

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

Cadillac B Meeting Room
Holiday Inn Southwest & Viking Conference Center
10709 Watson Road
St. Louis, Missouri
May 7, 2013

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects was called to order at 9:00 a.m. on Tuesday, May 7, 2013 in the Cadillac B Meeting Room at the Holiday Inn Southwest & Viking Conference Center, 10709 Watson Road, St. Louis, 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
Kelley P. Cramm, Member of the Professional Engineering Division
Michael C. Freeman, Chair of the Professional Land Surveying Division
Daniel Govero, 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

John Michael Flowers, Member of the Professional Land Surveying Division

Others Present

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

Jerald A. "Rusty" Saunders, representing Missouri Association of Landscape Architects (MALA)

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

Disciplinary Hearing of Christopher Moomey

At approximately 9:10 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. Christopher Moomey. Mr. Moomey appeared without legal counsel. 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. 2013-000400. When the hearing was concluded (at approximately 9:57 a.m.), Messrs. Frownfelter and Moomey were told that the Board would issue an Order soon after it has completed its deliberations.

Probation Violation Hearing of the Stephen Maslan

At approximately 10:05 a.m., the Board conducted a Probation Violation Hearing in the matter of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects vs. Stephen Maslan. Mr. Maslan 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. 13-001. When the hearing was concluded (at approximately 10:45 a.m.), Mr. Frownfelter was told that the Board would issue an Order soon after it has completed its deliberations.

Motion to go into closed session

At approximately 10:45 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 Sections 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; Kelley Cramm – Yea; Mike Freeman – Yea; Dan Govero – Yea; Mike Flowers – Absent; Bob Hartnett – Yea; and, Bob Shotts – Yea. Motion carried. Mr. Hartnett asked that all visitors leave the room. After Mr. Saunders' departure, Mr. Hartnett declared the meeting closed to the general public.

Return to Open Session

At approximately 12:02 p.m., the Board returned to Open Session for the purpose of continuing its discussion of Open Agenda items.

Approval of Minutes

A motion was made by Mr. Skibiski to approve the minutes of the January 29, 2013 Open Board meeting, as submitted. The motion was seconded by Mr. Govero and unanimously carried.

Discussion regarding possible changes to, and the renewal of, Curt Thompson's contract for general counsel services

The Board Members discussed the possible changes to, and the renewal of, Mr. Curt Thompson's contract for General Counsel Services. Upon discussion, Mr. Freeman made a motion to renew Mr. Thompson's contract as the Board's General Counsel. The motion was seconded by Mr. Adewale and unanimously carried.

Update regarding January 30, 2013 Meeting of the Professional Design Alliance

The Board Members discussed the January 30, 2013 meeting of the Professional Design Alliance. Ms. Kempker stated that as per direction of the Board, she had sent the Board's recommended changes to Chapter 327 to Mr. Wylie for review and comment by the professional associations. Those recommended revisions will be discussed at the Professional Design Alliance meeting on Wednesday, May 8, 2013.

It should be noted that Ms. Cramm and Mr. Frownfelter departed the meeting at approximately 12:30 p.m.

Report from Architectural Division

Mr. Rearden reported that he along with Ken Frashier and Judy Kempker, will be going to the NCARB Annual meeting on June 19, 20, 21 and 22, 2013 in San Diego, California. Mr. Rearden reported that the Architectural Division reviewed NCARB's Draft of the Resolutions to be voted on at the annual meeting and found one item of interest to the Missouri Board. NCARB will be dissolving an old agreement with Canada and replacing it with a new agreement. Mr. Rearden stated that since this will have an effect on Missouri law, the Board will need to notify NCARB of the effect. Mr. Rearden stated that the Architectural Division also discussed the proposed changes to the NCARB Intern Development Program. The Architectural Division had no objections or comments regarding the changes to the NCARB Intern Development Program but were concerned since new architectural graduates are having a difficult time in obtaining their 15 hours per week for 8 consecutive weeks.

