 20, 2010 and went into effect on July 20, 2010. It will appear in the *Missouri Register* on September 1, 2010 and expires on February 24, 2011. This rule is being amended to reduce the Board's individual biennial renewal fee from \$60 down to \$35. This reduction will bring the Board's fund balance down at a gradual rate; however, the Board will most likely have to consider doing a fee increase in FY2017 or FY2018. An Emergency Amendment was filed so that the new fee would be in effect for the upcoming renewal period. A Proposed Amendment was also filed the traditional way, which is required in order to make the fee reduction more permanent. It was filed simultaneously with the Emergency Amendment. It too will appear in the *Missouri Register* on September 1, 2010 and has a comment period that ends on October 1, 2010.

Ms. Kempker discussed other rule changes that are pending. They are: Board Rule 20 CSR 2030-11.015 – Continuing Professional Competency for Professional Engineers. This rule is being amended to allow a one time award of ten (10) PDHs for obtaining a work related patent. Also, Board Rule 20 CSR 2030-11.035 – Continuing Education for Landscape Architects is being amended to allow a one time award of ten (10) CEUs for obtaining a work related patent. A third rule change in the process is the rescission of Board Rule 20 CSR 2030-14.050 –

Definition of Degree in Science as Used in Section 327.391, RSMo which is no longer necessary or correct due to recent statutory changes in Section 327.391. These proposed amendments have been forwarded to the Division's Web Page IT Staff for posting on the Board's website in an effort to get comment from small business owners.

Ms. Kempker discussed Legislation with the Board Members. HB 2007, (the "Budget" bill) was truly agreed and finally passed as were House Bills 2226 and 1692. The statutory changes regarding Chapter 327, RSMo will become effective on August 28<sup>th</sup>. The Board's Statute Books will be updated soon thereafter.

Ms. Kempker advised the Board Members that she is still waiting to hear of Board Member appointments. Currently, there are two vacant spots on the Board (Board Chair and Landscape Architectural Division Member) and four members serving in expired terms (Mr. Miltenberger, Mr. Fugate, Ms. Jackson and Ms. Pacino). Also, on August 28<sup>th</sup>, the Board will have an additional vacancy on the Professional Engineering Division of the Board as a result of the legislation that just recently passed. Mr. Govero volunteered to send a personal letter to Governor Jay Nixon asking that he expedite the appointment of the APELSLA Board Chair as well as filling the vacant positions on the Board.

Ms. Kempker advised the Board Members that the Board's Staff will be mailing biennial renewals in late September or early October. The biennial renewal fee will be \$35. A notice explaining the reduced fee will be included with the renewal form. The Board's Staff will also include a notice with the renewals that are mailed both this year and next year, advising licensees that the Board's 2012 and subsequent newsletters will only be available in electronic format; therefore, in order to receive those newsletters, they must provide us with an email address. In addition, we will do a random audit and include the audit notices with the renewal forms of the chosen individuals. Also included in the audit will be everyone who has had a complaint filed against them. Ms. Kempker stated this will be the very first audit for landscape architects so therefore, she asked if the Landscape Architectural Division wanted to elect an Audit Chair at this time. Ms. Jackson then reported that Mr. Hartnett will be the Audit Chair for the Landscape Architectural Division of the Board. Mr. Freeman reported that Mike Flowers will be the Audit Chair for the Professional Land Surveying Division. Mr. Miltenberger advised that he will remain the Audit Chair for the Architectural Division and Mr. Fugate reported that he too will remain the Audit Chair for the Professional Engineering Division. Ms. Kempker stated that having Audit Chairs certainly made it easier on Board staff and makes processing of the renewals much more timely by working with one individual versus three Division Members.

Ms. Kempker announced that the Summer 2010 Newsletter went out in June as scheduled. She said we would normally plan to issue a Winter edition in November or December; however, the person (Sarah Mengwasser) who formats the newsletter will be on maternity leave from the end of September until the first

of January. Ms. Kempker stated that she has visited with Ms. Mengwasser and she said no one else will be doing the newsletters in her absence. However, since Ms. Kempker was the first to check with her, Ms. Mengwasser said she would put the APELSLA Board on her calendar as being the first and only one she works on upon her return. Given this development, it appears that the Board's next newsletter will not go out until January or February 2011. Ms. Kempker asked that all articles for the newsletter be emailed to her by December 15, 2010.

