

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

Hermitage Room  
Truman Hotel  
1510 Jefferson Street  
Jefferson City, Missouri  
January 29, 2013

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 29, 2013 in the Hermitage Room of the Truman Hotel, 1510 Jefferson Street, 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  
Kenneth M. Frashier, Member of the Architectural Division  
Kathy W. Achelpohl, Member of the Architectural Division  
Kevin C. Skibiski, Chair of the Professional Engineering Division  
Abiodun "Abe" Adewale, Member of the Professional Engineering Division  
Melissa J. Edwards, 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  
Robert S. Shotts, Member of the Landscape Architectural Division

**Member Absent**

Kelley P. Cramm, Member of the Professional Engineering Division

**Others Present**

Judy Kempker, Executive Director  
Sandra Robinson, Processing Technician Supervisor  
Jane Coffman, Processing Technician II  
Kevin Oligschlaeger, Board Investigator  
Curtis F. Thompson, General Counsel  
Edwin Frownfelter, Assistant Attorney General

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. Shotts seconded the nomination and it unanimously carried. Ms. Kempker then turned the meeting over to Mr. Hartnett.

Before continuing with the Board's Open Meeting, Mr. Hartnett announced to the Board that the St. Louis Chapter of the Missouri Society of Professional Engineers (MSPE) selected Abe Adewale to receive the Engineer of the Year Award - 2013. Mr. Adewale will be recognized for his achievements and presented with a plaque at the St. Louis Chapter of MSPE's annual Awards Banquet on Friday evening, February 22, 2013. All Board Members then congratulated Mr. Adewale.

### **Approval of Minutes**

A motion was made by Mr. Skibiski to approve the November 13, 2012 Open Board Meeting minutes as submitted. The motion was seconded by Mr. Rearden and unanimously carried. A motion was made by Mr. Freeman to approve the January 22, 2013 Open Committee Conference Call minutes as submitted. The motion was seconded by Mr. Rearden and unanimously carried.

### **Review and discuss proposed changes to Chapter 327, RSMo, which were voted on at the November 13, 2012 meeting and forwarded to the Design Alliance on December 3, 2012**

Ms. Kempker reported to the Board Members that the proposed changes to Chapter 327, RSMo, which were voted on at the Board's November 13, 2012 meeting were forwarded to the Design Alliance on December 3, 2012. The Members of the Design Alliance have had time to review and vet the recommended changes by the Board and be prepared for discussion at the Design Alliance meeting on Wednesday, January 30, 2013.

### **Review and discuss proposed changes to Chapter 327, RSMo, that include proposed revisions "suggested" by Board Staff based on changes in the application, examination, and licensure process**

Ms. Kempker then introduced Board Staff Members, Ms. Nancy Plaster and Ms. Jan Gilliam, to the Board. Ms. Kempker stated that due to changes in the application review/approval process, she, Ms. Gilliam and Ms. Plaster conducted an in-depth review of Chapter 327 RSMo to determine if additional changes should be considered in an effort to bring the statute into compliance with the current method of operation. These changes were merely being submitted as “suggestions” and have not been forwarded to the members of the Design Alliance for their review and/or comment.

Ms. Kempker first asked the Board Members if they wanted to add language to Chapter 327 that was introduced in House Bill 780 during the last legislative session. This is the language which proposed to reduce the Board from 15 members to 14 members by eliminating the separately appointed chairperson. The other 14 members will select one of themselves to be the chairperson. During the last legislative session, this bill was not supported by the Governor’s Office. Ms. Kempker thought it would be beneficial for the professional associations to have their lobbyists make inquiry this legislative session to see if the Governor’s Office still feels the same way or if his office would support the proposed revision. Mr. Hartnett stated that he had a meeting with Ms. Deborah Price, Director of Boards and Commissions for the Governor and Mr. A.J. Fox, Deputy Director of Boards and Commissions for the Governor on Monday, January 28, 2013. Ms. Price and Mr. Fox did not know how the Governor would feel about this change but stated that they would check with the Governor and will get back with Mr. Hartnett with an answer.

Ms. Kempker stated that the following proposed changes to Sections 327.131, 327.151, and 327.161 all related to the Architectural profession. These changes eliminate the 12 year route toward licensure since it is no longer an option and also updates the current statutes to accurately reflect the “Direct Registration” process which is currently being used by the Board through NCARB. Upon discussion, Mr. Rearden made a motion to make the necessary changes to Sections 327.131, 327.151, and 327.161 eliminating the 12 year route toward licensure since it is no longer an option. The motion was seconded by Mr. Skibiski and unanimously carried. The proposed changes to Sections 327.131, 327.151, and 327.161 reads as follows:

**Applicant for license as architect, qualifications.**

327.131. 1. Any person may apply to the board for **[examination and license] licensure** as an architect who is over the age of twenty-one, is of good moral character, **[and is a graduate of and holds] has acquired** an accredited degree from an accredited degree program from a school of architecture **[and has acquired at least three years of satisfactory architectural experience] holds a certified Intern Development Program (IDP) record with the National Council of Architectural Registration Boards, and has taken and passed all divisions of the Architect Registration Examination®.** [Prior to January 1, 2012, any applicant who possesses the age and

character qualifications as provided in this subsection and who has acquired a combined total of twelve years of education, above the high school level, and satisfactory architectural experience may apply to the board for examination and licensure\* as an architect. Beginning January 1, 2012, all new applicants shall hold an accredited degree from an accredited degree program from a school of architecture.

2. The board shall provide by rule what shall constitute satisfactory architectural experience, based upon recognized education and training equivalents.

3. Beginning January 1, 2002, each applicant who has graduated with an accredited degree from an accredited degree program from a school of architecture shall complete the intern development program (IDP) as defined in the IDP Guidelines: Intern Development Program, 1994, as published by the National Council of Architectural Registration Boards, as amended. Completion of the intern development program shall be deemed to be satisfactory architectural experience.]

**Examination for license, content--passing grade, how determined.**

327.151. 1. After [the board] it has been determined [upon such inquiry and by such methods as it may consider proper] that such applicant possesses the qualifications entitling such applicant to be examined, each applicant for examination and [license] licensure as an architect shall appear before the board or its representatives for examination at the time and place specified [by the board in a written notice to each such applicant, provided that an examination shall be given at least once in each calendar year].

