

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

Maui Meeting Room  
Ramada Oasis Convention Center  
2546 North Glenstone Avenue  
Springfield, Missouri  
November 5, 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, November 5, 2013 in the Maui Meeting Room, Ramada Oasis Convention Center, 2546 North Glenstone Avenue, Springfield, Missouri. The Board met in both open and closed sessions during the meeting as reflected in the minutes. The meeting was declared open for business.

**Members Present**

James C. "JC" Rearden, Chair of the Architectural Division  
Kenneth M. Frashier, Member of the Architectural Division  
Kevin Skibiski, Chair of the Professional Engineering Division  
Abiodun "Abe" Adewale, Member of the Professional Engineering Division  
Kelley Cramm, Member of the Professional Engineering Division  
Mike Freeman, Chair of the Professional Land Surveying Division  
Dan Govero, Member of the Professional Land Surveying Division  
Mike Flowers, Member of the Professional Land Surveying Division  
Robert Hartnett, Chair of the Landscape Architectural Division  
Robert Shotts, Member of the Landscape Architectural Division

**Others Present**

Judy Kempker, Executive Director  
Sandy Robinson, Licensing Technician Supervisor  
Kevin Oligschlaeger, Board Investigator  
Jane Coffman, Board Staff  
Curtis F. Thompson, General Counsel  
Edwin Frownfelter, Assistant Attorney General  
Charles C. Hill  
Michael D. Gray  
Neil S. Brady

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. Shotts nominated Mr. Bob Hartnett to conduct the remaining business of the meeting. Ms. Cramm seconded the nomination and it unanimously carried. Ms. Kempker then turned the meeting over to Mr. Hartnett.

### **Approval of Minutes**

A motion was made by Mr. Skibiski to approve the minutes for the August 6, 2013 Open Board meeting as submitted. The motion was seconded by Mr. Rearden and it unanimously carried.

### **Review and discuss comments received regarding Proposed Amendments to Board Rules 20 CSR 2030-2.040 [Standard of Care] Evaluation Criteria for Building Design; Board Rule 20 CSR 2030-2.050 Title Block; and, Proposed Rule 20 CSR 2030-2.060 Standard of Care**

The Members of the Board reviewed and discussed comments received regarding Proposed Amendments to Board Rules 20 CSR 2030-2.040 [Standard of Care] Evaluation Criteria for Building Design; Board Rule 20 CSR 2030-2.050 Title Block; and, Proposed Rule 20 CSR 2030-2.060 Standard of Care. The Board addressed the comments for each proposed amendment as stated below.

As to the Proposed Amendment to Board Rules 20 CSR 2030-2.040 [Standard of Care] Evaluation Criteria for Building Design, a total of two comments were received, both of which were in support of the proposed amendment with the exception of the name. The Board received two letters in support of the proposed change. A comment was received from Christopher Swan, on behalf of AIA Missouri, and the other comment was received from Bruce Wylie, on behalf of the Missouri Society of Professional Engineers (MSPE). Both professional associations, AIA and MSPE, stated they support the amendment but felt it needed to be renamed. Instead of "Standard of Care when Evaluating Criteria for Building Design" it should be named "Evaluation Criteria for Building Design." Messrs. Swan and Wylie stated all reference to "Standard of Care" should be eliminated from the rule and its definitions because Missouri Law already defines the "Standard of Care." After much discussion, Mr. Skibiski made a motion to

amend the rule by renaming it to "Evaluation Criteria for Building Design." The motion was seconded by Mr. Rearden and it unanimously carried.

As to the Proposed Amendment to Board Rule 20 CSR 2030-2.050 Title Block, a total of two comments were received, both of which were in support of the proposed amendment. One comment was received from Christopher Swan, on behalf of AIA Missouri, and the other comment was received from Bruce Wylie, on behalf of the Missouri Society of Professional Engineers (MSPE). Both professional associations, AIA and MSPE, stated they have no objection to the amended language and would support it as filed. Upon discussion, Mr. Skibiski made a motion to make no changes to the proposed amendment and move forward with the filing of the Proposed Amendment to Board Rule 20 CSR 2030-2.050 Title Block. The motion was seconded by Mr. Shotts and it unanimously carried.