Report from Professional Engineering Division

Mr. Adewale reported that while attending the St. Louis ACEC meeting, he had been asked by Mr. Brad Nevois, Assistant Director of Engineering for the Metropolitan St. Louis Sewer District, if the Board had taken a stance on the use of the term "Engineer" in publications, business cards, etc. Mr. Nevois later followed up with an email to Mr. Adewale. Mr. Adewale advised the Board that he had told Mr. Nevois the Board had discussed this matter and would continue to hold discussions regarding the term "Engineer". Mr. Thompson stated that the Board would have to look at changing the statues if the Professional Engineering Division could come to an agreement to change the use of the term "Engineer." Mr. Skibiski stated that he thought it would be best for the Missouri Society of Professional Engineers (MSPE) to put a task force together to review this matter and come up with a recommendation. Mr. Skibiski stated that both licensed Professional Engineers and those covered under the industrial exemption should

weigh in on the subject. Mr. Skibiski stated he would talk to Mr. Bruce Wylie, Executive Director for MSPE, about forming such a task force.

Report from Professional Land Surveying Division

Mr. Freeman reported that he along with Messrs. Skibiski and Adewale attended the NCEES Central and Southern Zone meeting in Biloxi, Mississippi. At that meeting, the surveyors discussed Computer Based Testing "CBT" and how NCEES will administer the Missouri Specific examination, how many times the exam will be offered, and who will grade the exam. This subject will again be discussed at the August 2013 NCEES Annual Meeting in San Antonio, Texas.

Report from Landscape Architectural Division

Mr. Hartnett reported that the Landscape Architectural Division Members met via conference call on April 22, 2013. MALA representative Randy Mardis connected to the call. Mr. Hartnett stated that he had just returned from Alberta, Canada where he attended a CLARB membership meeting. He stated that former Board Member Jerany Jackson was also in attendance at the meeting and sent her best regards to the Board. Mr. Hartnett stated that CLARB's appearance at Alberta, Canada was in an effort to get Alberta to join CLARB. Mr. Hartnett reported that CLARB plans to go global in June 2013.

Discuss the newly drafted proposed changes to Board Rule 20 CSR 2030 – Chapter 16

Mr. Freeman stated that on April 25, 2013, the Members of the Professional Land Surveying Division met with Mr. Darrell Pratte, State Land Surveyor with the Missouri Department of Natural Resources to discuss revisions to Title 10 (Department of Natural Resources) Division 30 (Land Survey) Chapter 2 and Title 20 (Department of Insurance, Financial Institutions and Professional Registration) Division 2030 (Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects) Chapter 16; and, Code of State Regulations 10 CSR 30-2 & 20 CSR 2030-16 which were approved by the Missouri Society of Professional Surveyors (MSPS) as well as Chapter 16 Missouri Minimum Standards for Property Boundary Surveys which were approved by the State Land Surveyor with the Missouri Department of Natural Resources, Darrell Pratte. Upon discussion, Mr. Freeman made a motion to revise and recommend the following proposed changes Board Rule 20 CSR 2030-16 as follows:

20 CSR 2030-16.115 Application of Standards

PURPOSE: These standards provide the surveyor and recipient of boundary surveys with a realistic guideline for adequate survey performance. This rule describes the types of surveys to which these standards apply.

The standards in this chapter apply to all property boundary surveys made for determining the location of land boundaries and land boundary corners, but do not apply to preliminary plats or plans, plot plans, engineering surveys; geodetic surveys; or cartographic surveys. Any individual or corporation registered with the board to perform land surveying services in this state shall be familiar with and comply with these standards. The Missouri Standards for Property Boundary Surveys are not intended to be used in place of professional land surveying judgment. There may be special circumstances and conditions that make it impractical to comply with some provisions of the standards. If the survey deviates from these standards, this deviation shall be noted, described, and justified on the plat of survey by the professional land surveyor. This provision cannot be used to intentionally circumvent the basic tenets of these standards.