2. The [written] examination or examinations shall be of such form, content and duration as determined by the architectural division of the board to thoroughly test the qualifications of each applicant to practice architecture in Missouri.

3. An applicant to be eligible for [license] licensure shall make a passing grade on each examination. The "passing grade" shall be fixed by the board but it shall never be higher than the current "passing grade" determined by the National Council of Architectural Registration Boards.

4. Any person who passes the examination or examinations prescribed by the board shall be entitled to be licensed as an architect in Missouri, subject to the other provisions of this chapter.

**Reexamination, when.**

327.161. If an applicant fails to make the grade specified in section 327.151, the applicant may apply for reexamination, by [section,] **division, in accordance with the guidelines established by the National Council of Architectural Registration Boards or its successor.** [on a form furnished to the applicant. If the application is approved, the applicant may take another examination, no sooner than six months after the date of the failed examination.]

Next, Ms. Kempker advised of a proposed a change to Sections 327.171.1; 327.261.1, 327.351.1 and 327.621.1, which relate to all four professions and proposes to eliminate the suspension of a license for non-renewal. If a licensee fails to renew by the renewal date, they will have three months to renew without penalty. If they do not renew within that three months, their license will expire on the renewal date. The licensee must then apply for relicensure. Upon discussion, Mr. Flowers made a motion to move forward with the proposed change of the expiration date of any Architect, Professional Engineer, Professional Land Surveyor, Professional Landscape Architect or the certificate of authority issued to any corporation to expire on the renewal date. The motion was seconded by Mr. Rearden and unanimously carried. The proposed changes to Sections 327.171.1; 327.261.1, 327.351.1 and 327.621.1 reads as follows:

**Professional license, renewal.**

327.171. 1. The professional license, issued to every architect in Missouri, including certificates of authority issued to corporations as provided in section 327.401, shall be renewed on or before the certificate renewal date, provided that the required fee is paid. The board may establish, by rule, continuing education requirements as a condition to renewing the license of an architect, provided that the board shall not require more professional development hours than that which is recommended by the American Institute of Architects or its successor organization, but not to exceed thirty such hours. The license of any architect or the certificate of authority issued to any corporation which is not renewed within three months of the certificate renewal date shall [be suspended automatically, subject to the right of the holder of such suspended certificate to have the certificate reinstated within nine months of the date of suspension, if the reinstatement fee is paid. Any license or certificate of authority suspended and not reinstated within nine months of the suspension date, as provided in this section, shall] expire **on the renewal date** and be void and the holder of such expired certificate shall have no rights or privileges under such license or certificate; but any person or corporation whose certificate has expired as provided in this section may within the discretion of the board, upon payment of the required fee, be relicensed or reauthorized under such person's or such corporation's original license number.

### **Professional license, renewal.**

327.261. 1. The professional license issued to every professional engineer in Missouri, including certificates of authority issued to corporations as hereinafter provided, shall be renewed on or before the license renewal date, provided that the required fee is paid. The board may establish, by rule, continuing education requirements as a condition to renewing the license of a professional engineer, provided that the board shall not require more professional development hours than that which is recommended by the National Council of Examiners for Engineering and Surveying or its successor organization, but not to exceed thirty such hours. The license of any professional engineer or the certificate of authority of any such corporation which is not renewed within three months of the certificate renewal date shall [be suspended automatically, subject to the right of the holder of such suspended certificate to have the certificate reinstated within nine months of the date of suspension if the reinstatement fee is paid. Any license or certificate of authority suspended and not reinstated within nine months of the suspension date, as above provided, shall] expire **on the renewal date** and be void and the holder of the expired license or certificate shall have no rights or privileges under such license or certificate; but any person or corporation whose license or certificate has expired as aforesaid may within the discretion of the board, upon payment of the required fee, be relicensed or reauthorized under such person's or such corporation's original license number.

### **Professional license renewal--expired [or suspended license], renewal procedure--professional development requirements for renewal, exception.**

327.351. 1. The professional license issued to every professional land surveyor in Missouri, including certificates of authority issued to corporations as provided in section 327.401, shall be renewed on or before the license or certificate renewal date provided that the required fee is paid. The license of any professional land surveyor or the certificate of authority of any such corporation which is not renewed within three months of the renewal date shall [be suspended automatically, subject to the right of the holder of such suspended license or certificate to have it reinstated within nine months of the date of suspension, if the reinstatement fee is paid. Any license or certificate of authority suspended and not reinstated within nine months of the suspension date shall] expire **on the renewal date** and be void and the holder of such expired license or certificate shall have no rights or privileges thereunder, but any person or corporation whose license or certificate has expired may, within the discretion of the board and upon payment of the required

fee, be reregistered or relicensed under such person's or corporation's original license number.

**License issuance and renewal, fee--failure to renew, effect[~~--reinstatement fee must be paid when--~~]license not renewed to expire, when--renewal or [reregistration] relicensure form and fee.**

327.621. 1. The professional license issued to every **professional** landscape architect in Missouri, and certificates of authority issued to corporations under section 327.401, shall be renewed on or before the license renewal date, provided that the required fee is paid. The board may establish, by rule, continuing education requirements as a condition to renewing the license of a **professional** landscape architect, provided that the board shall not require more than thirty such hours. The license of a **professional** landscape architect or the certificate of authority issued to any corporation which is not renewed within three months of the renewal date shall **[be suspended automatically, subject to the right of the holder thereof to have such suspended license reinstated within nine months of the date of suspension, if the reinstatement fee is paid. Any license or certificate of authority suspended and not reinstated within nine months of the suspension date shall]** expire **on the renewal date** and be void and the holder thereof shall have no rights or privileges thereunder; provided, however, any person or corporation whose license has expired under this section may within the discretion of the board, upon payment of the fee, be relicensed or reauthorized under such person's or such corporation's original license number.

