

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

Lincoln Room
Capitol Plaza Hotel and Convention Center
415 West McCarty
Jefferson City, Missouri
January 31, 2012

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects was called to order at 8:00 a.m. on Tuesday, January 31, 2012 in the Lincoln Room of the Capitol Plaza Hotel and Convention Center located at 415 West McCarty, Jefferson City, Missouri. The Board met in both open and closed sessions during the meeting as reflected in the minutes. The meeting was declared open for business.

Members Present

James C. "JC" Rearden, Chair of the Architectural Division
Kathy W. Achelpohl, Member of the Architectural Division
Kenneth M. Frashier, Member of the Architectural Division
C. Royce Fugate, Chair of the Professional Engineering Division
Kevin C. Skibiski, Member of the Professional Engineering Division
Abiodun "Abe" Adewale, Member of the Professional Engineering Division
Michael C. Freeman, Chair of the Professional Land Surveying Division
Daniel L. Govero, Member of the Professional Land Surveying Division
John Michael Flowers, Member of the Professional Land Surveying Division
Robert N. Hartnett, Chair of the Landscape Architectural Division
Jerany L. Jackson, Member of the Landscape Architectural Division

Others Present

Judy Kempker, Executive Director
Kevin Oligschlaeger, Board Investigator
Sandra Robinson, Executive Assistant
Jane Coffman, Board Staff
Curtis F. Thompson, General Counsel
Edwin Frownfelter, Assistant Attorney General
Bruce Wylie, Executive Director for the Missouri Society of Professional Engineers
(MSPE)
Britt Smith, P.E., President of MSPE

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. Govero nominated Mr. Bob Hartnett to conduct the remaining business of the meeting. Ms. Jackson 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. Skibiski to approve the November 8, 2011 Open Board Meeting minutes and the January 13, 2012 Open Committee Conference Call minutes as submitted. The motion was seconded by Mr. Freeman and unanimously carried.

Discuss HB 136 and proposed rule language and amendment to come into compliance (20 CSR 2030-4.055 and 20 CSR 2030-6.015)

The Members of the Board reviewed Ms. Kempker's draft of Proposed Board Rule 20 CSR 2030-4.055 Criteria to File Application Under 324.008.1 for a Temporary Courtesy License. Upon discussion, Ms. Jackson made a motion to accept the draft of Proposed Rule 20 CSR 2030-4.055 with the amendment to paragraph (F) as follows:

(F) If the board is unable to determine if the licensing requirements of the state, district, or territory in which the applicant **was initially** *[is currently]* licensed are equivalent to Missouri's licensing requirements, the applicant shall submit documentation regarding the licensing requirements equivalency;"

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

The Members of the Board reviewed Proposed Amendment to Board Rule 20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure, and Miscellaneous Fees which deletes the \$10 verification fee and adds a \$50 Temporary Courtesy License Application Filing Fee for Nonresident Military Spouse and a \$50 Temporary Courtesy License Extension Fee for Nonresident Military Spouse. Upon discussion, Ms. Jackson made a motion to accept the draft Amendment to Proposed Rule 20

CSR 2030-6.015 as presented. The motion was seconded by Mr. Govero and unanimously carried.

Discuss proposed amendments to Board Rule 20 CSR 2030-11.015

The Members of the Board discussed the proposed amendment to Board Rule 20 CSR 2030-11.015 which changes the language in paragraph (2)(D) to read as follows:

(2)(D) Professional engineering division. The **four (4)** *[three (3)]*-member division of the board that concerns itself with the profession of engineering.

Upon discussion, Mr. Fugate made a motion to accept the proposed amendment to Board Rule 20 CSR 2030-11.015 as it is written. The motion was seconded by Ms. Achelpohl and unanimously carried.

Discuss proposed amendment to paragraphs 6 & 7 of Section 327.031 regarding election of the Board's Chair by the Board

The Board Members discussed the proposed amendment to paragraphs 6 and 7 of Section 327.031 regarding the election of the Board's Chair by the Board. Upon review of the proposed amendment to paragraphs 6 and 7 of Section 327.031, Mr. Govero made a motion to proceed with the language as presented with the change that if a Board Chair has been appointed by the Governor prior to the amendments being implemented, then the new Board Chair would not be elected until the present Board Chair's term had expired. The motion was seconded by Ms. Jackson and unanimously carried.