20 CSR 2030-16.120 Definitions

PURPOSE: This rule defines the various technical and legal terms used in this chapter.

- (1) Condominium Survey: a property boundary survey that creates and defines condominium property in accordance with Chapter 448, RSMo.
- (2) Controlling Corners: those corners that determine the location of the exterior corners of the surveyed boundary.
- (3) Exterior corners: corners that define the shape and size of the parcel.
- (4) Material Variations: the differences between surveyed lines and lines of possession or measurements called for in the record source of the property being surveyed that are, in the professional judgment of the surveyor, significant enough to warrant particular notice.
- (5) Original survey: a survey which creates a new parcel, or parcels, out of a larger parent tract.
- (6) Physical Monument: natural or artificial objects which are accepted and used to mark boundaries and corners.
- (7) Positional Uncertainty: the positive and negative range of values expected for a computed horizontal position as a result of random errors.
- (8) Property Boundary Survey: any survey that creates, defines, marks, remarks, retraces, or reestablishes the boundaries of parcels of real property or the subdivision of lands.
- (9) Property Description: a description of the limits of real property by recitation of metes and bounds or by an aliquot part of

the United States Public Land Survey System or by lot or parcel designation referenced to a subdivision, survey or other document recorded in the public records.

(10) Record Title Boundaries: the limits of real property ownership as evidenced and provable by one (1) or more written means of real property transfer and having provided constructive notification by being duly entered into the public records.

(11) Random Errors: unavoidable errors in measurement that are caused by the inability of the operator to make exact measurements. (Random errors generally follow statistical principles and can be reduced with care in measurement, but can never be completely eliminated).

(12) Rural Property: any property that is not urban property.

(13) Subdivision: a property boundary survey that partitions land into two (2) or more parcels by platting the divisions of land in accordance with Chapter 445.

(14) Systematic Errors: errors in measurement that conform to mathematical and physical laws and remain the same under set conditions. Systematic errors are detectable and can be removed by ensuring the proper adjustment of equipment, by applying appropriate corrections to observations and by using appropriate observation techniques to eliminate the effects of imperfection in equipment manufacture.

(15) United States Public Land Survey Corners: those points that determine the boundaries of the various subdivisions of the United States Public Land Survey as set forth in section 60.301(1), RSMo.

(16) Urban Property: any property that is located wholly or partly within the corporate limits of any municipality or any commercial, industrial or multi-unit developmental property.

20 CSR 2030-16.130 General Land Surveying Requirements

PURPOSE: This rule sets forth standards that apply to all property boundary surveys.

(1) Records Research:

(A) Every survey executed shall be based on the property description of the parcel or parent tract taken from the public records; and,

(B) Prior to performing the fieldwork, the surveyor shall acquire sufficient data to ascertain the record title boundary of the parcel(s) to be surveyed, (such as; adjoining deeds, maps, right of way plans, subdivision plats, original plats and notes, and subsequent surveys). This requirement does not obligate the surveyor to search the entire chain of title.

(2) Field Investigation: The surveyor or a person under his/her direct personal supervision shall:

(A) Search thoroughly for monuments and accessories at the necessary controlling corners and any other physical evidence that may be required to define the location of the exterior corners of the parcel surveyed, (such as; location of streets, roads, lines of occupation, parole information);

(B) Obtain appropriate and sufficiently redundant measurements to correlate all found evidence;

(C) Evaluate the reliability of the evidence and monuments found and apply the proper theory of location in accordance with surveying precedent; and,

(D) Reach a conclusion on the location of the boundary and set monuments as defined herein.

