

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

Monday, August 5, 2013  
Salon C Meeting Room  
Adams Pointe Conference Center  
1400 NE Coronado Drive  
Blue Springs, Missouri

The Professional Land Surveying Division of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects was called to order at 8:00 a.m. on Monday, August 5, 2013 in the Salon C Meeting Room, of the Adams Pointe Conference Center, 1400 NE Coronado Drive, Blue Springs, Missouri. A quorum being present, Chairman Mike Freeman declared the meeting open for business.

**Members Present**

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

**Others Present**

Laurie Koelling, Board Staff  
Karen Payne, Board Staff

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

**Approval of Minutes**

On motion by Dan Govero, the minutes of the May 6-7, 2013 Professional Land Surveying Division open meetings were approved as submitted. Mike Freeman seconded the motion. Voting in favor of the motion were Dan Govero and Mike Freeman. Mike Flowers abstained from voting since he was absent from the May 6-7, 2013 meetings.

On motion by Dan Govero, the minutes from the May 22, 2013 Professional Land Surveying Division open telephone conference call were approved as submitted. Mike

Flowers seconded the motion. Voting in favor of the motion were Dan Govero and Mike Flowers.

**Discuss Adding the Education Requirements as Proposed by MSPS via HB 652 to the Chapter 327 Changes Going Forth**

Next, the Division members reviewed and discussed the proposed changes to increase the education requirement for licensure as a Professional Land Surveyor as proposed by MSPS via HB 652 to Chapter 327. Upon discussion, Dan Govero made a motion to pursue these changes thru MSPS via a separate bill from the other changes being proposed to Chapter 327 since these changes were very controversial in the last legislative session. Mike Flowers seconded the motion and it unanimously carried. Voting in favor of the motion were Dan Govero and Mike Flowers.

Please note that Landscape Architect Chair and Professional Land Surveyor, Bob Shotts, entered the meeting at 8:30 a.m.

Please note that Executive Director, Judy Kempker, entered the meeting at 9:15 a.m.

**Discuss the Newly Drafted Proposed Changes to Board Rule 20 CSR 2030 – Chapter 16**

Next, the Division members discussed the newly drafted proposed changes to Board Rule 20 CSR 2030 – Chapter 16. Upon discussion, Mike Flowers made a motion directing Executive Director, Judy Kempker, to contact Darrell Pratte sometime around the middle of September 2013 and inform him that the Board is wanting to move forward in promulgating the rule changes and therefore the Board would like to know if he has had an opportunity to meet with the Department of Agriculture to determine if they approve the changes. Dan Govero seconded the motion and it unanimously carried. Voting in favor of the motion were Dan Govero and Mike Flowers.

**Possible Changes to the Board Rules and/or Chapter 327 RSMo (For Information and/or Discussion)**

Next, discussion regarding the proposed change to Section 327.281 was heard. This proposed change would allow a land surveyor or land surveying corporation to “offer but not render” land surveying services in Missouri so long as they were licensed to practice land surveying in the state or country of residence or principal place of business. This change would be consistent with the other three professions. However, since the LS Division is the only profession that requires the passage of a “state specific exam” for licensure, the Division Members decided this proposed change would not be easily applied, or beneficial, to their profession. Therefore, they decided to recommend to the full Board on Tuesday, August 6<sup>th</sup> that the proposed change in the last sentence to

Section 327.281 be removed. They also decided to table discussion of the other proposed changes to Chapter 327 until they have had an opportunity to meet with the full Board on August 6, 2013 to discuss and clarify “design survey” and “design coordination”. The Division Members then discussed how frequent the Missouri State Specific exam should be given once the PLS exam goes to computer based testing in 2017. After a long discussion, they concluded that the test should continue to be given twice a year but the issue would be re-visited as 2017 draws closer. They also talked about possibilities for where the test would be administered and asked that Mike Freeman get some feedback from other states when he attends the NCEES Annual Meeting in San Antonio later this month to poll their thoughts on how their state specific tests would be administered in light of the upcoming computer based testing. They also decided that the committee that comes up with the questions for the Missouri State Specific exam needs to start phasing in questions that could be used in the event this exam is also transferred to computer based testing.

