

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

**Maui Meeting Room**  
**Ramada Oasis Convention Center**  
**2546 North Glenstone Avenue**  
**Springfield, Missouri**  
**November 13, 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, November 13, 2012 in the Maui Meeting Room, Ramada Oasis Convention Center, 2546 North Glenstone Avenue, Springfield, 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  
Kenneth M. Frashier, Member of the Architectural Division  
Kevin Skibiski, Chair of the Professional Engineering Division  
Abiodun "Abe" Adewale, Member of the Professional Engineering Division  
Kelley Cramm, Member of the Professional Engineering Division  
Melissa Edwards, Member of the Professional Engineering Division  
Mike Freeman, Chair of the Professional Land Surveying Division  
Mike Flowers, Member of the Professional Land Surveying Division  
Dan Govero, Member of the Professional Land Surveying Division  
Robert Hartnett, Chair of the Landscape Architectural Division  
Robert Shotts, Member of the Landscape Architectural Division

**Members Absent**

Kathy W. Achelpohl, Member of the Architectural Division  
Jerany Jackson, Member of the Landscape Architectural Division

**Others Present**

Judy Kempker, Executive Director  
Sandy Robinson, Licensing Technician Supervisor  
Kevin Oligschlaeger, Board Investigator  
Jane Coffman, Board Staff  
Curtis F. Thompson, General Counsel

Edwin Frownfelter, Assistant Attorney General  
Neil Brady, P.E., Missouri Society of Professional Engineers

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. Mr. Skibiski 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. Adewale to approve the minutes for the August 7, 2012 Open Board meeting as submitted. The motion was seconded by Mr. Rearden and it unanimously carried.

### **Motion to Close**

Due to the urgent closed matter requiring the Board's immediate attention, Mr. Hartnett called for a motion to close the meeting at approximately 8:09 a.m. to the general public for the purpose of discussing general legal action, causes of action or litigation and 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. The motion was seconded by Ms. Cramm. 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 8:15 a.m., the Board reconvened its open meeting for the purpose of discussing the remaining Open Agenda items. At this time, Mr. Neil Brady rejoined the meeting.

## **Discuss Proposed Amendments and Proposed Rule to Standard of Care, Title Block and Evaluation Criteria 20 CSR 2030-2.040, 2.050, and 2.060**

Mr. Skibiski provided an update from the Subcommittee on the Proposed Amendments to Board Rule 20 CSR 2030-2.040 Standard of Care, and Board Rule 20 CSR 2030-2.050 Title Block, as well as the Proposed Rule to 20 CSR 2030-2.060 Evaluation Criteria. Upon discussion, Mr. Skibiski made a motion directing Ms. Kempker to move forward with the filing of the proposed amendments to Board Rules 20 CSR 2030-2.040; 2.050, and the Proposed Rule to 20 CSR 2030-2.060 as follows:

### **Proposed Amendment to 20 CSR 2030-2.040 [Standard of Care] Evaluation Criteria**

*PURPOSE: This rule provides the recipient and producer of professional architectural, engineering, and/or landscape architectural services assurances that all services are evaluated in accordance with the 2012 edition of the International Building Code, Section 107. This rule is being amended to change its title from Standard of Care to Evaluation Criteria.*

(1) The board shall use, in the absence of any local building code, [Section 107 only of] the 2012 edition of the *International Building Code*, [not including or applying any other sections referenced within Section 107,] as the [standard of care] in determining the appropriate conduct for any professional licensed or regulated by this chapter and being evaluated under section 327.441.2(5), RSMo. The *International Code Council*, 2012 Edition is incorporated herein by reference and may be obtained by contacting 500 New Jersey Ave NW, 6th Floor, Washington, DC 20001, by phone at (888) ICC-SAFE (422-7233), by fax at (202) 783-2348, or by their direct website at <http://www.iccsafe.org>. This rule does not incorporate any subsequent amendments or additions to the manual.

### **Proposed Amendment to 20 CSR 2030-2.050 Title Block**

*PURPOSE: This rule clarifies the identity of the client and entity preparing and sealing all architectural, engineering, **land surveying** and/or landscape architectural documents. This rule is being amended*

*to delete reference to “other documents” and provide more clarity by listing the specific documents which shall contain a title block.*

(1) An architectural, engineering, **land surveying**, or landscape architectural entity shall incorporate a title block on all drawings, **exhibits, plans, plats, maps, and surveys that are** *[and other documents]* required to be signed and sealed by Chapter 327, RSMo, and these regulations.