(3) Monumentation:

(A) The land surveyor shall establish semi-permanent or confirm existing monuments at every exterior corner of the tract being surveyed, except for lines running along streams or lakes where witness monuments must be set along the connected sidelines. When it is impractical to set a monument at a required corner, a witness monument shall be set along a line of the survey or the prolongation thereof;

(B) Existing monuments shall be evaluated for permanency by the surveyor. Those needing restoration, preservation or replacement shall receive the due care necessary to insure that their permanency is secured in accordance with the requirements set forth herein;

(C) Additional Monumentation for Subdivision Surveys:

1. In addition to meeting the requirements set forth above, the surveyor shall, prior to the recording of the subdivision plat, establish at least two (2) permanent monuments for every four (4) acres of land developed by the subdivision. This requirement is waived if the survey does not create more than four (4) lots or parcels; and,

2. The permanent monuments required in subsection (3)(C)1. shall be set prior to the recording of the plat or if likely to be destroyed by construction, may be installed upon completion of the construction and must be set no later than twelve (12) months after the recording of the plat. The surveyor shall also monument all lot corners in the subdivision with semi-permanent or witness monuments within the same twelve month period.

3. When the subdivision is a cemetery, the requirements of subsection (3)(C)1. for installation of permanent monuments shall be increased to include four (4) permanent monuments per block and the monumentation of all lot corners required in subsection (3)(C)1. shall not be required.

(D) Condominium surveys shall meet the requirements for subdivisions.

(4) Publication of Results: A plat shall be made showing the results of the survey or subdivision and shall conform to all of the following provisions;

(A) The plat shall include a drawing that shall be made to a convenient scale on a reasonably permanent and dimensionally stable material;

(B) The plat shall include the name of the person or entity for whom the survey was made and the date of the survey;

(C) Lettering shall be no less than eight-hundredths of an inch (0.08") in height. All characters shall be open, well-rounded, and of uniform width;

(D) The direction of boundary lines shall be shown by angles, azimuths or bearings with the directional reference system clearly described on the plat;

(E) A north arrow, a written scale and a graphic scale shall be shown on every sheet containing graphic survey data;

(F) Complete dimensions (distances, directions, and curve data) of all parcels surveyed or created. All linear measurements shall be shown as horizontal distances at the ground surface in feet or meters. Curved lines shall show at least two (2) elements. For non-tangential curves, a directional component shall be included to help define the direction of the curve (preferably the chord bearing);

(G) All vertical measurements shall be shown as elevations above an established or assumed datum in feet or meters. When elevations are shown, a clearly defined elevation datum shall be shown, including the location and elevation of the benchmark used to establish the project datum;

(H) Measurements and calculated areas will be shown on the plat to a number of significant figures representative of the actual precision of the measurements;

(I) The plat shall display either a property description for the parcel(s) and or parent tract surveyed or a reference to the source document from which the property description was taken. Any new parcel created by survey shall have its property description shown on the plat and must be complete enough so that the parcel can be located and clearly identified. Subdivision plats shall identify all lots for sale by numbers, as set forth in Section 445.010, RSMo;

(J) The plat shall show sufficient data (distances and directions) to positively locate the parcel surveyed within the United States Public Land Survey System (USPLSS), or within the recorded subdivision. If the survey cannot be located by either of the previously mentioned provisions, it must be referenced to other lines and points sufficiently established by record;

(K) All controlling corner monuments that were found and exterior corners that were found or set shall be identified on the plat;

(L) Any material variation between record and measured dimensions; and any material variation and the extent of such variation between surveyed lines and lines of possession at all exterior corners shall be shown on the plat. Material variation will include, but is not limited to, survey monuments, fences, obvious occupation (i.e. mowed) lines, walls or other structures whether on the property surveyed or on adjacent property;

(M) The plat shall reference the source document(s) for any pertinent data obtained during the records research provision set forth above. The plat shall also reference the property type (Urban or Rural);

(N) The identity of the record title documents for adjoining properties, consistent with the records research provision set forth above, shall be shown on the plat, including their record source;

(O) In addition to the above, all condominium surveys shall show the pertinent information required in section 448.2-109, RSMo, and the legally sufficient descriptions of easements serving or burdening the condominium; and,

(P) The plat shall include a statement that the survey and or subdivision were executed in accordance with the Missouri Standards for Property Boundary Surveys as set forth herein. The statement on a condominium plat shall also include a declaration that the plat contains all information required by section 448.2-109, RSMo.