Ms. Kempker further advised of the following proposed changes to Section 327.241 which all relate to the Professional Engineering profession. These changes update the current statute to accurately reflect Computer Based Testing (CBT) and the "Direct Application" process which will eventually be used by the Board through NCEES. Upon discussion, Mr. Skibiski made a motion to approved proposed changes to Sections 327.241.1 and 2, RSMo. The motion was seconded by Mr. Frashier and unanimously carried. Proposed changes to Sections 327.241.1 and 2, RSMo read as follows:

**Examination for license two-part, how conducted--practical experience required for part two.**

327.241. 1. After **[the board] it has been determined [upon such inquiry and by such methods as it may consider proper]** that an applicant possesses the qualifications entitling such applicant to be examined, each applicant for examination and licensure as a professional engineer in Missouri shall appear before the board or its representatives for examination at the time and place specified **[by**

the board in a written notice to each such applicant, provided that an examination shall be given at least once in each calendar year].

2. The [written] examination or examinations shall be of such form, content and duration as shall be determined by the board, to thoroughly test the qualifications of each applicant to practice as a professional engineer in Missouri.

Ms. Kempker then stated that the next proposed change was to Section 327.351.6, RSMo, which relates to the Land Surveying profession. Upon discussion, Mr. Freeman made a motion to move forward with the proposed change so that the continuing education language would be consistent with the other professions of the Board by requiring a set amount and removing the calculation requirement to complete one-half of the two-year requirement for professional development multiplied by the number of years of lapsed or inactive status. The motion was seconded by Mr. Skibiski and unanimously carried. The proposed change to Section 327.351.6 reads as follows:

Section 327.351. 6. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of such intention by paying appropriate fees as determined by the board, and by meeting all established requirements of the board including the demonstration of current knowledge, competency, and skill in the practice of land surveying as a condition of reactivation. [A holder of an inactive license may return such license to an active license to practice professional land surveying by paying the required fee, and either:

(1) Completing one-half of the two-year requirement for professional development multiplied by the number of years of lapsed or inactive status. The maximum requirement for professional development units shall be two and one-half times the two-year requirement. The minimum requirement for professional development units shall be no less than the two-year requirement. Such requirement shall be satisfied within the two years prior to the date of reinstatement; or

(2) Taking] **7. In the event an inactive licensee does not maintain a current license in any state for a five-year period immediately prior to requesting reactivation, that person may be required to take** such examination as the board deems necessary to determine such person's qualifications. Such examination shall cover areas designed to demonstrate the applicant's proficiency in current methods of land surveying practice.

**[7]8.** Exemption to the required professional development units shall be granted to [registrants] **licensees** during periods of serving honorably on full-time active duty in the military service.

Ms. Kempker further stated that the following proposed changes to Sections 327.312, 327.313, 327.314, 327.321, and 327.331 all relate to the Land Surveying profession. The changes to Section 327.312 were made at the direction of the Professional Land Surveying Division. The other changes eliminate out-dated language regarding enrollment as an LSIT and also updates the current statute to accurately reflect Computer Based Testing (CBT) and the "Direct Application" process which will eventually be used by the Board through NCEES. Ms. Kempker reported that she had recently had a conversation with Jim Anderson, who is a member of the MSPS Legislative Committee. After that conversation, Ms. Kempker presented an amended version of Section 327.312 for the Board's consideration. The newly amended version includes a "grandfathering" period for those who have already started one of the three paths toward enrollment and it skips the 30 semester hour requirement and instead requires the 4 year degree since this is what the Committee and the Board ultimately want. Ms. Kempker stated that this version has not been shared with the Design Alliance or the association and is merely a suggestion for the Board's consideration.

Upon discussion, Mr. Freeman made a motion to move forward with the proposed changes to Sections 327.312, 327.313, 327.314, 327.321, and 327.331, which would include the 4 year degree in Chapter 327.312. The motion was seconded by Mr. Skibiski and unanimously carried. Proposed changes to Sections 327.312, 327.313, 327.314, 327.321, and 327.331 are as follows:

**Land surveyor-in-training applicant for [examination and] enrollment, qualifications--certificate issued when.**

327.312. 1. Any person may apply to the board for [examination and] enrollment as a land surveyor-in-training who is over the age of twenty-one, who is of good moral character, who is a high school graduate, or who holds a Missouri certificate of high school equivalence (GED), and either:

(1) Has graduated and received a baccalaureate degree in an approved curriculum as defined by board regulation which shall include at least twelve semester hours of approved **curriculum [surveying course work]** as defined by board regulation of which at least two semester hours shall be in the legal aspects of boundary surveying; or

(2) Has passed at least sixty hours of college credit which shall include credit for at least twenty semester hours of approved **curriculum [surveying course work]** as defined by board regulation of which at least two semester hours shall be in legal aspects of boundary surveying and present evidence satisfactory to the board that in addition thereto such person has at least one year of combined professional office and field experience in land surveying

projects under the immediate personal supervision of a professional land surveyor; or

(3) Has passed at least twelve semester hours of approved **curriculum [surveying course work]** as defined by board regulation of which at least two semester hours shall be in legal aspects of land surveying and in addition thereto has at least two years of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional land surveyor. Pursuant to this provision, not more than one year of satisfactory postsecondary education work shall count as equivalent years of satisfactory land surveying work as aforementioned.

**2. Effective January 1, 2022, any person may apply to the board for enrollment as a land surveyor-in-training who is over the age of twenty-one, who is of good moral character, who is a high school graduate, or who holds a Missouri certificate of high school equivalence(GED), and who has graduated and received a baccalaureate degree in an approved curriculum as defined by board regulation which shall include at least thirty semester hours of approved curriculum as defined by board regulation of which at least six semester hours shall be in the legal aspects of boundary surveying.**

3. The board shall issue a certificate of completion to each applicant who satisfies the requirements of the aforementioned land surveyor-in-training program and passes such examination or examinations as shall be required by the board.

If the aforementioned does not get filed, the Professional Land Surveying Division Members are then in support of filing language which would require the 30 semester hours with 6 hours in legal aspects. They feel this will be much better than what we currently have. However, there was some concern with MSPS' proposal to "sunset" all three provisions in Section 327.312. The effective date that provides for automatic sunset in MSPS' proposal is December 31, 2017. In the new proposed language in Section 327.314, the effective date for subsections (1) and (2) is January 1, 2018 and the effective date for subsection (3) is January 1, 2022. If the law was changed with these dates in place, it appears that there would be a window of four years where there will be no option available for individuals pursuing licensure pursuant to subsection (3). This would pose a significant problem.