Lastly, two comments were received in opposition of Proposed Rule 20 CSR 2030-2.060 Standard of Care. The Board received two letters in opposition of this proposed rule. A comment was received from Christopher Swan, on behalf of AIA Missouri, and the other comment was received from Bruce Wylie, on behalf of the Missouri Society of Professional Engineers (MSPE). Both professional associations, AIA and MSPE, stated they do not believe that this rule is required since Missouri Law already defines the "Standard of Care." Therefore, this proposed rule adds nothing new and is not needed. Messrs. Swan and Wylie also state their professional associations believe the Standard of Care is already defined in the Board's rule titled, Code of Professional Conduct, so this rule would be redundant. After much discussion, Mr. Skibiski made a motion to rescind Proposed Rule 20 CSR 2030-2.060 Standard of Care since the Board does agree that this rule would be redundant. The motion was seconded by Mr. Freeman and it unanimously carried.

### **Discussion of Proposed Changes to Section 327.101**

Mr. Rearden discussed proposed changes to Section 327.101, RSMo with the Members of the Board. However, upon a final review of the changes, it was noted that "construction observation" really should not have been inserted as a subparagraph of Section 327.101(5) because that paragraph is a listing of building types that do not require an architect for their design. Therefore, the phrase "**Construction observation by persons customarily engaged in contracting work**" most definitely needs to be included in Section 327.101 but as a separate, stand-alone paragraph. Therefore, the Board directed that the construction observation language be moved to paragraph 327.101(7) and the paragraph that was (7) be renumbered to become paragraph (8).

## Discussion of Proposed Changes to Chapter 327 and date of next Design Alliance Meeting

The Members of the Board discussed the proposed changes to Chapter 327. The Board directed Ms. Kempker to send an email to Mr. Wylie, on behalf of the Professional Design Alliance, advising that the Board Members are very excited about the Professional Design Alliance/Association Lobbyists moving forward with the changes to Chapter 327 this upcoming legislative session. Ms. Kempker is to thank Mr. Wylie along with many thanks to the Professional Design Alliance and the Association lobbyists for their support, cooperation, and assistance with this very important matter. Also, Ms. Kempker is to advise Mr. Wylie that the Board is looking forward to meeting with the Professional Design Alliance on Wednesday, January 29, 2014 to discuss the status of the proposed legislation as it relates to Chapter 327 and other important issues. Lastly, Ms. Kempker is to advise Mr. Wylie that at the Board's November 5, 2013 meeting it made a final review of changes and noted that "construction observation" really should not have been inserted as a subparagraph of Section 327.101(5) because that paragraph is a listing of building types that do not require an architect for their design. Therefore, the phrase "**Construction observation by persons customarily engaged in contracting work**" most definitely needs to be included in Section 327.101 but as a separate, stand-alone paragraph. Ms. Kempker is to advise Mr. Wylie that the Board directed that the construction observation language be moved to paragraph 327.101(7) and the paragraph that was (7) be renumbered to become paragraph (8). The change is noted below in bold and italics.

### **Unauthorized practice prohibited--persons excepted.**

327.101. No person shall practice architecture in Missouri as defined in section 327.091 unless and until there is issued to the person a license **and/or** a certificate of authority certifying that the person has been duly licensed as an architect or authorized to practice architecture, in Missouri, and unless such license has been renewed as hereinafter specified; provided, however, that nothing in this chapter shall apply to the following persons:

(1) Any person who is an employee of a person holding a currently valid license as an architect or who is an employee of any person holding a currently valid certificate of authority pursuant to this chapter, and who performs architectural work under the direction and continuing supervision of and is checked by one holding a currently valid license as an architect pursuant to this chapter;

(2) Any person who is a regular full-time employee who performs architectural work for the person's employer if and only if all such work and service so performed is in connection with a facility owned or wholly operated by the employer and which is occupied by the employer of the employee performing such work or service, and if

and only if such work and service so performed do not endanger the public health or safety;