(5) Deliverables: The surveyor shall furnish to the client a plat containing the drawing and other pertinent information identified above. Each sheet of the plat shall bear the signature and seal of the surveyor in responsible charge. This signed and sealed plat shall be the official plat and shall take precedence over any other formatted data that may be delivered to the client or his representatives, successors or assigns.

20 CSR 2030-16.140 Accuracy Standards for Property Boundary Surveys

PURPOSE: This rule sets forth the accuracy standards for all property boundary surveys.

(1) The surveyor shall make an effort to detect and remove systematic errors.

(2) Precision requirements for Urban Property:

(A) The uncertainty due to random errors of any dimension of direction or distance shown on the plat shall not exceed fifty parts per million (50ppm) or one tenth of a foot (0.10') for distances less than two thousand feet (2,000') at the sixty-eight percent (68%) confidence level (one sigma); and,

(B) The positional uncertainty of any coordinates shown on the plat relative to the control that is held fixed, shall not exceed fifty parts per million (50ppm) or one tenth of a foot (0.10') for distances

less than two thousand feet (2,000') at the sixty-eight percent (68%) confidence level (one sigma).

(3) Precision requirements for Rural Property:

(A) The uncertainty due to random errors of any dimension of direction or distance shown on the plat shall not exceed one hundred parts per million (100ppm) or one tenth of a foot (0.10') for distances less than one thousand feet (1,000') at the sixty-eight percent (68%) confidence level (one sigma); and,

(B) The positional uncertainty of any coordinates shown on the plat relative to the control that is held fixed, shall not exceed one hundred parts per million (100ppm) or one tenth of a foot (0.10') for distances less than one thousand feet (1,000') at the sixty-eight percent (68%) confidence level (one sigma).

16.150 Use of Missouri Coordinate System of 1983

PURPOSE: This rule sets forth the requirements for referencing land boundary corners to the Missouri Coordinate System of 1983.

(1) When the surveyor is specifically requested or required to reference land boundary corners to the Missouri Coordinate System of 1983, the surveyor shall comply with the following requirements:

(A) The position of the corner shall be based upon a geodetic control station having a horizontal accuracy of second order (as defined in 20 CSR 2030-18) or higher order;

(B) The survey connecting the corner to the geodetic control station shall meet the accuracy standards for property boundary surveys set forth in this chapter; and

(C) The plat or other publication of results shall identify the geodetic control station(s) that were used to determine the position of the corner(s), along with a list of the coordinates of those control stations(s); the appropriate adjustment date or realization designation on the North American Datum of 1983, along with the epoch date when applicable; a brief statement of the method used to obtain those positions; and the grid factor used.

20 CSR 2030-16.160 Approved Monumentation

PURPOSE: This rule prescribes the approved type of monumentation to be used on property boundary surveys.

(1) The surveyor shall select a type of monument providing a degree of permanency consistent with that of the adjacent terrain and physical features and as required by these standards. All monuments shall be solid and free from movement. They shall be set in the ground at least to the depth of the length given unless they are encased in concrete. With the exception of drill holes and cut crosses, the precise position of the corner shall be marked by a point on a cap and the cap shall be inscribed with the licensure number of the land surveyor in responsible charge, or the corporate licensure number or name of the company.

(2) Permanent monuments shall be selected from the following:

(A) Concrete monuments consisting of reinforced concrete at least four inches (4") square or in diameter and no less than twenty-four inches (24") in length with its precise position marked by a point on a brass or aluminum cap not less than one and one-half inch (1 1/2") in diameter;

(B) Commercial cast iron or aluminum survey markers no less than twenty-four inches (24") in length. Nonferrous markers shall have ceramic magnets attached to aid in recovery;

(C) Steel, coated steel, or aluminum rod markers not less than five-eighths inch (5/8") in diameter, iron pipe markers not less than three-quarter inch (3/4") inside diameter and not less than twenty-four inches (24") in length. These monuments shall have a permanently attached cap of the same metal or of a dissimilar metal if the metals are insulated with a plastic insert to reduce corrosion. Nonferrous rod markers shall have ceramic magnets attached to aid in recovery; and

(D) Brass or aluminum disks not less than two inches (2") in diameter, countersunk and well-cemented in a drill hole in either solid rock or concrete. Ceramic magnets shall be attached or installed with the disk to aid in recovery.