(2) The title block must, at a minimum, contain the following information:

- (A) The name of the licensee either as a sole proprietor, partnership corporation, limited liability company, or other appropriate entity;
- (B) The licensee’s address and phone number;
- (C) Name or identification of project;
- (D) Address/location of project (city/county and state);
- (E) Date prepared;
- (F) Space for the licensee’s signature, date, and seal;
- (G) The printed name, discipline, and license number of the person sealing the document; and
- (H) The printed name, discipline, and certificate of authority number of the corporation as defined in section 327.011, RSMo.

### **Proposed Amendment to 20 CSR 2030-2.060 Standard of Care**

*PURPOSE: This rule establishes guidelines to be followed by architects, engineers, land surveyors, and/or landscape architects to help insure that the professional services they perform meet an acceptable standard of care.*

(1) In performing professional services, a professional licensed under Chapter 327, has the duty to perform those services within an acceptable “Standard of Care.” In order to meet this “Standard of Care,” the professional licensed under Chapter 327 shall meet the following guideline:

- (A) Possess and apply the required degree of learning, skills, and experience that is ordinarily possessed by similarly positioned licensed professionals in Missouri;
- (B) Use reasonable, ordinary and customary care and diligence in the exercise of the skills necessary to accomplish the professional service; and,
- (C) Use good, sound judgment in performing the professional service.

(2) Failure to follow these guidelines is “negligence.”

The motion was seconded by Mr. Shotts and unanimously carried. Since the Missouri Small Business Regulatory Fairness Board believes the most effective way to accomplish regulatory fairness for small businesses are by fostering communication during the promulgation, enforcement, and review of rules and regulations, the Board will be soliciting input from small business owners regarding these rule changes by publishing the text of the recommended amendments to Board Rules 20 CSR 2030-2.040 and 20 CSR 2030-2.050 in its newsletter, *Dimensions* and on the Board's website. The Board will also be soliciting input from small business owners regarding Proposed Rule 20 CSR 2030-2.060 by publishing the text of the Proposed Rule in its newsletter, *Dimensions* and on the Board's website.

**Update from the Sub-committee on defining incidental practice and proposed changes to the definitions of the practice of architecture, engineering, land surveying, and landscape architecture as well as other sections in Chapter 327**

The Board decided to table this matter until later in the day when Sub-committee member, Jerany Jackson, will be present.

**Discuss recommended changes proposed by the Architectural Division regarding Application of Seal**

Mr. Rearden discussed the recommended changes proposed by the Architectural Division Members regarding Application of Seals with the Board Members. Mr. Rearden thought that the Board should go with a more simplified version of Section 327.441 by using "technical submissions" and remove "documents including, but not limited to, plans, specifications, estimates, plats, reports, and surveys, proposals and other documents or instruments". Otherwise, the Architectural Division Members were in agreement with Mr. Skibiski's amendments to Section 327.441. Upon discussion, Mr. Rearden made a motion to move forward with the proposed amendment to Section 327.441 as stated below:

**Personal seal, how used, effect of.**

327.411. 1. Each architect and each professional engineer and each professional land surveyor and each **professional** landscape architect shall have a personal seal in a form prescribed by the board, and he or she shall affix the seal to all final **technical submissions** [documents including, but not limited to, plans, specifications, estimates, plats, reports, surveys, proposals and other documents or instruments]. **Technical submissions shall include, but are not limited to, drawings, specifications, plats, surveys,**

**exhibits, reports, and certifications of construction** prepared by the licensee, or under such licensee's immediate personal supervision. Such licensee shall either prepare or personally supervise the preparation of all documents sealed by the licensee, and such licensee shall be held personally responsible for the contents of all such documents sealed by such licensee, whether prepared or drafted by another licensee or not.

2. The personal seal of an architect or professional engineer or professional land surveyor or **professional** landscape architect shall be the legal equivalent of the licensee's signature whenever and wherever used, and the owner of the seal shall be responsible for the architectural, engineering, **land** surveying, or landscape architectural documents, as the case may be, when the licensee places his or her personal seal on such **technical submissions** [plans, specifications, estimates, plats, reports, surveys or other documents or instruments for, or] to be used in connection with, any architectural or engineering project, survey, or landscape architectural project. Licensees shall undertake to perform architectural, professional engineering, professional land surveying and **professional** landscape architectural services only when they are qualified by education, training, and experience in the specific technical areas involved.