Ms. Kempker reminded the Board that it has two requests pending for Attorney General Opinions. One of the opinions was regarding "public nuisance" and the other opinion was related to QBS. Division Director Jane Rackers forwarded the requests to John Huff, Department Director, on January 15, 2010, and Mr. Huff made the formal requests to the Attorney General's Office on February 10, 2010. As soon as the opinions are issued and received in the Board office, Ms. Kempker stated that she would scan and send them out to the Board Members.

Ms. Kempker reported that currently, the Board has five individuals whose licenses were suspended on November 21, 2009 due to noncompliance with HB600 who have not yet surrendered their licensing indicia. Since the Board's last meeting, Board Staff sent out an additional 20 HB600 suspension letters to licensees advising their license suspended on June 19, 2010. Out of those 20, all but two came into compliance. Out of those two, one is deceased; therefore, leaving only one that the Board needs to collect licensing indicia from. Ms. Kempker then stated that this topic is also on the Board's closed agenda at which time further discussion will be held.

Ms. Kempker asked the Board Members if they wished to hold an Open House Forum when they next meet in Springfield, Missouri on November 8, 9 and 10, 2010. The Board directed Ms. Kempker to not schedule an Open House Forum in Springfield since it had not been long ago when the Board met with the licensees in that area.

#### **Attendance at the September 23, 2010 Design Alliance Meeting and discussion of agenda items**

Ms. Kempker asked the Board Members who would be attending the September 23, 2010 Design Alliance Meeting. Messrs. Skibiski, Hartnett, Freeman and Miltenberger stated they would be attending the meeting. Ms. Kempker then asked the Board Members for suggested topics to be discussed at the meeting. Mr. Freeman advised that the Professional Land Surveying Division would like to recommend to the Design Alliance Committee and the Missouri Society of Professional Surveyors (MSPS) that Section 327.312(3) be revised to increase 12 semester hours to 30 semester hours. Mr. Freeman also advised that the Professional Land Surveying Division would also like to recommend to the Design Alliance Committee and the Missouri Society of Professional Surveyors (MSPS) to

amend Section 327.314, RSMo to require 24 Professional Development Units (PDUs) for Land-Surveyor-in-Trainings (LSITs) within the four immediately preceding years prior to making application as a Professional Land Surveyor.

As an additional topic of discussion, Ms. Jackson asked the Board members attending the meeting to please commend the associations for their efforts during the last legislative session. Mr. Hartnett then volunteered to for a resolution to be presented to each of the four professional associations (AIA, MSPE, MSPS, and MALA) at the September 23<sup>rd</sup> Design Alliance meeting to show the Board appreciation.

### **Date and Location of August 2011 Board Meeting**

The Board noted that the NCEES Annual Meeting will be held on August 23, 24, 25, 26, and 27, 2011 in Providence, Rhode Island. Therefore, the Board's August 2011 meeting will be held in the Kansas City, Missouri area on August 8, 9 and if necessary 10, 2011.

### **Review Small Business Regulatory Fairness Board Training and guest appearance by former Board Member, Kathleen Warman, A-5819**

At approximately 12:00 Noon, the Board held a working lunch to review the Small Business Regulatory Fairness Board Training. Every year, each Board Member, as well as Ms. Kempker, needs to retake the training in an effort to minimize legal challenges, avoid delays due to challenges, improve public support, and improve compliance with the regulation. Also, it should be noted that former Board Member Kathleen Warman, A-5819, met with the Board Members to discuss matters of mutual interest.

### **Motion to Close**

At 1:04 p.m., Mr. Hartnett 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. 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. Mr. Adewale seconded the motion. The motion carried. Mr. Hartnett asked that all visitors leave the room. There being none, the meeting was declared closed to the general public.

**Reconvened in Open Session**

At approximately 5:29 p.m., the Board reconvened its open meeting for the purpose of adjournment.

**Adjournment**

A motion was made by Mr. Miltenberger and seconded by Mr. Fugate to adjourn. The motion carried unanimously. The meeting adjourned at approximately 5:29 p.m. on Tuesday, August 10, 2010.

ATTEST:

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

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