(3) Semi-permanent monuments shall be selected from the following:

(A) Iron pipe markers not less than one half inch (1/2") inside diameter at least eighteen inches (18") in length and having a plastic or metal cap;

(B) Steel or aluminum rod markers not less than one-half inch (1/2") in diameter and not less than eighteen inches (18") in length and having a plastic or aluminum cap;

(C) A cross-cut or drill hole in concrete, brick, stone paving, or bedrock at the precise position of the corner or on a prolongation of a boundary line; and

(D) In asphalt paving, cotton picker spindles, railroad spikes, semi-permanent 1/2" rebar, and magnetic spikes (minimum of 8" in length) that are solid and not easily removed or destroyed.

20 CSR 2030-16.180 Location of Improvements and Easements

PURPOSE: This rule sets forth how and what improvements and easements are to be located and shown on a property boundary survey.

(1) When the surveyor is specifically requested by the client to locate the improvements on the property surveyed, the surveyor shall locate by measurement all permanent structures having fixed foundation, slabs or footings and shall reference them to the property boundary on the plat with a minimum of three (3) dimensions. Dimensions shall be parallel, perpendicular or radial to the property lines.

(2) When the surveyor is specifically requested by the client to show easements on a property boundary survey, he/she shall show by graphic representation all easements appearing on the recorded subdivision plat and all easements provided to the surveyor by the client. If the surveyor is specifically requested by the client to locate any easements on the ground, he/she will do so in accordance with the standards defined herein.

The motion was seconded by Mr. Skibiski and it unanimously carried. Mr. Freeman directed Ms. Kempker to forward the revised version of 20 CSR 2030, Chapter 16 to Mr. Pratte for review and confirmation.

Discuss Proposed Changes to Chapter 327 in preparation for meeting with Professional Design Alliance on May 8, 2013

In preparation for the May 8, 2013 meeting with the Professional Design Alliance, the Board discussed the proposed changes and saw no need to make any changes.

2013 Legislation – Bills of interest that the Board is tracking this Legislation Session include the following:

Ms. Kempker provided the Board Members with an update to legislation Bills of interest to the Board. They are:

HB 7, the bill which appropriates money for the expenses and distributions of the Department of Insurance, Financial Institutions and Professional Registration. It is more commonly referred to as the "Budget Bill." This bill proposes to appropriate a total of \$1,264,449 to the Board for all operating expenses. *On 04/17/2013, Executive Session Held in the Senate.*

HB 293, which requires any state agency that assesses or imposes an administrative penalty to implement procedures that provide information to the general public detailing the administrative appeal process so an individual wishing to dispute or appeal an administrative penalty will have the information readily available. *On 3/06/2013, Public Hearing Completed (H).*

HB 471, which designates the third week of February as "Engineers Awareness Week" in Missouri. Citizens are encouraged to observe the week with appropriate activities and events to promote the engineering discipline to students, expand public recognition of the engineering profession, and celebrate engineering accomplishments.