3. Notwithstanding any provision of this section, any architect, professional engineer, professional land surveyor, or **professional** landscape architect may, but is not required to, attach a statement over his or her signature, authenticated by his or her personal seal, specifying the particular **technical submissions** [plans, specifications, plats, reports, surveys or other documents or instruments], or portions thereof, intended to be authenticated by the seal, and disclaiming any responsibility for all other **technical submissions** [plans, specifications, estimates, reports, or other documents or instruments] relating to or intended to be used for any part or parts of the architectural or engineering project or survey or landscape architectural project.

4. Nothing in this section, or any rule or regulation of the board shall require any professional to seal preliminary or incomplete documents.

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

Mr. Freeman then made a motion to delete Section 327.391 in its entirety. This is the 20 years of experience law with no education. Mr. Freeman reported that for at least the last four years, no one had ever passed the LS exams based solely on the 20 years of experience requirement and that Missouri is only one of five

remaining states that had a zero education requirement for licensure as a PLS. The motion was seconded by Mr. Frashier and unanimously carried.

### **Update from Strategic Planning Committee**

Mr. Hartnett presented a progress report 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 and reviewed May 2012); 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 Board to assist with excessive work load of Engineering Division of the Board (approved and became effective on August 28, 2010 with a new member appointed on June 1, 2012); Change restrictive quorum requirement that require 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 the Members of the Professional Land Surveying Division have started the process of reviewing cases of violating revised Missouri Minimum Standards for Property Boundary Surveys.

### **Report from Architectural Division**

Mr. Rearden stated that, at this time, the Architectural Division did not have anything to report.

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

Mr. Skibiski reported that the Professional Engineering Division Members met with Dr. John Woolschlager, Chair and Associate Professor, Department of Civil Engineering at Parks College of Engineering at St. Louis University. Dr. Woolschlager appeared at his request for the purpose of discussing whether the Board will allow students who are expected to graduate from Saint Louis University's (SLU) new Civil Engineering program seeking accreditation to take the FE exam during their senior year. Upon discussion, Mr. Skibiski made a motion to recommend to the full Board that Ms. Kempker send a letter to Dr. Woolschlager advising the Board had approved his request with the following stipulations: 1) this approval only applies to the new Civil Engineering program which will be reviewed by the ABET accreditation team during the Fall of 2013 semester; 2) all student

applications must be submitted to the Board office on or before the December 1, 2012 filing deadline; 3) any student from the new program who receives a passing grade on the FE exam will not be enrolled as an Engineer Intern until after accreditation has been awarded by ABET; 4) all students from the new program shall submit a waiver form with their FE application stating that they understand they will not be enrolled as Engineer Interns until their program and specific degree plans are ABET accredited; 5) any student failing to make a passing grade on the April 2013 FE exam will be allowed to retake the exam providing the required fee is paid and timely application is made; and, 6) if it is later determined that the Civil Engineering program is not accredited by ABET, all exam scores will be invalidated. Furthermore, Ms. Kempker is to request that Dr. Wooschlager notify the Board immediately upon receiving official notification of accreditation from ABET so that we will know whether or not to enroll the individuals who receive a passing score as Engineer Interns or to invalidate their exam scores. The motion was seconded by Mr. Freeman and unanimously carried.

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

Mr. Freeman reported that the Professional Land Surveying Division Members discussed Standards – Quote Laws or Not & What Defines Other Metal Devices Monuments (Sec. D). Upon discussion, Mr. Freeman recommended the Board delete or further define “metal devices” from Board Rule 20 CSR 2030.16.060(D) since a monument is not necessarily a “metal device”. However, per the “Memorandum of Understanding” (MOU) with the Department of Natural Resources (DNR), this proposed amendment must also be approved by DNR before proceeding with promulgation. Therefore, the Land Surveying Division will hold a joint meeting with representatives from DNR to discuss this matter further. After the discussion with DNR, this amendment will be brought back before the Board for final approval.

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

Mr. Hartnett reported that he along with Jerany Jackson and Judy Kempker attended the CLARB Annual Meeting which was held in San Francisco, California on September 6, 7 and 8, 2013. Mr. Hartnett reported that the entire LARE exam will be going electronic in the near future. He also reported that he had been elected Region II Director and that Ms. Jackson had been elected Vice President of CLARB which now places her on the path to the Presidency 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 November 9, 2012, the financial balances were as follows:

Personal Service Balance was \$267,838. Originated with \$381,662. The Board has approximately 70.18% of its PS funds remaining.

