

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

Monday, January 27, 2014  
St. Louis Meeting Room, Second Floor  
Capitol Plaza Hotel and Conference Center  
415 West McCarty Street  
Jefferson City, Missouri

The Professional Land Surveying Division of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects was called to order at 8:00 a.m. on Monday, January 27, 2014 in the St. Louis Meeting Room, of the Capitol Plaza Hotel and Conference Center, 415 West McCarty Street, Jefferson City, Missouri. A quorum being present, Chairman Mike Freeman declared the meeting open for business.

**Members Present**

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

**Others Present**

Bob Shotts, Landscape Architect Member and Professional Land Surveyor  
Judy Kempker, Executive Director  
Karen Payne, Board Staff  
Laurie Koelling, Board Staff

To better track the order in which items were taken up on the agenda, each item in the minutes will be listed in the order it was discussed in the meeting.

**Approval of Minutes**

On motion by Dan Govero, the minutes of the November 4 and 5, 2013 Professional Land Surveying Division open meetings and the December 10, 2013 Professional Land Surveying Division open conference call were approved as submitted. Mike Flowers seconded the motion. Voting in favor of the motion were Dan Govero and Mike Flowers.

**Election of Division Chair, Vice Chair, Exam Chair, PDU Audit Chair, and PDU Preapproval Chair**

Mike Flowers made a motion to re-elect Mike Freeman as Division Chair for the Land Surveying Division. Dan Govero seconded the motion. A roll call vote was taken and unanimously carried.

Mike Flowers made a motion to elect Dan Govero as Vice Chair for the Land Surveying Division. Mike Freeman seconded the motion. A roll call vote was taken and unanimously carried.

Mike Flowers made a motion to re-elect Dan Govero as Exam Chair for the Land Surveying Division. Mike Freeman seconded the motion. A roll call vote was taken and unanimously carried.

Dan Govero made a motion to re-elect Mike Flowers as Audit Chair for the Land Surveying Division. Mike Freeman seconded the motion. A roll call vote was taken and unanimously carried.

Dan Govero made a motion to re-elect Mike Freeman as the PDU Preapproval Chair for the Land Surveying Division. Mike Flowers seconded the motion. A roll call vote was taken and unanimously carried.

Please note that Legal Counsel, Curt Thompson, entered the meeting at 8:15 a.m.

**Discuss an Email Received from Mr. Michael A. Sater, LS-2001001915, Requesting Direction from the Board Regarding a Request he received from a St. Louis County Municipality to Prepare a Metes and Bounds Description for Different Areas the Municipality is Considering Annexing**

Discussion was tabled until the Division members could meet in closed session to seek advice from the Board's legal counsel.

**Motion to Close**

At 8:15 a.m., Dan Govero made 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 pursuant to Chapter 610.021 subsection (14) and 324.001.8 and 324.001.9, RSMo. The motion was seconded by Mike Flowers and unanimously carried. Voting in favor of the motion were Dan Govero and Mike Flowers.

## **Reconvene**

At 8:30 a.m. the Members of the Land Surveying Division reconvened in open session for the purpose of continuing discussion of their open agenda items.

Please note that Executive Director, Judy Kempker, departed the meeting at 8:30 a.m.

Please note that Legal Counsel, Curt Thompson, departed the meeting at 8:30 a.m.

Please note that Board Staff, Laurie Koelling, departed the meeting at 8:20 a.m.; and re-entered the meeting at 8:26 a.m.

## **Discuss an Email Received from Mr. Michael A. Sater, LS-2001001915, Requesting Direction from the Board Regarding a Request he received from a St. Louis County Municipality to Prepare a Metes and Bounds Description for Different Areas the Municipality is Considering Annexing**

Next, the Division members discussed the email received from Mr. Michael A. Sater in which he requested direction from the Board regarding a request he received from a St. Louis County Municipality to prepare a metes and bounds description for different areas the municipality is considering annexing. Upon discussion, Mike Flowers made a motion directing Executive Director, Judy Kempker, to respond to Mr. Sater by stating that it is the Board's recommendation that metes and bounds descriptions should be prepared by a Professional Land Surveyor; however there is nothing in the Statute 327.272 at this time that requires them to be prepared by a Professional Land Surveyor. It is the Board's opinion however, that not using a Professional Land Surveyor to prepare the description may allow for other descriptions to contain errors or omissions that could cause the newly prepared boundary for the annexation to contain gores, gaps, or overlaps. Dan Govero seconded the motion and it unanimously carried. Voting in favor of the motion were Dan Govero and Mike Flowers.