Update from Dan Govero regarding possible revisions to Section 327.312 Land Surveyor-in-Training applicant for examination and enrollment, qualifications—certificate issued when; and, Board Rule 20 CSR 2030-14.040 Definition of Twelve Semester Hours of Approved Surveying Course Work as Used in Section 327.312.1(3)

The Members of the Board asked Mr. Govero if he had any information regarding the possible revisions to Section 327.312 Land Surveyor-in-Training applicant for examination and enrollment, qualifications—certificate issued when; and, Board Rule 20 CSR 2030-14.040 Definition of Twelve Semester Hours of Approved Surveying Course Work as Used in Section 327.312.1(3). Mr. Govero reported that the Board members of Missouri Society of Professional Surveyors (MSPS) voted at their last meeting to proceed with the proposed revisions to Section 327.312 through the legislative process which would require a minimum of 30 semester hours of surveying

coursework with 5 of those hours being in Legal Aspects of Boundary Survey. Mr. Govero stated that MSPS will be handling this change through the legislative process but no bill number has yet been assigned.

Update from Strategic Planning Committee

Mr. Hartnett presented a progress report to the Board Members 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 became effective August 28, 2010); Add a fourth engineer to the Board to assist with excessive work load of Engineering Division of the Board (approved and became effective on August 28, 2010); Change restrictive quorum requirement that requires cancelling meetings, slowing down disciplinary process and other important work, plus several other changes (approved and became 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 are ongoing. Mr. Govero stated that he thought the plan needed to be updated to show that the distribution of the Board's pamphlet has helped with reaching out using various methods to proactively alert unlicensed practices regarding the need to be licensed if doing work in the state of Missouri. Mr. Hartnett stated that he would make that update before presenting the Strategic Plan at the Board's April/May 2012 quarterly meeting.

Update regarding work of Professional Design Alliance Subcommittee on defining the practice of architecture and engineering as well as incidental practice

The Board members asked for an update regarding work of Professional Design Alliance Sub-committee on defining the practice of architecture and engineering as well as incidental practice. Mr. Skibiski stated that the Sub-committee had not had the opportunity to do much work the past few months. Mr. Skibiski stated that he had received only one email in response to his newsletter article. Upon discussion, the Board decided to select a Sub-committee of the Board to proceed with defining incidental practice. The Chair of the Sub-committee is Mr. Skibiski with Ms. Achelpohl and Ms. Jackson serving as Members of the Sub-committee. Ms. Kempker and Mr. Thompson will also be members of the Sub-committee. The Board asked for an update at its April/May 2012 quarterly meeting with a final report to be submitted by the Board's August 2012 quarterly meeting.

Discuss the host board's responsibilities for the 2012 NCEES annual meeting

Ms. Kempker reported that the NCEES Annual Meeting will be held at the Hyatt Regency St. Louis at the Arch on August 21, 22, 23, 24 and 25, 2012. Since Missouri is the Host Board, it has been asked to arrange for someone to deliver an invocation at the start of the Business Session on Thursday, August 23, 2012 at approximately 1:30 p.m. This individual must be a Board Member. Mr. Adewale volunteered to provide the invocation on Thursday, August 23rd. NCEES is also requesting an individual to present the invocation at the start of the banquet on Friday evening, August 24th at approximately 7:00 p.m. Ms. Jackson volunteered to deliver the invocation at the banquet on Friday evening, August 24th.

Ms. Kempker stated that NCEES does not expect the host board to provide any gifts to the attendees. However, if the Board wishes to do so, it may hand out gifts at the registration desk or place gifts on the tables in the Business Session. It was noted by the Missouri Board that most host boards in the past have not handed out gifts, so the Missouri Board elected to not hand out gifts. However, it was suggested that since the meeting is being held in St. Louis that a gift commemorating the 2011 World Champion St. Louis Cardinals would be a nice touch. Mr. Wylie then volunteered to mention this at the Design Alliance meeting on February 1st to see if any of the associations would be willing donate any St. Louis Cardinal memorabilia.

Ms. Kempker also stated that NCEES asked for suggestions for a technical tour which would be of interest to engineers and surveyors. Mr. Adewale suggested a technical tour of Loc and Dam #19 at Alton, Anheuser Busch "Behind the Scenes Tour" and the Eads Bridge. Ms. Jackson also stated that St. Louis Public Transit might be of interest. As to the Spouse tour, Members of the Board suggested the Soulard Farmer's Market, Botanical Gardens, Anheuser Busch and behind the scenes tour of the "Fabulous Fox" theatre. Ms. Kempker stated that she would forward these suggestions to Ms. Trish McAlister, NCEES Manager of Meetings and Outreach, upon returning to the Board's office.