E&E (Expense & Equipment) Balance was \$252,450. Originated with \$324,596. The Board has 77.78% of its E & E funds remaining.

Fund Balance was \$3,882,086. Per current statute, in order to avoid a sweep of the Board's fund, our balance needs to be kept under \$3,793,347, or 3 times its appropriation. However, it is recommended that the Board keep a fund balance more at a level of 1.5 times its appropriation.

For FY 2013, the Board was appropriated a total of \$706,258 for Expense and Equipment and Personal Service (\$324,596 was appropriated for E&E and \$381,662 for PS); \$122,100 for transfers (i.e., AHC & AG); and, \$278,472 for payment of operating expenses to PR. This is a difference of \$1,185 less than what was appropriated last year. The Board's E&E balance was decreased by \$6,991 due to the Governor's recommended 5% decrease related to In-State Travel, Out-of-State Travel, Professional Development, and supplies. The Board's PS balance was increased by \$5,806 due to a 2% Cost of Living Adjustment. Fringe Benefits expenses are not included in our appropriation but they run approximately \$105,462/year.) This last fiscal year (FY2012), the Board lapsed approximately \$57,500 in its PS and \$111,000 of its E&E. The Board requested no changes in our FY 2014 appropriation.

Next, Ms. Kempker discussed legislation with the Board Members. She stated that the only legislative changes that she is familiar with that may be introduced in the upcoming session are the following: 1) a proposed amendment that the Division of Professional Registration is planning to pursue to eliminate the requirement for the social security number to be on the renewal form of all licensees; 2) the proposed amendment that the 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 3) the proposed amendments to Chapter 327 RSMo that the Design Alliance may decide to pursue. Ms. Kempker was then directed to correspond with Bruce Wylie, Executive Director of the Missouri Society of Professional Engineers (MSPE), to inquire if a Design Alliance meeting can be scheduled on January 30, 2013 in conjunction with the Board's January meeting.

The Proposed Rule for 20 CSR 2030-4.055 – Criteria to File Application Under 324.008.1 for a Temporary Courtesy License; and, the Proposed Amendments to Board Rules 20 CSR 2030-6.015 – Application, Renewal, Reinstatement, Relicensure, and Miscellaneous Fees; and, Board Rule 20 CSR 2030-11.015 –

Continuing Professional Competency for Professional Engineers were all submitted to the Division for review and/or approval on March 28<sup>th</sup>. These proposed amendments have successfully gone through all levels of approval which include the Division of Professional Registration, the Department, and the Governor's Office. They were filed with the SOS, JCAR and SBRFB on July 26<sup>th</sup> and appeared in the Missouri Register on September 4<sup>th</sup>. The comment period ended on October 4<sup>th</sup>. The Final Order of Rulemaking was filed with JCAR and SBRFB on October 9<sup>th</sup> and with the Secretary of State's Office on November 8<sup>th</sup>. They are scheduled to appear in the *Missouri Register* on December 17<sup>th</sup> and in the CSR on December 31<sup>st</sup> with an effective date of January 30, 2013.

To refresh the Board's memory; Ms. Kempker stated that the purpose of Proposed Rule 20 CSR 2030-4.055 (Criteria to File Application Under 324.008.1 for a Temporary Courtesy License) is to state the requirements and procedures for a nonresident spouse of an active duty member of the military who is transferred to this state in the course of the member's military duty to obtain a temporary courtesy license to practice architecture, engineering, land surveying, or landscape architecture for one hundred eighty days which may be extended, at the discretion of the Board and upon receipt of an additional fee, for another 180 days.

Board Rule 20 CSR 2030-6.015 (Application, Renewal, Reinstatement, Relicensure, and Miscellaneous Fees) is being amended to include a fee for a temporary courtesy license for nonresident spouses of active duty members of the military who are transferred to this state in the course of the members' military duty and to eliminate the \$10 verification fee.

Board Rule 20 CSR 2030-11.015 (Continuing Professional Competency for Professional Engineers) is being amended to bring it into compliance with Section 327.031, RSMo, which was recently revised to increase the number of members comprising the Professional Engineering Division of the Board from three members to four. This statutory change took effect on August 28, 2010. Therefore, paragraph (2)(D) of this rule is being amended to reflect that change.