(3) Any holder of a currently valid license **or certificate of authority** as a professional engineer who performs only such [architectural work] **architecture** as is incidental and necessary to the completion of [engineering work] **professional services** lawfully being performed by such licensed professional engineer;

(4) Any person who is a **professional** landscape architect, city planner or regional planner who performs work consisting only of consultations concerning and preparation of master plans for parks, land areas or communities, or the preparation of plans for and the supervision of the planting and grading or the construction of walks and paving for parks or land areas and such other minor structural features as fences, steps, walls, small decorative pools and other construction not involving structural design or stability and which is usually and customarily included within the area of work of a **professional** landscape architect or planner;

(5) Any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building described in paragraphs (a), (b), (c), (d), and (e) which follow, and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect:

(a) A dwelling house; or

(b) A multiple family dwelling house, flat or apartment containing not more than two families; or

(c) A commercial or industrial building or structure which provides for the employment, assembly, housing, sleeping or eating of not more than nine persons; or

(d) Any one structure containing less than **[twenty] two** thousand **[cubic] square** feet, except as provided in (b) and (c) above, and which is not a part or a portion of a project which contains more than one structure; or

(e) A building or structure used exclusively for farm purposes;

(6) Any person who renders architectural services in connection with the remodeling or repairing of any privately owned **[building described in paragraphs (a), (c), (d) and (e) of subdivision (5) of this section or for a] multiple family dwelling house, flat or apartment containing [not more than] three or** four families **provided that the**

**alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building,** and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect;

**(7) Construction observation by persons customarily engaged in contracting work.**

**(8)** Any person or corporation who is offering, but not performing or rendering, architectural services if the person or corporation is licensed to practice architecture in the state or country of residence or principal place of business.

Mr. Govero then stated that he wanted the Board to move forward with the changes to Section 327.312 which will increase the education requirements for land surveyors. It was noted that after the last Professional Design Alliance meeting, it was decided to take these proposed changes out of the 327 Bill and that the Missouri Society of Professional Surveyors (MSPS) would file a separate bill proposing the increased education changes. Mr. Govero pointed out that there are a number of members of the Missouri House of Representatives who are licensees of the Board and would most likely be allies in support of the changes to Section 327.312. Therefore after much discussion, the Board went on record as supporting the proposed changes in Section 327.312, which will increase the education requirements for land surveyors. The Board then directed Ms. Kempker to forward the proposed changes to Section 327.312 to Mr. Wylie, on behalf of the Design Alliance, and advise that the Board will leave it up to the discretion of the Design Alliance and/or Association Lobbyists to decide if they feel it is more beneficial to insert these proposed changes into the 327 Bill (which contains all of the other Chapter 327 proposed changes) and proceed with filing all changes in a "combined bill;" OR, if they feel it would be more beneficial to have the changes to Section 327.312 filed in a "separate bill." If it is decided to combine the changes, the following language will need to be inserted.

**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 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 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 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, 2019, any person may apply to the board for enrollment as a land surveyor-in-training who is twenty-one years of age or older, who is of good moral character, who is a high school graduate, or who holds a Missouri certificate of high school equivalence (GED), and:**

**(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 surveying course work of which at least six semester hours shall be in the legal aspects of boundary surveying;**

**(2) Has earned at least sixty hours of college credit 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 legal aspects of boundary surveying and has presented 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 earned at least thirty semester hours of approved surveying course work as defined by board regulation of which at least six semester hours shall be in legal aspects of land surveying and 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. Under this section, not more than one year of satisfactory postsecondary education work shall count as equivalent years of satisfactory land-surveying work as aforementioned.

3. The provisions contained in subdivision (3) of subsection 2 of this section shall expire January 1, 2023.

4. 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.