Update on logo for Board shirts from Lands End

The Board Members asked for an update on the logo for the Board shirts from Lands End. Ms. Kempker stated that she had assigned this task to Sandy Robinson. Ms. Robinson then distributed a sample of what Lands End had proposed for the Board's logo. Ms. Robinson stated that Lands End had advised that because the logo is so large (a stitch count of over 16,000), the initial one time set-up fee will be \$155. After the initial one time set-up fee is paid, the cost to affix the logo on each shirt would be approximately \$8.95. After reviewing the sample of the Board's logo, the Board Members agreed that the sample was too large. Therefore, a motion was made by Mr. Skibiski to shrink the Missouri state seal; remove the Board's full name from under the Missouri state seal and replace it with the Board's acronym, "APEPLSLA" to circle under the seal; and, place the words "Missouri Board" to circle above the

Missouri state seal. The motion was seconded by Mr. Freeman and unanimously carried. The Members of the Board decided to order Woodland Pine (Green) polo shirts and blue Oxford buttondown collar dress shirts. Ms. Robinson stated that she would immediately make the changes to the logo upon returning to the Board office. When she receives the new logo from Lands End, she will send the sample to the Board Members for review. To save time, Ms. Robinson asked that each Board Member please place their order for a Board shirt(s) prior to leaving the meeting. The Board Members stated they wanted this matter finalized and shirts delivered by the Board's May 2012 quarterly meeting.

General discussion with regard to Attorney General's Office Training Session

Ms. Kempker stated that with the constant turn-over of Assistant Attorneys General, that Mr. Frownfelter thought it might be beneficial for the Board to put together a training session for new Assistant Attorneys General. Mr. Frownfelter asked that a member from each Division of the Board be on a committee to assist him in putting this training together. He suggested that since the Attorney General's Office has video tape capabilities at its satellite offices in Kansas City, Springfield, and St. Louis, that a Board Member close to one of these locations could go to the Attorney General's Office and be video taped. The Division Chairs of the Board along with Ms. Kempker will work with Mr. Frownfelter in getting this training session put together. However, if the Board retains a full-time attorney for general counsel and litigation, it will no longer utilize the services of the Assistant Attorney General on a regular basis and therefore decided to put this matter on hold for the time being.

Probation Violation Hearing of the National Architect Corporation

At approximately 10:00 a.m., the Board conducted a Probation Violation Hearing in the matter of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects vs. the National Architect Corporation. No one appeared to represent the National Architect Corporation. 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. 12-001. When the hearing was concluded (at approximately 10:15 a.m.), Mr. Frownfelter was told that the Board would issue an Order soon after it has completed its deliberations.

Report from Architectural Division

Mr. Rearden reported that he had been elected Chair of the Architectural Division and Ms. Achelpohl had been elected Audit Chair of the Division.

Mr. Rearden also reported that it was decided that Ken Frashier would be submitted for out-of-state travel approval to attend the NARB Region V meeting in Nashville, Tennessee.

Report from Professional Engineering Division

Mr. Fugate reported that he was again elected the Chair of the Professional Engineering Division with Mr. Skibiski being elected as Vice Chair of the Division. He also announced that Mr. Adewale was re-elected as Exam Chair and Mr. Fugate was re-elected as PDH Audit Chair.

Mr. Fugate stated that the Professional Engineering Division Members discussed an email inquiry from Mr. Paul Woodward regarding fire sprinkler design and Board Rule 20 CSR 2030-13.010 Immediate Personal Supervision. Mr. Woodward specifically asked if the Code of State Regulations (CSR) definition of immediate personal supervision overruled the requirement for a NICET III technician to design fire suppression and/or fire sprinkler systems. Upon discussion, Mr. Fugate made a motion directing Ms. Kempker to send a response via email to Mr. Woodward advising that the members of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects discussed his email inquiry dated, January 9, 2012. As a result of that discussion, Ms. Kempker is to advise Mr. Woodward, that, "No. A NICET III Technician can only design a fire suppression system and/or prepare shop drawings if done under the direct and immediate personal supervision of a licensed Professional Engineer who accepts responsibility for the drawings by signing and sealing them." The motion was seconded by Ms. Jackson and unanimously carried.