Ms. Kempker then announced that the Board currently has two vacant positions (Board Chair and Public Member) and five members serving in expired terms (Mike Freeman, Jerany Jackson, Bob Hartnett, Ken Frashier, and Kevin Skibiski). Ms. Kempker advised that Ms. Jackson is resigning as a member of the Board on November 13<sup>th</sup>. Since Ms. Cramm and Ms. Edwards were appointed while the Senate was not in session, she reminded them that they will need to get confirmed within 30 days of when the Senate next convenes which will be by mid to late January or early February. As of this date, Ms. Kempker has not heard any additional information regarding appointment of the Board Chair or Public Member.

Ms. Kempker announced that the Board's newsletter went out on November 5<sup>th</sup> in electronic format. The Board will now need to decide when it wants the next version to go out. Six months would be around the first to middle of May. If that is

the date the Board decides, Ms. Kempker will need all articles by April 1<sup>st</sup>. The Board then directed Ms. Kempker to send out the next newsletter by the first part of May, 2013.

Ms. Kempker stated that she had modified the process of sending complaints per Board directive on August 7, 2012. Ms. Kempker now sends the complaint in a separate email to the respective Division and then in the Friday packet so that all members have access to all complaints received. Ms. Kempker then asked if the Board liked the new process or prefers the old method or desires for her to do something different? The Board agreed to continue with the new process. Also, Ms. Kempker asked about the Board Meeting materials being scanned on the portal. Ms. Kempker asked the Board if they preferred receiving CDs. Ms. Kempker stated that she realizes some Board Members have a slower internet provider than others so for those members the Board Staff can download the material onto a flash drive and send it in a similar manner as the CDs were mailed. Messrs. Rearden and Frashier asked to receive a flash drive. Mr. Rearden and Mr. Frashier then asked Ms. Kempker to send him a hard copy of the Architectural Division motion forms. Messrs. Freeman, Govero and Flowers also asked Ms. Kempker to email a copy of the Professional Land Surveying Division motion forms to each of them. For the next meeting, Ms. Kempker stated that she plans to break down the document on the portal into smaller sections so that if a Board Member only wants to view the agenda, or complaint status chart, AG's report, discipline files, etc., then they can do so without having to download the entire document. Ms. Kempker stated that she is open to suggestions so please let her know of any suggested revisions which a Board Member may think be beneficial to all.

Ms. Kempker advised that renewal notices were mailed out the first part of October to every licensee who was originally licensed in an even year. So far, 37% of the Board's licensees have completed the renewal process and have been approved. Of those already having renewed, approximately 60% renewed online and 40% renewed via paper renewal.

Ms. Kempker reminded the Board that it will have a booth at the Missouri Association of Counties (MAC) Annual Conference on November 17 and 18 at Tan-Tar-A in Osage Beach, Missouri. She stated that Board Staff will be manning the booth for the Board.

### **Date and Location of November 2013 Board Meeting**

The Board Members discussed the date and location of the November 2013 Board Meeting. Upon discussion, the Board decided that the November meeting for 2013 will be held on November 4, 5, and if necessary, 6, 2013 in the Springfield or Branson, Missouri area. Also, the Board requested that Ms. Kempker continue to negotiate Wi-Fi with all future hotel contracts. The Board feels that free Wi-Fi would

be a valuable tool to be used during all quarterly meetings since there have been numerous occasions where a search of the internet was helpful in deciding on an issue that has become before the Board.

**Additional Agenda Item: Update regarding E-Plan Submittals and Electronic Sealing with the City of Springfield**

Mr. Skibiski announced that he and Ms. Jackson will be attending a meeting in conjunction with the City of Springfield and City Utilities to conduct a free training class on Digital Seals and Signatures on Tuesday, November 13<sup>th</sup> at 6 p.m. Mr. Skibiski advised that any Board Member could attend this meeting, if time allowed.

Please note that Mr. Brady departed the meeting at approximately 9:50 a.m.