With regard to MSPS' changes proposed in Section 327.313, the Professional Land Surveying Division was in agreement with those.

With regard to MSPS' changes proposed in Section 327.314, please be advised of the following concerns:

1) The Professional Land Surveying Division would prefer to see Section 327.312 amended to include MSPS' proposed changes rather than sun setting the provisions in Section 327.312 and moving the LSIT requirements into Section 327.314, which currently addresses the PLS examination and licensure requirements.

2) The LS Division is in agreement with deleting paragraph 2. from Section 327.314.

3) It was noted that reference is made to two hours of Legal Aspects for methods described in subsections (1) and (3) but six hours for the method described in Subsection (2). All three methods should reference six hours in legal aspects.

4) The LS Division would like to see the wording in all three methods changed to read "approved curriculum" instead of "approved surveying coursework."

5) If the 30 semester hours are pursued, the effective date should be 4 years after its passage.

6) The LS Division also noticed that Subsection (3) of MSPS' proposal for enrollment as an LSIT requires at least six years of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional land surveyor instead of the current requirement of two years. The LS Division is proposing that the six years of experience be changed back to the original two years of experience. If six years of experience is required before enrollment as an LSIT and then another four years after enrollment, this would require each applicant for a PLS license to have a total of 10 years of prior surveying experience under a PLS. The Division Members felt this was too long for these applicants to have to wait.

7) If the 30 semester hours are pursued, all three methods should have the same effective date.

Below is suggested language to consider should MSPS decide to pursue 30 semester hours instead of the 4 year degree requirement.

**Land surveyor-in-training applicant for examination and enrollment, qualifications--certificate issued when.**

327.312. 1. Any person may apply to the board for examination and enrollment as a land surveyor-in-training who is over the age of twenty-one, who is of good moral character, who is a high school graduate, or who holds a Missouri certificate of high school equivalence (GED), and either:

(1) Has graduated and received a baccalaureate degree in an approved curriculum as defined by board regulation which shall include at least twelve semester hours of approved **curriculum [surveying course work]** as defined by board regulation of which at

least two semester hours shall be in the legal aspects of boundary surveying; or

(2) Has passed at least sixty hours of college credit which shall include credit for at least twenty semester hours of approved **curriculum [surveying course work]** as defined by board regulation of which at least two semester hours shall be in legal aspects of boundary surveying and present evidence satisfactory to the board that in addition thereto such person has at least one year of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional land surveyor; or

(3) Has passed at least twelve semester hours of approved **curriculum [surveying course work]** as defined by board regulation of which at least two semester hours shall be in legal aspects of land surveying and in addition thereto has at least two years of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional land surveyor. Pursuant to this provision, not more than one year of satisfactory postsecondary education work shall count as equivalent years of satisfactory land surveying work as aforementioned.

**2. Effective January 1, 2018, any person may apply to the board for enrollment as a land surveyor-in-training who is over the age of twenty-one, who is of good moral character, who is a high school graduate, or who holds a Missouri certificate of high school equivalence (GED), and either:**

**(1) Has graduated and received a baccalaureate degree in an approved curriculum as defined by board regulation which shall include at least thirty semester hours of approved curriculum as defined by board regulation of which at least six semester hours shall be in the legal aspects of boundary surveying; or**

**(2) Has passed at least sixty hours of college credit which shall include credit for at least thirty semester hours of approved curriculum as defined by board regulation of which at least six semester hours shall be in legal aspects of boundary surveying and present evidence satisfactory to the board that in addition thereto such person has at least one year of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional land surveyor; or**

**(3) Has passed at least thirty semester hours of approved curriculum as defined by board regulation of which at least**

**six semester hours shall be in legal aspects of land surveying and in addition thereto has at least two years of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional land surveyor. Pursuant to this provision, not more than one year of satisfactory postsecondary education work shall count as equivalent years of satisfactory land surveying work as aforementioned.**

**[2.]3.** The board shall issue a certificate of completion to each applicant who satisfies the requirements of the aforementioned land surveyor-in-training program and passes such examination or examinations as shall be required by the board.

Another option the Professional Land Surveying Division agreed to support was a graduated phase from the current requirement to the 30 semester hours to the 4 year degree. However, if the graduated phase is pursued, the members would recommend it all be done in the very same bill. This way we are letting the Legislature know up front that the 4 year degree is our ultimate goal instead of increasing it now to 30 semester hours and then four years later going back in to increase it to the 4 year degree. This may cause some legislators to ask why we are changing it again so soon and may give the impression that we aren't really sure of exactly what it is we want. Therefore, if MSPS first wanted to pursue the 30 semester hours within the next four years followed by the requirement for a 4 year degree within the next 8 years, the Professional Land Surveying Division indicated they would support this approach.

Ms. Kempker stated that the following proposed changes to Section 327.381 are based on the existing language in the Landscape Architectural Division's section of the law. These changes would make all four professions consistent with regard to licensure by comity. In addition, once current Board staff retires, it would be almost impossible for new staff and new Board Members to remember all of the licensing laws that were previously in effect at the time of "initial" licensure. Upon discussion, Mr. Rearden made a motion to move forward the suggested change which would take out "initial time of licensure". The motion was seconded by Mr. Skibiski and unanimously carried. Sections 327.381, RSMo would read as follows:

**Board may license architect, professional engineer, professional land surveyor or professional landscape architect without examination, when.**

**327.381. [The board shall issue a license to any architect, professional engineer, professional land surveyor or landscape architect who has been licensed in another state, territory or possession of the United States, or in another country, provided that the board is satisfied by proof adduced by such applicant that the applicant's qualifications meet or exceed the requirements for initial**

licensure in Missouri at the time of the applicant's initial license,] **The board may license, in its discretion, any architect, professional engineer, professional land surveyor, or professional landscape architect licensed in another state or territory of the United States or Province of Canada when such applicant has qualifications which are at least equivalent to the requirements for licensure as an architect, professional engineer, professional land surveyor or professional landscape architect in this state,** and provided further that the board may establish by rule the conditions under which it shall require any such applicant to take any examination it considers necessary, and provided further that the board is satisfied by proof adduced by such applicant that the applicant is of good moral character, and provided further that any such application is accompanied by the required fee **[which shall be equal to the examination fee].**