Report from Professional Land Surveying Division

Mr. Freeman reported that he was again elected as Chair for the Professional Land Surveying Division. He also reported that Mr. Govero was re-elected as Exam Chair and Mr. Flowers was re-elected as Audit Chair for the Division. Mr. Freeman also stated that the Professional Land Surveying Division Members decided to have a PDU Preapproval Chair to be assigned on a one year rotating basis with Mike Freeman serving the first year; Dan Govero serving the second year, and Mike Flowers serving the third year.

Mr. Freeman also reported that on Monday, January 30, 2012, the Professional Land Surveying Division Members met with the Board's Exam Consultant, Dr. Richard Elgin, PE-18619 and PLS-1682, at his request, for the purpose of discussing whether or not to make the Missouri State Specific Exam a two-part examination with one part covering Re-Surveys, GLO, and Calculations and part two covering all other aspects of the examination. Since this will not require a

statute change, Mr. Freeman made a motion to change the Missouri State Specific examination to a two part examination beginning with the April 12, 2013 exam. The motion was seconded by Ms. Jackson and unanimously carried. Mr. Freeman stated that it was Dr. Elgin's recommendation that the Board offer a group review of the Missouri State Specific examination beginning with the April 2012 examination which he would conduct at Professional Registration Office in Jefferson City, Missouri, in either July or August, 2012. Dr. Elgin stated that he will recommend a tentative date for the review when he returns the scored exams and pass/fail line recommendation to the Board for the April 2012 examination so Board staff can come up with a flyer to send out with the fail notices that the candidates can use for R.S.V.P. purposes and schedule a conference room at Professional Registration.

Mr. Freeman reported that sometime ago, Missouri State Land Surveyor, Mr. Darrell Pratte, and Mr. Robert Ross, Division of Geology and Land Survey, met with the Members of the Board to discuss the electronic signing and sealing of documents pursuant to Board Rule 20 CSR 2030-3.060. Messrs Pratte and Ross were particularly interested in the requirement for filing Registered Land Corners. Upon discussion, Mr. Freeman made a motion directing Ms. Kempker to send a letter to Messrs. Pratte and Ross advising that the Board has come up with a recommended resolution regarding electronic signing and sealing of documents pursuant to Board Rule 20 CSR 2030-3.060. Ms. Kempker is to advise Messrs. Pratte and Ross, that after a considerable amount of research, the Board has concluded Corner Documents submitted digitally with the security of the seal and signature provided by "Adobe Professional" would be in compliance with Chapter 327, RSMo and the Board Rules. The motion was seconded by Ms. Jackson and unanimously carried.

Report from Landscape Architectural Division

Ms. Jackson reported that Mr. Hartnett was again elected as Chair of the Landscape Architectural Division as well as CEU Audit Chair.

Ms. Jackson stated that the PLA designation was being promoted by the National Chapter of Landscape Architects and the topic had been discussed in the CLARB Board Meeting and that CLARB was not on board with the change unless it was expedited properly. The Landscape Architectural Division Members do not want licensees to have complaints lodged against them for using a designation that is not yet lawful. Ms. Jackson stated that she and Bob Hartnett will bring this matter up for discussion at the CLARB Spring meeting for further discussion.

Ms. Jackson stated that the CLARB spring meeting is set for February 24 and 25, 2012 in Coral Gables, Florida. She stated that she would be attending as along with Mr. Hartnett. Ms. Jackson advised the Board Members that she is running for Vice President of CLARB. The election will be held during CLARB's annual

meeting on September 6, 7 and 8, 2012 in San Francisco, California. The Members of the Landscape Architectural Division have requested that Ms. Kempker also attend the CLARB annual meeting. Ms. Kempker is to request attendance to the NCEES Central Zone meeting in Jackson Hole, Wyoming in May 17, 18 and 19, 2012 for Kevin Skibiski (funded delegate), Mike Freeman and Abe Adewale and attendance to the NCARB Annual meeting in Minneapolis, Minnesota on June 20, 21, 22 and 23, 2012 for JC Rearden and Ken Frashier.

Executive Director's Report

Ms. Kempker presented the most recent information regarding the Board's Financial Report. She advised the Board that as of January 27, 2012, the financial balances were as follows:

Personal Service Balance was \$207,028.94. Originated with \$375,856. We have 55.09% of our PS funds remaining.

E&E (Expense & Equipment) Balance was \$196,587.03. Originated with \$331,587. We have 59.40% of our E & E funds remaining.