Before concluding discussion on possible changes to the Board Rules and/or Chapter 327 RSMo, Ms. Kempker requested clarification of paragraph (2) (D) of Board Rule 20 CSR 2030-5.110 which states “Engineering or construction surveying work experience will receive no more than twenty-five percent (25%) credit (the maximum credit given shall be no more than twenty-five (25%) of the total experience required)”. She reported that the current Land Surveying Division had been awarding credit for only 25% of the engineering or construction surveying work claimed by an applicant instead of the TOTAL experience claimed. For example, if an applicant had one year of engineering or construction surveying work the Land Surveying Division gave him/her credit for 3 months or 25% of that one year. However, after being questioned about it from a recent applicant she decided it was necessary to pose the question to legal counsel, Curt Thompson. Mr. Thompson said the rule specifically states “(the maximum credit given shall be no more than twenty-five (25%) of the **total** experience required)”. Therefore, since 4 years is the **total** experience required, the Land Surveying Division should award credit for one year of engineering or construction surveying work that an applicant claims instead of 3 months since one year is 25% of 4 years (total experience required). Upon discussion, Curt recommend the Division award 25% of the **total** experience required as the rule states and if the Division only wants to award 25% of the engineering or construction surveying work, they then need to amend the Board Rule.

### **Memorandum of Understanding (MOU) Between the Board and the Department of Natural Resources (DNR)**

Mike Flowers then made a motion directing Executive Director, Judy Kempker, to revise the MOU with the changes that were agreed upon at this meeting. Ms. Kempker is then to forward the revised MOU to the Land Surveying Division for final review and then add it to the full Board’s open agenda for approval at the November 5, 2013 meeting. Dan Govero seconded the motion and it unanimously carried. Voting in favor of the motion were Dan Govero and Mike Flowers.

Please note that Executive Director, Judy Kempker, departed the meeting at 9:45 a.m.

### **PDU Preapproval for McKissock Training Courses**

In conclusion, the Division members discussed the McKissock 100% online training courses that have been previously preapproved by the Land Surveying Division members and is currently posted on the Board's web site under the link "Current List of Educational Activities". Upon review, Mike Flowers made a motion directing Executive Director, Judy Kempker, to write a letter to McKissock 100% Education and state that the Board is removing all their preapproved courses from our ongoing preapproved list until which time they submit new preapproval requests that include the required documentation of their courses as well as a link to review their course information from their web site. Dan Govero seconded the motion and it unanimously carried. Voting in favor of the motion were Dan Govero and Mike Flowers.

### **Motion to Close**

At 10:55 a.m., Chairman Freeman called for a motion to close the meeting to the general public for the purpose of discussing confidential or privileged communications between this agency and its attorney as well as to discuss pending litigation and complaint matters. Dan Govero made a motion that the meeting be closed to the general public pursuant to Chapter 610.021 subsection (14) and 324.001.8 and 324.001.9, RSMo for the purpose of discussing investigative reports, complaints, audits and/or other information pertaining to licensees or applicants; Chapter 610.021 subsection (1) RSMo for the purpose of discussing general legal action, causes of action or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under Chapter 610.021 RSMo which authorizes this agency to go into closed session during those meetings. The motion was seconded by Mike Flowers and unanimously carried. Voting in favor of the motion were Dan Govero and Mike Flowers.

### **Reconvene**

At 3:40 p.m. the Members of the Land Surveying Division reconvened in open session for the purpose of adjourning.

**Adjournment**

There being no further discussion, a motion was made by Dan Govero and seconded by Mike Flowers to adjourn. The motion carried unanimously. The meeting adjourned at 3:40 p.m. on August 5, 2013.

ATTEST: \_\_\_\_\_  
Executive Director

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