## **Review and/or Update Land Surveying Course Work Which is Acceptable**

The members of the Professional Land Surveying Division then discussed and reviewed the list of acceptable land surveying coursework as it relates to meeting the education requirements for enrollment as a Land Surveyor-in-Training. Upon review, Mike Flowers made a motion directing Board staff to send a letter to all of the colleges and universities on the list and request that they submit a list of all of their surveying courses, within two weeks from the date of the letter, and to also request that they provide a course syllabus for their Fundamentals of Surveying course, if they offer such course. Once the lists are received Executive Director, Judy Kempker, is to send the information to the Division members via email for review. Dan Govero seconded the motion and it unanimously carried. Voting in favor of the motion were Dan Govero and Mike Flowers.

**Discuss Dr. Richard Elgin's Letter Regarding his Concerns about the Apparent Lack of Legal Principles Surveying Education Received by Most of the Examinees and Possible Solutions to the Problems as Recommended by Dr. Elgin**

Next, the Division members reviewed and discussed the letter received by the Board's Exam Consultant, Dr. Richard Elgin, in which he addresses his concerns about the apparent lack of Legal Principles surveying education received by most of the examinees as well as Dr. Elgin's suggestions to solve the problem. Upon discussion, Mike Flowers made a motion directing Board staff to research Board files to determine how many of the enrolled Land Surveyors-in-Training have not pursued licensure as a Professional Land Surveyor. Once determined, Executive Director, Judy Kempker, is to share the findings with the Division members. Dan Govero seconded the motion. Voting in favor of the motion were Mike Flowers and Dan Govero.

Furthermore, due to the fact that the Division is requesting the universities or colleges to submit a list of their surveying coursework, specifically a syllabus for their Fundamentals of Surveying course, the Division members are going to postpone acting on possible solutions regarding this matter until they have had an opportunity to review the information received. The members also stated that this matter would be discussed further at the "2014 Bistate Conference & Exposition" – October 23-25, 2014 in Overland Park, Kansas.

Please note that Board staff, Laurie Koelling, departed the meeting at 8:55 a.m. and re-entered the meeting at 9:14 a.m.

**Memorandum of Understanding (MOU) Between the Board and the Department of Agriculture (Formerly MOU between the Board and the Department of Natural Resources)**

Next, the Division members discussed the Memorandum of Understanding (MOU) between the Board and the Department of Agriculture. Upon discussion, Dan Govero made a motion directing, Executive Director, Judy Kempker, to send State Land Surveyor, Darrell Pratte, another email and state that at the January 27, 2014 Land Surveying Division meeting it was noted that the Department of Agriculture has a new

Director and the Board would like to know how this appointment will affect the signing of the MOU as the Board would like to proceed with promulgation of the rule by April 1<sup>st</sup> and to do so it would be necessary to have the "Joint Land Survey Standards Committee" meeting prior to that date. Mike Flowers seconded the motion and it unanimously carried. Voting in favor of the motion were Dan Govero and Mike Flowers.

**Review and Discuss Proposed Changes to Board Rules in Chapter 16, 17, 18, and 19 (if any)**

The members of the Professional Land Surveying Division then reviewed and discussed possible changes to Board Rules in Chapters 16, 17, 18, and 19 in correlation to the Department of Agriculture's Chapters 2, 3 and 4. Upon discussion, Dan Govero, made a motion directing Executive Director, Judy Kempker, to advise State Land Surveyor, Darrell Pratte, that the Land Surveying Division members approved the Department of Agriculture's wording in Chapters 3 and 4 in conjunction with Board Rule Chapters 17 and 18; that Chapter 19 of the rules would remain unchanged; and furthermore that it is the Board's understanding that the changes to Chapter 16 (The Dept. of Agriculture's Chapter 2) have also been agreed upon and that the Department of Agriculture is currently working on changes to the chapter on Mapping Survey Standards. Mike Flowers seconded the motion and it unanimously carried. Voting in favor of the motion were Dan Govero and Mike Flowers.