Fund Balance was \$3,961,937.72.

For FY2012, 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 (i.e., AHC & AG); and, \$278,472E for payment of operating expenses to PR. Fringe Benefits expenses are not included in our appropriation but they run approximately \$105,462 per year.)

The Board has requested no changes in its FY 2013 appropriation. However, the Governor recommended a 5% decrease related to In-State Travel, Out-of-State Travel, Professional Development, and supplies. In accordance with the Governor's recommendation, if passed via HB 7, the Board's E&E appropriation will be decreased by \$6,991. This specific amount is based on the Board's projections provided in the Class Code form which was completed during the budget process last summer. This reduction is only in the Board's E & E and not personnel service.

In addition, since a 2% Cost of Living Adjustment (COLA) is being recommended for all state employees in January of 2013, an amount of \$3,446 has been proposed as additional funding to the Board's FY2013 Personal Service appropriation. This increase reflects the proposed 2% increase for state employees which, if approved, is reflective of half a year, beginning in January 2013; which means the Board will need to request double the amount in the next year's appropriation process.

The Board's FY 2012 Appropriation was \$707,443 and the proposed Appropriation for our Board for FY 2013, as recommended by the Governor, is \$703,898.

Ms. Kempker announced that the only legislative changes to Chapter 327 that she is familiar with that **may** be introduced in the upcoming session are the proposed amendments that Missouri Society of Professional Surveyors (MSPS) is planning to pursue to Section 327.312(3) regarding elimination of the 12 semester hour option and instead requiring 30 semester hours for enrollment as an LSIT and the proposed amendments the Design Alliance **may** decide to pursue to Section 327.031(6) and (7) regarding the appointment of the Board Chair from within and the AIA correction language all which we discussed earlier.

Ms. Kempker provided the Board with an update regarding Legislation. The following bills are ones that are being tracked for the APELSLA Board:

HB 7 – Budget Bill, which was discussed earlier in Ms. Kempker's Executive Director Report.

HB 1135 – Smith – 150 requires the termination of all administrative rules based on the time of promulgation and allows an agency to repromulgate a rule that is set to terminate. The companion bill in the Senate is SB 469.

HB 1222 – Brattin – Requires a two-year itemized zero-based budget analysis to be submitted by each state department to the chairs of the House Budget Committee and the Senate Appropriations Committee.

HB 1280 – Elmer – Establishes a peer review process for services provided by a licensed architect, landscape architect, professional land surveyor, or professional engineer. The companion bill in the Senate is SB 667.

HB 1297 – Davis – Changes the laws regarding the professional licensure and certification requirements of current and former military personnel.

SB 469 – Dixon – Requires the sunset of all administrative rules based on the time of promulgation, and allows an agency to repromulgate a rule that is set to sunset. The companion bill in the house is HB 1135.

SB 667 – Wasson – Creates a peer review process for architects, landscape architects, land surveyors and engineers. The companion bill in the house is HB 1280.

Ms. Kempker asked if Mr. Govero would like to report on the progress of MSPS in its goal to change Section 327.312. Mr. Govero reported that the Board members of MSPS voted at their last meeting to proceed with the proposed revisions to Section 327.312 through the legislative process which would require a minimum of 30

semester hours of surveying coursework with 5 of those hours being in Legal Aspects of Boundary Survey.

Next, Ms. Kempker provided the following update on Board Rules and Rule status:

Board Rule 20 CSR 2030-2.040 – Standard of Care. This rule is being amended to reflect the current edition of the International Building Code, Section 107. Ms. Kempker announced that the comment period ended in December and one comment was received by the Board from Mr. Chris Davis on behalf of AIA Missouri. The comment was in support of the change; however, it was suggested that the amendment be further clarified to reflect the 2012 International Building Code, Section 107 so that there would be a reference to the latest code version. The Division Members reviewed the comment and agreed that the Proposed Amendment should be revised to make reference to the 2012 International Building Code instead of the 2009 version. Mr. Wylie then said Bill Quatman had expressed concern that the Standard of Care rule is a cause for concern and should be rescinded because it misstates the “standard of care” as set out in Missouri Approved Jury Instructions (MAI) and Missouri case law on the standard of care for design professions. Mr. Quatman and AIA/Missouri urged the Board to repeal 20 CSR 2030-2.040, Standard of Care, for the following reasons: 1) The regulation is inconsistent with section 2.010(3), Missouri court cases and jury instruction; 2) Section 107 of the 2009 IBC relates only to building construction and does not encompass the wide variety of other design services, e.g. bridges, roads, treatment plants, surveys, etc.; 3) Section 107 is titled “Submittal Documents” and is aimed at building officials and the submittal process, rather than on the standard of care for professional practice; and, 4) The standard of care cannot be codified in 2 pages of the IBC, as it requires expert testimony unique to the individual area of practice in questions. The Division Members felt rescission of the rule warranted further discussion and if the Board would later decide to rescind the rule, a Proposed Rescission would need to be promulgated.