Ms. Kempker advised that the proposed change to Sections 327.441 and 327.631 relate to all four professions and proposes to eliminate the word “gross” in front of negligence. Ms. Kempker advised that recent legal cases have shown that the burden of proving “gross” negligence is quite difficult. Simple negligence is defined as unintentional, which would be the case with most of the Board’s complaints. Ms. Kempker stated that to prove “gross” negligence, the Board must first prove that there was intent to harm. She also stated that during her review of Sections 327.441 and 327.631, it was noted that Section 327.631 appears to be repetitive of Section 327.441; therefore, she is proposing to delete Section 327.631 in its entirety. After much discussion, the Board decided not to make any changes to Section 327.441 but it did agree to delete section and 327.631, RSMo.

Lastly, Ms. Kempker stated that the following proposed changes to Sections 327.617 and 327.623 all relate to the Landscape Architectural profession. The changes to Section 327.617 will update the current statute to accurately reflect the “Direct Registration” process which is currently being used by the Board via CLARB; and, Section 327.623 is being eliminated since very similar language is being proposed to be added to Section 327.381 for purpose of consistency among all four professions. Upon discussion, Mr. Shotts made a motion to move forward with the proposed changes to Section 327.617 to accurately reflect the “Direct Registration” process and to eliminate Section 327.623, RSMo. The motion was seconded by Mr. Govero and unanimously carried. Section 327.617 would read as follows:

**Examination for license, [--notice to be sent to applicant--to be given annually,] content—passing grade, how determined.**

327.617. 1. After **[the board] it has been determined [upon such inquiry and by such methods as it may consider proper]** that an applicant possesses the qualifications entitling the applicant to be examined, each applicant for examination and licensure as a

**professional** landscape architect shall appear before the board or its representatives for examination at the time and place specified [by the board in a written notice to each such applicant, provided that an examination shall be given at least once in each calendar year].

2. The [written] examination shall be of such form, content and duration as determined by the **professional landscape architectural division of the** board to thoroughly test the qualifications of each applicant to **practice landscape architecture in Missouri.**

3. **An applicant to be eligible for licensure shall make a passing grade on each examination. The “passing grade” shall be fixed by the board but it shall never be higher than the current “passing grade” determined by the Council of Landscape Architectural Registration Boards.**

4. Any person who passes the examination prescribed by the board shall be entitled to be licensed as a **professional** landscape architect in Missouri, subject to the other provisions of sections 327.600 to 327.635.

The Architectural Division Members discussed removing Section 327.101(2), RSMo. Since this would eliminate the industrial exemption for Architects the Board Members felt it would be unlikely to move forward with this proposed change. However, the Architectural Division Members may want to discuss this matter further at the Design Alliance meeting on Wednesday, January 30<sup>th</sup> to determine how they might feel about this proposed change.

Mr. Rearden then stated that he thought the Board's per diem rate of \$50 should be raised to be at least minimum wage. Upon discussion, Mr. Rearden made a motion to move forward with a proposed change to Chapter 327.051.4 by increasing the Board's per diem rate to \$75. The motion was seconded by Mr. Shotts and unanimously carried. The proposed change to Chapter 327.051.4 would read as follows:

**Meetings, when--personnel, employment--compensation of board members.**

327.051. 1. The board shall meet at least twice a year at such times and places as are fixed by the board.

2. The board may appoint and employ legal counsel and such board personnel, as defined in subdivision (4) of subsection 10 of section 324.001, as it deems necessary within the appropriation **therefore.**

3. The board shall keep records of its official acts and decisions and certified copies of any such records attested by the executive director with the board's seal affixed shall be received as evidence in all courts to the same extent as the board's original records would be received.

4. Each member of the board shall receive as compensation an amount set by the board not to exceed [fifty] **seventy-five** dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of such member's expenses necessarily incurred in the discharge of such member's official duties.

Please note that Ms. Achelpohl departed the meeting at approximately 8:45 a.m.

**Discuss the Board's position on issues to be addressed during the January 30, 2013 Design Alliance meeting**

Ms. Kempker presented the Board Members with a tentative agenda for the January 30, 2013 Professional Design Alliance meeting which will be held at the MSPE Building tomorrow in Jefferson City, Missouri. Topics scheduled for discussion are as follows:

1. Proposed Chapter 327 legislative changes.
  - What is the legislative approach?
  - Are the associations unified on proposed language?
2. Expected proposed bill to de-regulate certain professions (last year did not make out of committee) modeled after HB 2082 from 2012. What is MALA's approach?
3. Nominations to Board positions in Governor's office.
4. AIA's lawsuit against St. Louis County – design/build challenge.
5. Review other legislation of interest that's been filed.

Ms. Kempker advised the Board Members that she would forward the new proposed changes to Section 327, which the Board just voted on, to the Professional Design Alliance so that a complete copy of all proposed changes would be available for discussion. She also asked if there were other topics for discussion that a Board Member would like to include on the agenda. Since it seemed too late for the associations to get anything filed regarding changes to Chapter 327, the Board Members discussed having frequent meetings with the Professional Design Alliance in 2013, which could coordinate with the Board's May and August 2013 meetings. Ms. Kempker asked that a Board Member bring this item up at the meeting on January 30<sup>th</sup>.

It should be noted that at approximately 9:05 a.m. Ms. Plaster and Ms. Gilliam departed the meeting

### **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); 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 reported that Mr. Frashier will be attending the NCARB Regional meeting in Charleston, South Carolina on March 7, 8 and 9, 2013. Also, both Messrs. Rearden and Frashier want to attend the NCARB Annual meeting which is scheduled for June 19, 20, 21 and 22, 2013 in San Diego, California. Ms. Kempker stated that she would try to attend the NCARB Annual meeting as well since it has been three years that she last attended one. Mr. Rearden asked Ms. Kempker to proceed with out-of-state travel approval for Messrs. Rearden and Frashier and Ms. Kempker when she receives the NCARB annual meeting information.