Supporters say this bill will bring attention to the career of engineering. By observing Engineers Awareness Week, more students can learn about this exciting career opportunity. *On 4/04/2013, Second read and referred to Senate Transportation and Infrastructure (S).*

HB 652, which proposes to change the laws regarding the licensing of land surveyors. In its main provisions the bill:

(1) Allows a person holding a license in a profession under Chapter 327, RSMo, to use a portion of his or her professional experience from that profession toward the experience requirement for a land surveyor license;

(2) Changes the eligibility requirements for land surveyors-in-training by requiring the applicant to:

(a) Be 21 years of age or older and a high school graduate or a Missouri certificate of high school equivalence holder;

(b) Hold a baccalaureate degree in an approved curriculum by the board;

(c) Have earned at least 60 hours of college credit that includes at least 30 semester hours of approved curriculum as defined by the board of which at least six semester hours must be in the legal aspects of boundary surveying and prove satisfactorily to the board that they have 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

(d) Have earned at least 30 semester hours of approved surveying course work as defined by the board of which at least six semester hours must be in the legal aspects of land surveying and have 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. *On 3/07/2013 was referred to Professional Registration and Licensing (H).*

HB 659, which authorizes a person to engage in the practice of certain professions without being licensed if the person does not hold himself or herself out as being licensed. These professions include geologists, boxing or wrestling contestants, massage therapists, interior designers, private investigators or private fire investigators, landscape architects, barbers, cosmetologists and cosmetology school operators, embalmers, and athlete agents. Any person who violates these provisions will be guilty of a class C misdemeanor. *On 2/25/2013, Read Second Time (H).*

SCS/SB 106, this act proposes to require public postsecondary 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. 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. 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 (2012). *On 4/19/2013, H Calendar S Bills for Third Reading.*

SCS/SBs 289 & 314, under current law, every application for a renewal of a professional license, certificate, registration, or permit must contain the applicant's Social Security number. This act states that an application for a professional license renewal only has to include a Social Security number in situations where the original application did not contain a Social Security number. After the initial application for license renewal which includes a Social Security number, an applicant is no longer required to provide a Social Security number in subsequent renewal applications. *On 3/11/2013, Bill Combined with SCS SB's 289 & 314 by Consent. On 4/18/2013, Hearing Conducted H Downsizing State Government Committee.*

Executive Director's Report

Ms. Kempker presented the most recent information regarding the Board's Financial Report. She advised the Board that as of May 3, 2013, the financial balances were as follows:

Personal Service Balance was \$128,974. Originated with \$381,662. We have 33.80% of our PS funds remaining.

E&E (Expense & Equipment) Balance was \$171,380. Originated with \$324,596. We have 52.80% of our E & E funds remaining.

Ms. Kempker announced that the Board's Fund Balance was \$4,024,485, which is more than 3 times our appropriation. (Per current statute, Section 327.081, in order to avoid a sweep of the Board's fund, the Board's balance needs to be kept under \$3,793,347.00, or 3 times its appropriation (3 x \$1,264,449.00). However, it is recommended that the Board keep a fund balance more at a level of 1.5 times its appropriation. Ms. Kempker has been very closely monitoring the Board's fund

balance to avoid a sweep of any funds this fiscal year. With the proposed corporation fee reductions that are getting promulgated, the Board's future fund balance will continue to decrease getting closer to the desired level.

Ms. Kempker stated that she has already covered current legislation earlier; therefore she had nothing additional to add. However, she did caution the Board Members to be very careful with pursuing legislation in the upcoming legislative session via the Professional Design Alliance.

Ms. Kempker then provided a status report on Board Rules.

- Board Rule 20 CSR 2030-6.015 (Application, Renewal, Reinstatement, Relicensure, and Miscellaneous Fees) is being amended to reduce the Corporate Application Fee, Corporate Renewal Fee, Corporate Reinstatement Fee, and Corporate Reauthorization Fee. This amendment was forwarded to the Division of PR on March 12th for review and approval. On March 20th, it was sent for approval by the Governor's office and the Department. On April 5th, it was approved by the Governor's office. It was then filed with SB, JCAR, and SOS on April 8th. The amendment is scheduled to appear in the Missouri Register on May 15th with the comment period ending on June 14th. August 12th is the last day to file with JCAR.

Ms. Kempker advised that the following are Rules and Amendments which are being promulgated. 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 for Building Design 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, Guidelines for Acceptable 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 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.

No comments had been received. On February 15th, these amendments/proposed rule were sent to the Division of Professional Registration for review and approval; and, on April 1st, they were sent to the Governor's office and the Department for approval.