Board Rule 20 CSR 2030-2.050 – Title Block. This rule is being amended to include land surveying entities.

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.

Board Rule 20 CSR 2030-11.035 – Continuing Education for Landscape Architects is also being amended to allow a one time award of ten (10) CEUs for obtaining a work related patent.

A fifth 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.

All of the proposed Amendments and rescissions were filed on November 1, 2011 with SB JCAR and SOS. They appeared in the *Missouri Register* on December 1, 2011 and the comment period ended on December 31, 2011. The Board only received one comment and that was from Chris Davis on behalf of AIA with regard to the Proposed Amendment to Board Rule 20 CSR 2030-2.040 – Standard of Care. This rule is being amended to reflect the current edition of the International Building Code, Section 107. AIA is in support of the amendment but has suggested the Board revise the proposed amendment to reflect the 2012 International Building Code, Section 107 instead of the 2009 version. Upon discussion, Mr. Fugate made a motion directing Ms. Kempker to revise the proposed amendment to reflect the “2012” International Building Code, Section 107. The motion was seconded by Mr. Rearden. A roll call vote was taken and unanimously carried. Ms. Kempker stated that she would address Mr. Chris Davis’ comment and then proceed with filing the Final Orders of Rulemaking on all of the proposed rule changes as soon as she returns to the Board office.

Ms. Kempker stated that currently, the Board has four vacant positions on the Board (Board Chair, Public Member, Professional Engineer Member, and a Landscape Architect Member) and six members serving in expired terms (Mr. Fugate, Mr. Freeman, Ms. Jackson, Mr. Hartnett, Mr. Frashier, and Mr. Skibiski). This means that 10 out of the Board’s 15 members could potentially be new appointees. Mr. Hartnett reported that on Monday, January 30, 2012, he met with Ms. Deborah Price, Director of Boards and Commissions, and Ms. Jane Rackers, Director of the Division of Professional Registration, to discuss Board appointments. He felt the meeting was very informative and productive. Mr. Hartnett pointed out to Ms. Price that 10 of the Board’s 15 member positions are either vacant, expired, or soon to be expired so he urged her to sequence the new appointments which she seemed to be amenable to the request.

Ms. Kempker reminded the Board Members that a few months ago, she put together a Board Member Reference Manual for each Board Member. Ms. Kempker stated that she has now created a short quick reference guide entitled Board Member Do’s and Don’ts. She thought this would be a good time to finalize and distribute this reference guide given the fact that the Board has the potential of having 10 new Board Members. As a copy of the brochure was being distributed to each Board Member, she asked if anyone had any questions or comments, to please let her know.

Ms. Kempker announced that the last paper edition of the Board’s newsletter was mailed out in September 2011. All future editions of the newsletter will now be distributed electronically. Since the Board’s renewal period does not officially end until April 1st (due to the built-in grace period), and since the renewal has been the vehicle used in collecting all email addresses, the Board decided when it met in November 2011 to send its next newsletter out in late Spring early Summer. Ms.

Kempker reminded the Board Members that she will need all newsletter articles by no later than March 1, 2012.