**Discuss possible changes to Section 327.612 to allow applicants with a degree deemed equivalent to an accredited degree in landscape architecture to be eligible for licensure as a Landscape Architect in Missouri**

Mr. Hartnett stated that during the Landscape Architectural Division conference call on September 23, 2013, an application had been submitted by an individual who did not have an accredited degree in landscape architecture but instead a bachelor's degree in botany. However, the applicant had taken and passed all sections of the L.A.R.E. It was recommended by the Board's General Counsel to only license individuals if their degree comports to Missouri law, which at the present time requires all landscape architect applicants to have a degree in landscape architecture from an accredited school of landscape architecture. Therefore the Landscape Architectural Division denied the application due to lack of an accredited degree. Since this matter has been brought to the attention of the Division Members, they decided to discuss this matter further at their meeting quarterly meeting on Monday, November 4<sup>th</sup>. After much discussion, the Landscape Architectural Division Members decided to table this matter until a later date because such a change would require statutory authority granted by the state legislature, which could take several years.

**Discuss SB 106 and how it will affect the Board and what needs to be done, if anything, to prepare for the changes come January 1, 2014**

Ms. Kempker announced that on October 8, 2013, she had received an email from Mr. Andy Briscoe, Division of Professional Registration's Director of Budget and Legislation, advising that Board needs to be thinking about how Senate Bill 106 and Section 192.360 impacts the Board and how best to implement them. Section 324.007, RSMo requires all boards, by January 1, 2014, to accept education, training, or service by a member of the armed forces towards application for licensure. Ms. Kempker stated that it was her understanding that Section 192.360 will not apply to this Board since it is not a "health-related" board but Section 324.007, RSMo does apply to this Board. Ms. Kempker asked, since Section 324.007 says in part, "shall, upon presentation of satisfactory evidence by an

applicant for certification or licensure, accept...”, couldn’t this Board determine if the military applicant does not have an accredited degree or equivalent, he/she did not present satisfactory evidence? The Board presently accepts service in the military to apply toward experience for licensure, especially for engineering applicants. Ms. Kempker asked the Board’s General Counsel, Curt Thompson, to comment. Mr. Thompson stated that he thought the Board was in compliance with Senate Bill 106, Section 192.360, and Section 324.007, since the Board presently accepts service in the military to apply toward experience for licensure, especially as it relates to engineering applicants.

Please note that at approximately 10:10 a.m., Mr. Gray departed from the meeting.

Please note that at approximately 10:15 a.m., Assistant Attorney General Edwin Frownfelter joined the meeting.

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

Mr. Freeman reported that the Professional Land Surveying Division Members discussed and reviewed the Memorandum of Understanding (MOU) between the Board and the Department of Agriculture (formerly MOU between the Board and the Department of Natural Resources). Mr. Freeman stated that the Professional Land Surveying Division reviewed, discussed, and made a few changes to the MOU at its meeting on Monday, November 4, 2013. Mr. Flowers asked the Board for authorization for Division Chair Freeman to sign the MOU once it has been finalized since the Board’s Chair position is currently vacant. Upon discussion, Mr. Flowers made a motion directing Ms. Kempker to revise the MOU with the changes that were discussed and agreed upon at the Professional Land Surveying Division meeting on Monday, November 4, 2013 and authorize Division Chair Mike Freeman to sign the MOU once it is finalized. The motion was seconded by Ms. Cramm and it unanimously carried.

**Review and discuss a document from the North Carolina Board and be prepared to discuss possible revisions regarding the agreement with Japan PE/FE Examiners Council (JPEC) wherein the Missouri Board will accept the licensure applications for Professional Engineer for engineers who have passed the PE exam administered by NCEES/JPEC in Japan**

Mr. Skibiski advised the Board Members that the Professional Engineering Division Members discussed a document from North Carolina Board which will be used to prepare, with possible revisions, an agreement between the Board and the Japan PE/FE Examiners Council (JPEC). The agreement will state that the

Missouri Board will accept the licensure applications for Professional Engineers who have passed the PE exam administered by NCEES/JPEC in Japan. Mr. Adewale announced that he had lunch with members from Japan while attending the NCEES Annual Meeting in San Antonio, Texas and discussed the Missouri Board's relationship with JPEC and the proposed agreement between the Board and JPEC. After much discussion, Ms. Cramm volunteered to put a draft of the agreement together for the Professional Engineering Division Members to review and discuss at its January 27, 2014 meeting. When the agreement is finalized, it will be presented to the Board for approval.