Currently, the Board has four vacant positions on the Board (Board Chair, Public Member, PE Division, and LA Member); seven members are serving in expired terms (Mike Freeman, Mike Flowers, Bob Hartnett, Ken, Kathy, Kevin, and Kelley); and, three additional members who's terms will expire on September 30th of this year (Abe, JC, and Dan). To date, Ms. Kempker has not heard any additional information regarding appointment of the Board Chair, Public Member, PE Member, or LA Member. However, Mr. Hartnett stated he has been staying in contact with Deborah Price (Director of Appointments for Boards and Commission) and AJ Fox (Deputy Director of Appointments for Boards and Commission).

Ms. Kempker stated that the last edition of the newsletter went out on November 5th 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 stated that another newsletter should go out later this week or sometime next week.

Ms. Kempker announced that on April 1st, the Board lapsed 570 licenses due to failure to renew. This is about a 35% decrease from last year when we lapsed 861 licenses.

Ms. Kempker stated that she just recently made a request to the Missouri Secretary of State's office (SOS) to see if they could provide a service to us which is similar to what a lot of Secretary of State offices in other states are providing to our sister boards. Ms. Kempker's request asked if the Missouri SOS data system could be set to flag words like "architect, engineer, land surveyor, and landscape architect" or any derivative of those words in their purpose clause or firm name and then for any that have hits, they direct those applicants to contact the Board office for a certificate of authority. Ms. Kempker stated that initially, she was told via an email reply, that they couldn't provide that type of service and they directed Ms. Kempker to their website link which the Board's staff has already been using for a good number of years. Since so many other SOS offices from other states are being provided this service and since Ms. Kempker also knows a lot of times the person responding to the bulk emails coming in to a customer service box is often times an entry level person directed to send out routine responses, Ms. Kempker decided to call to seek more information. At that time, the person who answered the phone put Ms. Kempker on hold while she talked to a supervisor and that supervisor suggested Ms. Kempker submit her request in writing directly to Bridget Williams, the supervisor, and she would check with SOS IT staff to see if such a program could be written. As of this date, Ms. Kempker has not yet received a response.

Date and Location of May 2014 Board Meeting

The Board Members discussed the date and location of its May 2014 quarterly meeting. The Board Members noted that the NCEES Central and Western Zones' Joint meeting will be held in Lincoln, Nebraska on May 15, 16 and 17, 2014. Therefore, the Board set the May 2014 meeting for May 5 and 6, 2014 to be held in St. Louis, Missouri. 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.

Discuss email from Dr. David Loduca, P.E. regarding use of seal

Ms. Kempker presented a hand out of an email from Dr. David Loduca, P.E. regarding use of seal. Upon discussion, Mr. Skibiski made a motion directing Ms. Kempker to send an email response to Dr. Loduca advising that the Board has discussed his email and as a result of that discussion, directed Ms. Kempker to direct Dr. Loduca's attention to Board Rule 20 CSR 2030-3.060(3) which states in part, "(3) In addition to the personal seal, the licensee shall also affix his/her signature **and place the date when the document was originally sealed**, at the minimum, to the original of each sheet in a set of plans, drawings, specifications, estimates, reports and other documents which were prepared by the licensee or under his/her immediate personal supervision." The motion was seconded by Mr. Govero and unanimously carried.

Motion to go back into Closed Session

At approximately 2:05 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. Adewale seconded the motion. A roll call vote was taken unanimously carried. Mr. Hartnett asked that all visitors leave the room. There being none, Mr. Hartnett declared the meeting closed to the general public.

Return to Open Session

At 4:09 p.m., the Board reconvened its open meeting for the purpose of adjournment.

Adjournment

A motion was made by Mr. Govero and seconded by Mr. Frashier, to adjourn. The motion carried unanimously. The meeting adjourned at 4:09 p.m. on Tuesday, May 7, 2013.

ATTEST:

Executive Director

Approved by the Board on: _____