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

Mr. Skibiski advised Ms. Kempker that NCEES will be forwarding a lengthy survey to her regarding the comity issue. Mr. Skibiski asked if she would answer the survey and return to NCEES and Ms. Kempker indicated that she would.

Mr. Skibiski then reported that due to responses received from an NCEES Listserv inquiry Ms. Kempker sent, the Professional Engineering Division decided there is not enough interest in taking the structural exam in Missouri therefore, Missouri will not be offering the structural exam anytime soon.

Mr. Skibiski asked Ms. Kempker if he along with Mr. Adewale and Mr. Freeman have been granted permission to attend the NCEES Central and Southern Zone Joint Meeting on April 4, 5 and 6, 2013 in Biloxi, Mississippi. Ms. Kempker stated that she had just received notification from Sherry Hess, the Division of Professional Registration's Fiscal and Administrative Manager, stating that the Division and Department were having trouble granting permission for Messrs. Skibiski, Adewale and Freeman to travel and attend a meeting at a casino in Biloxi, Mississippi. Attending a meeting at a casino was not the perception the State of Missouri wanted to present to the public. Mr. Skibiski pointed out that he and Mr. Freeman were NCEES funded delegates and Mr. Adewale was a Member of the Public Outreach/Communications Task Force Committee for NCEES and would be traveling at little cost to the state. Ms. Kempker stated that she would relay the message to Ms. Hess.

Mr. Adewale stated that he is actively involved in the State Engineers week and that NCEES is also actively involved with the National Engineers week. Mr. Adewale encouraged all Board Members to be actively involved as well.

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

Mr. Freeman stated that, at this time, the Professional Land Surveying Division did not have anything to report.

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

Mr. Shotts reported that the Landscape Architectural Division met via conference call with Mr. Jerald A "Rusty" Saunders, MALA representative, on Monday, January 28, 2013. The topic for discussion was how to proceed if a deregulation bill is again submitted to the Legislature. Also, Mr. Shotts reported that he is unable to attend the CLARB spring meeting; therefore Ms. Kempker will be attending that meeting, along with Mr. Hartnett, who is the CLARB Regional Director for this area. The CLARB spring meeting will be held on February 28 and March 1 and 2, 2013 in Scottsdale, Arizona.

Please note that at approximately 9:55 a.m. Ms. Achelpohl re-joined the meeting.

## **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 25, 2013, the financial balances were as follows:

Personal Service Balance was \$216,595. Originated with \$381,662. The Board has 68.01% of its PS funds remaining.

E&E (Expense & Equipment) Balance was \$204,371. Originated with \$324,596. The Board has 53.55% of its E & E funds remaining.

The Fund Balance was \$4,155,117, which is more than 3 times our appropriation. (Per current statute, 327.081, in order to avoid a sweep of the Board's fund, the balance needs to be kept under \$3,793,347.00, or 3 times its appropriation (3 x \$1,264,449.00).

Because the fund balance is above the sweep limit, it is very possible that the Board's fund will be swept if the Board doesn't use its full appropriation (approximately \$162,000). Ms. Kempker stated that it is her recommendation that the Board consider doing another fee reduction. Since individual renewals have been reduced three consecutive times in recent years, it would be Ms. Kempker's recommendation to reduce the corporate renewal fee down from \$200 to \$100 as well as the corporate application filing fee from \$300 to \$200; the corporate reinstatement fee from \$250 to \$150; and, the corporate reauthorization fee from \$300 to \$200. At this time, Ms. Kempker distributed current and various fee reduction budget charts to be reviewed. These fee reductions will make the reinstatement and relicensure/reauthorization fees the same for both corporations and individuals. With these reductions, the Board should avoid danger of a future sweep; and should not have to increase fees for at least five years or longer if the Board continues its trend of not using its full appropriation. Ms. Kempker asked that the Board Members look at the projected balance for FY2017 and note that it still shows an ending fund balance of \$2,253,365.99. Of course, this is providing that the Board uses its full appropriation which it hasn't done for many, many years. The Board's fund balance has grown healthier than projected because for a number of consecutive years it did not spend all of its appropriation which is due to the many cost savings measures the Board and staff have put into place. For instance, the Board saved \$74,000 alone last year just by sending the newsletter out in electronic format. Plus, the complaint cases are at an all time low; therefore, the Attorney General and Administrative Hearing Commission expenses are lower than what had been projected. Therefore, Ms. Kempker advised another fee reduction might be in order. Ms. Kempker then directed the Board's attention to the current projections that were previously distributed. The sweep amount is based on the Board using its full appropriation cost and transfers. Last year the

Board had about \$400,000 that was not spent which had been appropriated and that is why the fund balance is in danger of a sweep. Of that amount, approximately \$57,500 was lapsed in the Board's PS and \$111,000 in its E&E. The remaining amount would have been lapsed from dollars used for transfers, i.e., AG, AHC, and operating expenses to the Division of Professional Registration. Upon discussion, Mr. Freeman made a motion to move forward with the proposed changes to Board Rule 20 CSR 2030-6.015 by reducing the corporate renewal fee from \$200 to \$100; reducing the corporate application filing fee from \$300 to \$200; reducing the corporate reinstatement fee from \$250 to \$150; and, reducing the corporate reauthorization fee from \$300 to \$200. The motion was seconded by Mr. Adewale and unanimously carried. The Board considered the impact that the proposed change to Rule 20 CSR 2030-6.015 would have on small businesses. Board Members who are small business owners took the lead in discussions and considered what, if any impact this change would have on their own personal business. It was immediately noted that this proposed amendment would have a very positive financial impact on small business offering architectural, engineering, land surveying, and/or landscape architectural services in Missouri since it reduces their fees. The change will also be discussed at the Professional Design Alliance meeting on January 30, 2013, wherein representatives from the American Institute of Architects (AIA-MO), the Missouri Society of Professional Engineers (MSPE), the Missouri Society of Professional Surveyors (MSPS), and the Missouri Association of Landscape Architects (MALA) all will have an opportunity for input. In addition, this proposed amendment will be published on the Board's website with a special notice to small business owners advising that the Board is interested in comments on the potential impact of any pending Board Rule on small business. The Board will invite small business owners to join for open session meetings where rules are discussed and to also submit comments on a particular rule of interest to them.