Ms. Kempker announced that she just recently received the results of a reclassification study that was conducted of all Professional Registration employees who held an executive administrative support position or lower. The study has taken almost a year and a half to complete but it did result in some reclassifications. A total of 86 requests for reclassification were reviewed by the Office of Administration. Out of those 86, there were a handful that resulted in no changes; about 50% resulted in a title change only with no salary adjustment; 33 positions received a higher classification with a salary adjustment; and, 11 came back with a lower classification. The APELSLA Board submitted a total of eight requests for reclassification and all eight positions were reclassified. Four of the eight resulted in higher classifications with a salary adjustment. Those reclassifications were: Ms. Robinson from Exec. I to Processing Technician Supervisor; Ms. Plaster from Licensing Technician II to Processing Technician III; Ms. Coffman from Senior Office Support Assistant to Processing Technician II; and, Ms. Koelling from Account Clerk II to Processing Technician II. The remaining four resulted in title changes only with no salary adjustment. Those positions were: Jan Gilliam's and Karen Payne's from Licensing Technician II's to Processing Technician II's; and, the positions vacated by Bri Rademan and Brittney Bax from Licensing Technician I's to Processing Technician I's. Ms. Kempker stated that she would have liked to have seen a salary adjustment for all of the Board's staff members. However, with only 33% of Professional Registration employees receiving a salary adjustment, Ms. Kempker felt good that about 50% of the Board's staff received a salary adjustment.

Ms. Kempker stated that odd year renewals for all four professions were sent out the first of October 2011. The Board's staff is currently in the process of winding up the random continuing education audit of licensees and each Division should have received a status report during their Division Meeting on Monday, January 30, 2012. Ms. Kempker asked that if a Board Member felt there was a need to change something in the audit process, to please let her know.

Ms. Kempker advised that she along with Messrs. Hartnett, Skibiski, Adewale, and Frashier will be attending the February 1, 2012 Professional Design Alliance meeting. The meeting will commence at 10:00 a.m. at the MSPE office building located at 200 E McCarty Street, Suite 200. Ms. Kempker stated that she had previously emailed the Professional Design Alliance meeting agenda to Board Members on Friday, January 27th. Ms. Kempker announced that she just found out that she has a Senate Appropriation Hearing on the Department's Budget at the Capitol on Wednesday, February 1st from 8:00 a.m. until 10:0 a.m. in Senate Conference Room 2. She stated that she is planning to attend the hearing at 8:00 a.m. but will leave the hearing by 9:45 a.m. to make it to the Design Alliance Meeting.

Ms. Kempker announced that approximately 90% of the Board's licensees have renewed on time. Of that 90%, 61% renewed online. A second renewal notice was sent, as a courtesy reminder, the first part of December to all licensees who had not yet renewed. The Board's staff will also send an additional post card in March 2012, as a third reminder, to all of those licensees who have not yet renewed reminding them that their license will officially lapse come April 1, 2012, if they don't renew before that date.

Ms. Kempker reminded the Board Members that if they have not yet received a Personal Financial Disclosure Statement from the Ethics Commission, they should receive one very soon. She asked that the Members please remember to fill it out and file it **BEFORE** the May 1st deadline. If a Board Member fails to file a Personal Financial Disclosure Statement by May 1st, he/she will be assessed a \$10.00 per day penalty. Ms. Kempker suggested that the Board Members file the Disclosure Statement electronically. She said that she had just filed her statement electronically and it was very simple and easy. Ms. Kempker stated she received her confirmation immediately afterward submitting the statement. Ms. Kempker reminded the Board Members that even if they just recently completed a Personal Financial Disclosure Statement, they will need to submit another for a new year.

Ms. Kempker advised the Board Members that the 2011 Year End Report was recently completed and a copy submitted electronically to each Board Member. Currently, the Board has a total of 54,976 licensees and interns. That number is up from last year by 1,711. There are 26,050 licensees (1,249 more than last year) and the remaining 28,926 are engineer interns and land surveyors-in-training (462 more than last year). A more specific breakdown of each profession is as follows:

<u>TOTAL NUMBER OF LICENSEES:</u>	26,050*
Architects	4,417
Professional Engineers	14,955
Land Surveyors	905
Landscape Architects	<u>325</u>
Total Individual Licensees with Active Status	20,602*
Architects with Inactive Status	433
Professional Engineers with Inactive Status	2,194
Land Surveyors with Inactive Status	128
Landscape Architects with Inactive Status	<u>22</u>
Total Individual Licensees with Inactive Status	2,777*
Architectural Corporations	758
Engineering Corporations	1,546
Land Surveying Corporations	286
Landscape Architectural Corporations	<u>81</u>

Total Corporate Licenses	2,671*
<u>TOTAL NUMBER OF INTERNS/LSITS:</u>	28,926*
Engineer Interns Enrolled	28,479
Land Surveyors-in-Training Enrolled	<u>447</u>
Total Enrollment of Engineer Interns/LSITs	28,926*

The Board also had a total of 44 disciplinary actions in 2011. They are as follows:

- 3 Revocations
- 3 Suspensions followed by Probation
- 8 Probations
- 3 Probations AND Civil Penalty
- 14 Civil Penalties (8 of which included the issuance of a probated C of A)
- 1 Settlement Agreement (Trueline – no discipline, no penalty, just change in wording)
- 1 Voluntary Surrender
- 11 HB 600 Suspensions

Date and Location of January 2013 Board Meeting

The Board Members set the January 2013 meeting for January 28, 29, and if necessary, 30, 2013 to be held in Jefferson City, Missouri. The Board asked the staff to request the hotel to place all meeting rooms on the same level.