Please note that Board staff, Laurie Koelling, departed the meeting at 9:45 a.m. and re-entered the meeting at 10:00 a.m.

**Update Regarding MSPS' Proposed Changes to Section 327.312 Which will Increase the Education Requirements for LSIT Applicants that Apply for Enrollment**

Next, the Division discussed MSPS' proposed changes to Section 327.312 which increases the education requirements for Land Surveyor-in-Training applicants that apply for enrollment. Upon discussion, Mike Flowers made a motion directing Executive Director, Judy Kempker, to contact Sandy Boeckman with MSPS and ask that House Bill 704 be revised to read "approved curriculum as defined by the Board in Sections 327.315(1) (2) and (3) rather than reading "approved survey course work". Dan Govero seconded the motion and it unanimously carried. Voting in favor of the motion were Mike Flowers and Dan Govero.

**Possible Changes to the Board Rules and/or Chapter 327 RSMo (for information and/or discussion)**

The Land Surveying Division members had no further proposed changes to make to the Board Rules and/or Chapter 327 RSMo at this time. However, Executive Director, Judy Kempker, did provide an update on Board Rule 20 CSR 2030-5.110 and stated that due to "design survey" being defined in the proposed changes to Chapter 327, RSMo, via SB 809 and HB 1771; and due to SB 704 wherein Representative Korman is wanting to accept experience from any profession regulated by Chapter 327 for licensure as a Professional Land Surveyor, the Division recommended the Board hold processing this proposed rule amendment until the legislative session has passed so that the Board will know if the term "design survey" can be used or if the Board should keep it as

“engineering survey” and so the Board will also know whether Representative Korman was successful at changing Chapter 327, to allow experience from any profession to count toward licensure.

**Discuss Letter Dated January 21, 2014 from Dr. Richard Elgin Requesting that a Professional Land Surveying Division Member of the Board be a Part of a Panel on the Status of Surveying Education on Friday, October 24, 2014 During the 2014 Bistate Conference and Exposition held by the Kansas Society of Land Surveyors (KSLs) and the Missouri Society of Professional Surveyors (MSPs)**

Upon discussion, Mike Freeman volunteered to serve on the panel to address the status of the surveying education at the “2014 Bistate Conference and Exposition” to be held October 24, 2014 by the Kansas Society of Land Surveyors (KSLs) and the Missouri Society of Professional Surveyors (MSPs) in Overland Park, Kansas. Division members, Dan Govero and Mike Flowers, also stated that they would be attending the conference.

**Motion to Close**

At 10:05 a.m., Chairman Freeman called for a motion to close the meeting to the general public for the purpose of discussing confidential or privileged communications between this agency and its attorney as well as to discuss pending litigation and complaint matters. Dan Govero made a motion that the meeting be closed to the general public pursuant to Chapter 610.021 subsection (14) and 324.001.8 and 324.001.9, RSMo for the purpose of discussing investigative reports, complaints, audits and/or other information pertaining to licensees or applicants; Chapter 610.021 subsection (1) RSMo for the purpose of discussing general legal action, causes of action or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under Chapter 610.021 RSMo which authorizes this agency to go into closed session during those meetings. The motion was seconded by Mike Flowers and unanimously carried. Voting in favor of the motion were Dan Govero and Mike Flowers.

**Reconvene**

At 3:00 p.m. the Members of the Land Surveying Division reconvened in open session for the purpose of adjourning the meeting.

**Adjournment**

There being no further discussion, a motion was made by Dan Govero and seconded by Mike Flowers to adjourn. The motion carried unanimously. The meeting adjourned at 3:00 p.m. on January 27, 2014.

ATTEST:

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Executive Director

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