### **Status of Board producing a video recording/documentary**

At the Board's August 6, 2013 meeting, Ms. Kempker reported that she had met with Jaci Joyce, the Department of Insurance, Financial Institutions, and Professional Registration as a videographer. They discussed the Board's decision made at its May 7, 2013 meeting to create and publish on its website a documentary on a project explaining all aspects or phases of the architecture, engineering, surveying, and landscape architecture work that is involved. Ms. Kempker reported to Ms. Joyce that the Board Members would be responsible for the content and will appear in the recording but the Board would want the Department to make available the necessary equipment and personnel to do the actual recording and posting of the segment to the Board's website. As a result of that meeting, Ms. Kempker was informed that yes; the Department can provide the equipment and personnel to do the recording. The recording can take place in a studio setting at the Truman Building and Ms. Joyce can insert some outdoor photos throughout the video to add interest; or, the recording can be done anywhere on location since she has portable equipment. Ms. Kempker said that at the Board's August 6, 2013 meeting, the Board decided to table the matter for now but directed Ms. Kempker to check with other state boards to see what, if any, videos they may have posted. Ms. Kempker reported that she sent out an email to other State Board Member Administrators to find out if they had any documentaries posted on their web sites that they would be willing to share with the Missouri Board. All Board Administrators who responded stated that their Boards did not have any such documentaries. Upon discussion, the Board decided to continue with tabling this matter until the Board has an opportunity to discuss this issue with members of the Professional Design Alliance on January 29, 2014. In the interim, each Division is to run the idea of the video by their professional associations to see if a video to protect the public is something they would be interested in doing.

### **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: Continue to develop an online renewal process, and continue the development of

Dimensions newsletter as a web publication. Mr. Hartnett advised that the following goals are long-term strategies for 2013 and beyond: 1) continue to maintain a close relationship with the Division Director of the Division of Professional Registration; 2) develop better knowledge and understanding among licensees of Board activities, encourage interest, commitment, and possible leadership as a future Board Member; 3) communicate the importance of using licensed design professionals and following state law regarding design professional selection process; and, reach out to other state agencies and departments, counties and cities regarding the importance their design professionals selection policies and practices reflect state law. The last two items are being addressed every time the Board sends Board Staff to trade shows such as annual conferences for the Missouri Municipal League and the Missouri Association of Counties. Mr. Hartnett also stated that working with other stakeholders to update and improve statutes and rules is being accomplished by meeting periodically with the Professional Design Alliance.

Please note that at approximately 10:40 a.m., Mr. Brady departed from the meeting.

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

Mr. Rearden reported that the Architectural Division Members and Ms. Kempker had discussed the Letter of Undertaking in respect of the Mutual Recognition Agreement between NCARB and Canadian Architectural Licensing Authorities (CALA). As a result of that discussion, Mr. Rearden made a motion that the Board authorizes the Architectural Division Chair Rearden to sign the Letter of Undertaking in respect of the Mutual Recognition Agreement between NCARB and CALA since the Board's Chair position is presently vacant. The motion was seconded by Mr. Skibiski and it unanimously carried.

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

Mr. Skibiski reported that the Members of the Professional Engineering Division discussed the comments received from Mr. Sam Samarasinghe, P.E. to determine if the Board needs to amend Board Rule 20 CSR 2030-11.015 Continuing Professional Competency for Professional Engineers to include more credit for working on NCEES test development and other similar activities. Mr. Skibiski stated that this topic was also discussed at the open house on Tuesday, November 5<sup>th</sup>. After much discussion, Mr. Skibiski made a motion directing Ms. Kempker to send an email response to Mr. Samarasinghe advising that the Board discussed his comments recommending the Board amend Board Rule 20 CSR 2030-11.015, Continuing Professional Competency for Professional Engineers, to include more credit for working on the NCEES test development committee and other similar activities. Ms. Kempker is to advise Mr. Samarasinghe that the Board

is appreciative of his comments and feels he made some valid points; therefore, the Board is taking his recommendations into consideration as well as looking into other ways in which to expand opportunities to include additional PDH credit. Since the rulemaking process can be cumbersome, as well as time consuming, and also since the requirement of PDHs affects over 17,000 engineers, the Professional Engineering Division plans to seek input from other engineers at future open house meetings for additional recommendations before proceeding with changing the rule. Ms. Kempker is to remind Mr. Samarasinghe that until such changes are made, he is currently allowed to claim 2 PDHs for committees. The motion was seconded by Mr. Rearden and it unanimously carried.