Additional Agenda Items Requested by Mr. Wylie

Mr. Bruce Wylie, Executive Director of the Missouri Society of Professional Engineers, had requested the following topics be discussed during the Board's January 31, 2012 meeting:

1. The standard of care liability issue in current board rules – understanding and agreement to delete the rule? This matter had been discussed earlier in the day.
2. Further push to get professors licensed – foreign educated education assessment, how's it going? Mr. Fugate stated that this matter had been discussed during the Professional Engineering Division meeting on Monday, January 30th. The Professional Engineering Division reported to Mr. Wylie that the Board has a procedure that it has been trying to work out with the Universities in getting the facility licensed by providing a separate testing room from the students and requiring the verification of only their most recent four (4) years of engineering experience. In addition, a statutory change was made allowing the waiver of the Professional Engineer exam for individuals with a PhD. The Board is of the opinion that

it is important that the Department Heads, Provost, Chancellor and Deans be licensed.

3. Expert witness services – does it require licensed PE? Mr. Fugate reported that this matter had been discussed during the Professional Engineering Division meeting on Monday, January 30th. The Professional Engineering Division reported to Mr. Wylie as the statute is currently written, testimony as an expert witness in engineering cases does not require licensure as a PE.
4. Chapter 327 changes – moving selection of Chairman to the Board vs. the Governor, what's the best language to move into a legislative bill? This matter had been discussed earlier in the day.

Please note that at approximately 11:00 a.m., Messrs Smith and Wylie departed the meeting.

Motion to go into closed session

At approximately 11:02 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. 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. Ms. Jackson seconded the motion. A roll call vote was taken as follows: JC Rearden – Yea; Kenneth Frashier – Yea; Kathy Achelpohl – Yea; Royce Fugate – Yea; Kevin Skibiski – Yea; Abe Adewale – Yea; Mike Freeman – Yea; Dan Govero – Yea; Mike Flowers – Yea; Bob Hartnett – Yea; and, Jerany Jackson – Yea. Motion carried. Mr. Hartnett asked that all visitors leave the room. There being none, Mr. Hartnett declared the meeting closed to the general public.

Go Back into Open Session

At approximately 12 Noon, the Board went back into Open Session for the purpose of meeting with its staff.

Board Meets with the Staff

At approximately 12:00 Noon the Board met with the staff for the purpose of discussing licensure and policy issues. Members of the Staff joining the meeting were: Nancy Plaster, Jan Gilliam, Karen Payne, and Laurie Koelling. The Members of the Board took a moment to thank the staff for their excellent service and for the courtesies that they extend to the Board. Mr. Hartnett announced that Ms. Gilliam had been employed with the Board for 15 years. A plaque had previously been presented to Ms. Gilliam by Ms. Kempker. At approximately 1:03 p.m., Ms. Gilliam, Ms. Koelling, Ms. Payne, and Ms. Plaster departed the meeting.

Motion to go back into Closed Session

At approximately 1:03 p.m., Mr. Hartnett called for a motion to go back into closed session to continue discussing pending litigation and complaint matters as well as any confidential or privileged communication between this agency and its attorney. Mr. Adewale made a motion to go back into closed session to continue discussing pending litigation and complaint matters as well as any confidential or privileged communication between this agency and its attorney. Mr. Freeman seconded the motion. A roll call vote was taken unanimously carried. Mr. Hartnett asked that all visitors leave the room. There being none, Mr. Hartnett declared the meeting closed to the general public.

Return to Open Session

At 4:09 p.m., the Board reconvened its open meeting for the purpose of finishing its discussion of any remaining agenda items and adjournment.

Adjournment

A motion was made by Mr. Govero and seconded by Ms. Jackson, to adjourn. The motion carried unanimously. The meeting adjourned at 4:09 p.m. on Tuesday, January 31, 2012.

ATTEST:

Executive Director

Approved by the Board on: _____