Ms. Kempker stated that in an effort to either eliminate or reduce any sweep of the excess dollars this fiscal year, she has thought of a numerous ways to use the extra funds and really concentrated on ways to use the funds which would have a positive and direct impact on the licensees. For starters, she proposed to mail a current hard copy of the rule/statute book to every active licensee so they can keep it handy on their desk or in their briefcase. Ms. Kempker will include a cover page advising that the most recent version of the Board's rules/statutes is enclosed and informing them that since the rules and statutes change periodically they can view the most updated version of the revisions on the Board's website for which she will of course provide them with the Board's hyperlink. For some licensees it's been decades since they last received a hard copy of this booklet. After much discussion, Mr. Flowers made a motion directing Ms. Kempker to send out a hard copy of the most recent updated rule/statute book to include a cover letter and the Certificate of Authority flyer. The motion was seconded by Mr. Shotts and unanimously carried.

Ms. Kempker also stated that she plans to upgrade computers/printers/copier/fax equipment; replace broken furniture; pay the Board's portion (\$60,000) of the new

licensing system out of this fiscal year's money (if PR approves it) and, restock the Board's promotional items for the Missouri Association of Counties (MAC) and Missouri Municipal League (MML) conferences (again, if PR approves it). Mr. Govero stated that he thought it was great to continue with the public outreach and suggested that the Board make videos to show what not to do on projects. The Board Members thought this would take considerable thought and planning and most likely could not be accomplished this fiscal year. Ms. Kempker stated that most printers utilized by the staff are 8-10 years old and said she was checking into buying each staff member a color printer for their work space. Upon discussion, Mr. Skibiski directed Ms. Kempker to purchase high quality color printers for staff members to be used in their work space. The motion was seconded by Mr. Freeman and unanimously carried.

Ms. Kempker advised the Board Members that 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 the Board's 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 in its E&E.* Ms. Kempker stated that the Board requested no changes in our FY 2014 appropriation.

Ms. Kempker then addressed 2013 Legislation. She said the only legislative changes that she was 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 MSPS is planning to pursue to Section 327.312(3) regarding elimination of the 12 semester hour option and instead requiring 30 semester hours and/or a 4 year degree for enrollment as an LSIT; and 3) the proposed amendments to Chapter 327 RSMo that the Design Alliance may decide to pursue at the request of the Board. Ms. Kempker advised that she will be watching for and monitoring any legislation that may get filed which proposes to deregulate Landscape Architects. After the Board's November meeting, Ms. Kempker forwarded to Bruce Wylie, Executive Director of MSPE, the proposed changes to Chapter 327 as drafted by the Board and requested that he share them with the other associations and members of the Professional Design Alliance for discussion and/or approval. Mr. Wylie has done this and has also scheduled a meeting for tomorrow (January 30<sup>th</sup>) to discuss these changes along with other topics of mutual interest between the Board and the professional associations. The Board will however need to bring to their attention any additional changes agreed upon

as a result of Staff's review.

Ms. Kempker announced that she had a legislative meeting with Jane Rackers (PR Division Director), Earl Kraus (PR Division Counsel) and Andy Briscoe (PR Legislative Liaison) on Friday, January 25th at which time she mentioned the proposed 327 changes that the Board will be discussing with the Professional Design Alliance on Wednesday, January 30<sup>th</sup>. Ms. Kempker stated that she informed them the Board would not be the entity filing the legislation but rather, if it was decided to move forward, the professional associations would be the ones to find a sponsor and file the bill. Ms. Kempker stated they recommended that when Mr. Hartnett meets with Deborah Price that he try to get her "temperature" on how she thinks the Governor's office would react to the Board appointing its own Chair versus being a gubernatorial appointment. As previously stated, Mr. Hartnett had a meeting with Ms. Deborah Price, Director of Boards and Commissions for the Governor and Mr. A.J. Fox, Deputy Director of Boards and Commissions for the Governor on Monday, January 28, 2013. Ms. Price and Mr. Fox did not know how the Governor would feel about this change but stated that they would check with the Governor and will get back with Mr. Hartnett with an answer. The PR Division representatives also suggested that because of the threat of the "Deregulation Bill" resurfacing again this year that **nothing** (emphasis added), be filed regarding landscape architects this year. They indicated that if revisions regarding the licensing and/or practice of landscape architecture are brought to light before the legislature, it could very well add fuel to the deregulation bill; so, in other words "out of sight, out of mind" is the better approach to take in this regard.

Ms. Kempker stated that she just became aware of Senate Bill 106, which was just recently filed. Ms. Kempker distributed copies of SB 106 and stated that it was filed by Senator Brown. This bill proposes to amend Chapters 173, 192, and 324, RSMo by adding three new sections relating to current and former military personnel. This act, if passed, will require higher education institutions to accept credits for courses that the military awarded to personnel as part of their military training if the courses meet certain standards for academic credit. This could conflict with the Board's current requirement for NAAB, ABET, and LARE accredited degrees. Also, members of the armed forces **with health-related professional licenses** or certificates that are in good standing when entering active duty will remain in good standing while on active duty. Renewal of these licenses or certificates while the member is on active duty shall occur without the payment of dues. Continuing education will also not be required if certain requirements are met. Ms. Kempker states she was not sure if these changes would apply to this Board or not since this Board is not typically referred to as a "health-related" board; however, this Board does protect the health, safety and welfare of the citizens of Missouri so it could be interpreted to include it. In addition, service as a member of the armed forces, if satisfactory to the licensing board, may be applied towards qualifications to receive a license or certificate from a professional licensing board. This act is similar to SB 672, which was filed in 2012.

Next, Ms. Kempker distributed a copy of House Bill 293 for discussion. This legislation requires all state agencies that assess any administrative fine or penalty to provide information regarding how a person may appeal the assessment of the penalty. It is being sponsored by Representative Bryan Spencer. Ms. Kempker stated she forwarded a copy of SB 293 to Mr. Thompson to get his opinion on what it would mean to the Board should it pass and he said, "It means that the Board would have to adopt a Rule that explains the appeal process for the civil penalties even though the parties who receive the Order assessing civil penalties are given notice through Chapters 536 and 327 their appeal rights."