Mr. Adewale announced that the Dean of Civil Engineering at St. Louis University, Dr. Manouch Potanka, had asked him to meet with the ABET team that recently visited the SLU campus. At that time, Dr. Potanka asked Mr. Adewale if the Board would consider passing a resolution that continues to extend terms of the 2012 agreement the Board had with SLU which allowed current students who are expected to graduate from SLU's new Civil Engineering program seeking accreditation to take the FE exam during their senior year but not receive their enrollment as an Engineer Intern until such time when the university is finally accredited. Upon discussion, Mr. Adewale made a motion to extend the terms of the 2012 agreement the Board had with SLU which would allow current students who are expected to graduate from SLU's new Civil Engineering program seeking accreditation to take the exam during their senior year but not receive their enrollment as an Engineer Intern until such time when the university is finally accredited. Mr. Adewale directed Ms. Kempker to send a letter to Dr. Potanka advising that the Board considered his request for the extension of the 2012 agreement with SLU's former Dean of Civil Engineering, Dr. John Woolschlager, and voted to approve the extension with basically the same stipulations that were outlined in last year's approval. With the transition to Computer Based Testing (CBT), it was necessary to slightly modify those stipulations. For clarification, the modified stipulations are as follows: 1) this approval only applies to the new Civil Engineering program which is currently under review by the ABET accreditation team; 2) all students must apply for the FE examination online at [www.ncees.org](http://www.ncees.org); 3) any student from the new program who receives a passing grade on the FE exam shall not submit an application for enrollment as an Engineer Intern until after accreditation has been awarded by ABET; and, 4) if it is later determined that the Civil Engineering program is not accredited by ABET, all exam scores will be invalidated. The motion was seconded by Mr. Rearden and it unanimously carried.

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

Mr. Freeman reported that the Professional Land Surveying Division Members discussed the newly drafted proposed changes to Board Rule 20 CSR 2030 – Chapter 16. Upon discussion, Mike Flowers made a motion directing Ms. Kempker to amend Board Rule 20 CSR 2030 – Chapter 16 with the additions, deletions, and/or corrections to the rule that was discussed in the meeting for joint promulgating of the rule with the Department of Agriculture as follows:

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

(A) Iron pipe markers not less than three-fourths inch (3/4") outside one half inch (1/2") inside diameter at least eighteen inches (18") in length and having a plastic or metal cap; (The Board Members agreed with your language and added it in.)

(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 (The Board Members did not agree with your language to add "In urban built-up areas," at the beginning of this sentence because they felt it could also apply to rural areas. Therefore, they did not change their language.)

(D) In asphalt paving, cotton picker spindles, railroad spikes (center punched or chiseled cross), semi-permanent 1/2" rebar, and magnetic spikes (minimum of 8" in length) that are solid and not easily removed or destroyed. (The Board did not believe the language in your version was adequate; especially with regard to "other metal devices," and therefore felt it necessary to keep their language as noted here with the addition of "(center punched or chiseled cross)" inserted after rail road spikes.)

Once Ms. Kempker has amended the changes to Board Rule 20 CSR 2030 – Chapter 16 she is to present it once again to Mr. Darrell Pratte with the Department of Agriculture for approval. The motion was seconded by Mr. Skibiski and it unanimously carried.