**Additional Agenda Item: Discuss Public Records Request from Nick Georgalis requesting email addresses of the Board's licensees**

Ms. Kempker stated that she has received an email from Mr. Nick Georgalis (a telemarketer), wherein he made a Sunshine Law request for records in electronic format. Mr. Georgalis specifically requested a list of all licensed Professional Engineers in the Board's database in text format and comma delimited with the following fields: first name; middle name; last name; State; Zip; email address; Status; and, PE number. Mr. Georgalis was informed by Ms. Kempker that all licensee names, addresses, license status and numbers are available to him for download at the Board's web site but email addresses are not public and therefore will not be released. Mr. Georgalis was also advised that the Board does not have a document in the format he requested and is not obligated to create such a document pursuant to a Sunshine law request. Mr. Georgalis then threatened sanctions if the Board continued denying his records request with regard to email addresses. Upon discussion, Ms. Skibiski made a motion directing Ms. Kempker not to release the email addresses to Mr. Georgalis. Since Mr. Georgalis threatened sanctions upon the Board, Mr. Skibiski then directed Mr. Thompson to send an email response to Mr. Georgalis advising that the Board is not obligated to release licensees' email addresses and that email addresses are not open records of the Board. The motion was seconded by Mr. Frashier. A roll call vote was taken and unanimously carried.

**Motion to go back into Closed Session**

At approximately 10:13 a.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. Govero made a motion to go back into closed session to continue discussion pending litigation and complaint matters as well as any confidential or privileged communication between this agency and its attorney. Ms. Cramm 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 11: 45 a.m., the Board reconvened its open meeting for the purpose of holding a disciplinary hearing in the matter of the Board vs. James E. Ledbetter.

### **Disciplinary Hearing of James E. Ledbetter**

At approximately 11:45 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. James E. Ledbetter. Mr. Ledbetter 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. 12-005. When the hearing was concluded (at approximately 12:01 p.m.), Mr. Frownfelter was told that the Board will issue an Order soon after it has completed its deliberations. Mr. Frownfelter departed from the meeting.

### **Disciplinary Hearing of Omar Rodriguez and Rodriguez & Associates, LC**

At approximately 1:00 p.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. Omar Rodriguez and Rodriguez & Associates, LC. Mr. Rodriguez 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. 12-006. When the hearing was concluded (at approximately 1:15 p.m.), Mr. Frownfelter was told that the Board will issue an Order soon after it has completed its deliberations. Mr. Frownfelter departed from the meeting.

### **Motion to go back into closed session**

At approximately 1:15 p.m., Mr. Hartnett called for a motion to go back into closed session to deliberate on the James E. Ledbetter and Omar Rodriguez and Rodriguez & Associates, LC disciplinary cases and to continue discussing pending litigation and complaint matters as well as any confidential or privileged communication between this agency and its attorney. Mr. Govero made a motion to go back into closed session to deliberate on the James E. Ledbetter and Omar Rodriguez and Rodriguez & Associates, LC disciplinary cases and to continue discussing pending litigation and complaint matters as well as any confidential or privileged communication between this agency and its attorney. Mr. Shotts seconded the motion. 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.

### **Reconvened in Open Session**

At approximately 4:57 p.m., the Board returned to Open Session for the purpose of discussing the remaining Open Agenda items and to adjourn the meeting.

### **Update from the Sub-committee on defining incidental practice and proposed changes to the definitions of the practice of architecture, engineering, land surveying, and landscape architecture as well as other sections in Chapter 327**

Mr. Skibiski provided an update to the Board regarding the proposed changes to Chapter 327 specifically regarding incidental practice and Sections 327.091, 327.101, 327.181, 327.191, 327.600, and 327.603, RSMo. Upon discussion, Mr. Adewale made a motion to recommend to the full Board that it move forward by providing the proposed changes to the Design Alliance, so that the Design Alliance may then distribute the information to the societies such as the Missouri Society of Professional Engineers (MSPE); the Missouri Society of Professional Surveyors (MSPS); the American Institute of Architects-Missouri (AIA-MO); and, the Missouri Association of Landscape Architects (MALA) to vet the issues and argue out the semantics. The Professional Engineering Division Members felt the Board had met its charge. The motion was seconded by Ms. Cramm and unanimously carried. The Board directed Ms. Kempker to contact Mr. Bruce Wylie to advise that the Board would like to meet with the Design Alliance on Wednesday, January 30, 2013 to discuss the changes to Chapter 327 and other matters of mutual interest.

**Adjournment**

A motion was made by Ms. Jackson to adjourn the meeting. Ms. Cramm seconded the motion and it unanimously carried. The meeting adjourned at 5:06 p.m. on Tuesday, November 13, 2012.

ATTEST:

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

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