Ms. Kempker announced that 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 will go into effect tomorrow, January 30, 2013.

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. Therefore, paragraph (2)(D) of this rule is being amended to reflect that change.

Ms. Kempker provided updates on other rule amendments which are in the process of being filed. They are:

Board Rule 20 CSR 2030-2.040, which is the current Standard of Care rule. This rule is being amended to change its title from

Standard of Care to Evaluation Criteria and to delete reference to Section 107.

Board Rule 20 CSR 2030-2.050, Title Block. 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.

Board Rule 20 CSR 2030-2.060, Standard of Care – This is the new standard of care rule that would establish 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.

These amendments/rules were posted on the Board’s website for comment with a SPECIAL NOTICE TO SMALL BUSINESS OWNERS advising the Board is interested in comments on the potential impact of any pending Board rule on small businesses. As of this date, no comments have been received so Ms. Kempker plans on proceeding with filing them with the Division; however, upon further discussion with Mr. Thompson, he suggested that she hold up until the Board has had another chance to review the new Proposed Standard of Care Rule (20 CSR 2030-2.060). Mr. Thompson has suggested the Board either add the word “gross” before negligence in paragraph (2) or to delete paragraph (2) in its entirety. Upon discussion, Mr. Skibiski made a motion to delete paragraph (2) in its entirety. The motion was seconded by Mr. Rearden and unanimously carried. Ms. Kempker stated that she will now proceed with the rulemaking process by getting them filed with the Division.

Ms. Kempker stated that the Board currently has three vacant positions on the Board (Board Chair, Public Member, and LA Member); seven members serving in expired terms (Mike Freeman, Mike Flowers, Bob Hartnett, Ken Frashier, Kathy Achelpohl, Kevin Skibiski, and Kelley Cramm); and, three more members whose terms are due to expire in September of this year. Since Ms. Cramm and Ms. Edwards were appointed while the Senate was not in session, they will need to get confirmed within 30 days of when the Senate convened. Ms. Edward is scheduled to be confirmed tomorrow morning, January 30<sup>th</sup>. Ms. Kempker stated she has not heard anything yet about Kelley’s confirmation hearing. Ms. Kempker advised that Professional Registration Division Director Jane Rackers had told her there was a total of 84 interim appointments made and in order to get them all confirmed by the deadline of February 7<sup>th</sup>, the Senate may have to add an additional day other than a Wednesday for the confirmation hearings. As of January 29<sup>th</sup>, Ms. Kempker had not heard of any additional information regarding appointment of the Board Chair, Public Member, or LA Member.

Ms. Kempker stated that the last edition of the newsletter went out on November 5<sup>th</sup> in electronic format. At the last meeting the Board decided to shoot for sending

the next newsletter out around the first to middle part of May. Ms. Kempker reminded the Board that she would need all news articles by April 1<sup>st</sup>.

Renewal notices were mailed out the first part of October to every licensee who was originally licensed in an even year along with a second renewal notice around mid December. So far, 90% of the Board's licensees have completed the renewal process and have been approved. Of those already having renewed, approximately 61% renewed online and 39% renewed via paper renewal. The Board's staff will send out a third reminder to every licensee who has not yet renewed around the first part of March.

### **Date and Location of January/February 2014 Board Meeting**

The Board Members discussed the date and location of the January 2014 Board Meeting. Ms. Kempker advised the Board Members that Board Member Kelley Cramm could not attend this quarterly meeting because it conflicted with the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) conference. In fact, the Board's January meeting may routinely conflict with the ASHRAE conference therefore, Ms. Kempker asked if the Board would be willing to postpone its meeting until the first week in February in future years. After much discussion it was noted that with four Professional Engineering Division Members instead of three, the Board doesn't risk the quorum issues like in the past. Therefore, Mr. Shotts made a motion that the January meeting for 2014 be held on January 27, 28, and if necessary, 29, 2014 in the Jefferson City, Missouri area. Since the hotel restaurant was not open Sunday evening when Board Members were arriving at the hotel for the meeting, the Board directed Ms. Kempker to secure a different location other than the Truman Hotel, such as the Capital Plaza Hotel and Conference Center, for the Board's January 2014 meeting. Ms. Kempker stated that she will solicit a bid from the Capital Plaza Hotel and Conference Center for the January 2014 meeting, but she could not guarantee that it will be granted the bid. 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. The motion was seconded by Mr. Rearden and unanimously carried.

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

At approximately 11:18 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. Mr. Adewale seconded the motion. A roll call vote was taken as follows: JC Rearden – Yea; Kenneth Frashier – Yea; Kathy Achelpohl – Yea; Kevin Skibiski – Yea; Abe Adewale – Yea; Melissa Edwards – Yea; Mike Freeman – Yea; Dan Govero – Yea; Mike Flowers – Yea; Bob Hartnett – Yea; and, Bob Shotts – 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, Leah Hauck, and Laurie Koelling. Since Ms. Hauck is the newest member of the Board's staff, Mr. Hartnett introduced her to the Board Members. 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. At approximately 1:15 p.m., Ms. Gilliam, Ms. Koelling, Ms. Hauck, and Ms. Plaster departed the meeting.

Please note that Assistant Attorney General Edwin Frownfelter joined the meeting at approximately 12:05 p.m.

### **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 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 discussing pending litigation and complaint matters as well as any confidential or privileged communication between this agency and its attorney. Mr. Rearden seconded the motion. A roll call vote was taken unanimously carried. Mr. Hartnett asked that all

visitors leave the room. After the departure of Ms. Gilliam, Ms. Koelling, Ms. Hauck, and Ms. Plaster, Mr. Hartnett declared the meeting closed to the general public.

**Return to Open Session**

At 2:22 p.m., the Board reconvened its open meeting for the purpose of adjournment.

**Adjournment**

A motion was made by Mr. Govero and seconded by Mr. Frashier, to adjourn. The motion carried unanimously. The meeting adjourned at 2:22 p.m. on Tuesday, January 29, 2013.

ATTEST:

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

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