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

Mr. Hartnett reported that he and Bob Shotts attended the CLARB annual meeting in Minneapolis, Minnesota. Mr. Hartnett provided a copy of a handbook that Messrs. Hartnett and Shotts received while attending the meeting. They found the handbook informative and thought that the present and future Board Members would also find the handbook informative. Mr. Hartnett directed Ms. Kempker to provide a copy of the handbook to Board Members as well as include copy of the handbook in the New Board Members' Orientation Manual which will be provided to all future Board Members.

Please note that at approximately 11:00 a.m., Mr. Hill departed 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 November 1, 2013, the financial balances were as follows:

Personal Service Balance was \$284,329. Originated with \$384,415. The Board has approximately 70.18% of its PS funds remaining.

E&E (Expense & Equipment) Balance was \$246,038. Originated with \$301,397. The Board has 77.78% of its E & E funds remaining.

The Board's current Fund Balance was \$3,725,455, which is less than 3 times our appropriation so we are not in danger of a sweep.

For the current Fiscal Year, 2014, (per current statute, 327.081), in order to avoid a sweep of the Board's fund, the balance needs to be kept under \$3,945,156, or 3 times the Board's appropriation (3 x \$1,315,052). This is an increase of \$151,809 from last year's appropriation of \$1,264,449 which x 3 was \$3,793,347. The difference in appropriation is due to increase in transfers and for the new licensing system.

Ms. Kempker stated that the only legislative changes that she is familiar with that **may** be introduced in the upcoming session are the following: 1) a proposed amendment that the Division of Professional Registration is planning to pursue to eliminate the requirement for the social security number to be on the renewal form of all licensees; 2) the proposed amendment that Missouri Society of Professional Surveyors (MSPS) is planning to pursue to Section 327.312(3) regarding elimination of the 12 semester hour option and instead requiring 30 semester hours for enrollment as an LSIT; and 3) the proposed amendments to Chapter 327 RSMo that the Design Alliance is planning to pursue at the request of the Board. Ms. Kempker stated that it was her understanding Bruce Wylie, Executive Director of the Missouri Society of Professional Engineers (MSPE), has forwarded the proposed language to the associations' lobbyists who plan to file a bill this December. Ms. Kempker announced that the next Professional Design Alliance meeting is scheduled for Wednesday, January 29<sup>th</sup> in Jefferson City at MSPE's office. That date is the Wednesday right after the Board's January quarterly Board meeting. An update on the status of the filing of this proposed legislation will be given at that meeting. Ms. Kempker encouraged at least one Board Member from each profession to be present.

Next, Ms. Kempker provided an update on Board Rules and Rule Status.

Board Rule 20 CSR 2030-6.015 (Application, Renewal, Reinstatement, Relicensure, and Miscellaneous Fees) was amended **to reduce the Corporate Application Fee, Corporate Renewal Fee, Corporate Reinstatement Fee, and Corporate Reauthorization Fee.** The Final Order of Rulemaking appeared in the *Missouri Register* on August 15, 2013 and in the Code of State Regulations on August 31, 2013. The rule change went in effect on September 30, 2013, right before renewals went out.

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. No comments were received on the Title Block rule so we can proceed with filing the Final Order of Rulemaking on it.

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 rules were filed with SOS, JCAR, and SB on 8/8/13. They appeared in the *Missouri Register* on September 16, 2013 and the comment period ended on October 13, 2013. The Board has 90 days from that date in which to file its Final Order of rulemaking (by January 14, 2014). Comments were received from AIA and MSPE in opposition to the proposed amendments to Board Rule 20 CSR 2030-2.040, which is the current Standard of Care rule and Board Rule 20 CSR 2030-2.060, Guidelines for Acceptable Standard of Care. Comments were received from AIA and MSPE in support of the proposed amendment to Board Rule 20 CSR 2030-2.050, Title Block. These items were discussed and decided upon by the Board earlier in the day.

Ms. Kempker stated that currently the Board has five vacant positions on the Board (Board Chair, Public Member, Architectural Division Member, Professional Engineering Division Member, and a Landscape Architectural Division Member); nine members serving in expired terms (Mike Freeman, Mike Flowers, Bob Hartnett, Ken Frashier, Kevin Skibiski, Abe Adewale, Kelley Cramm, JC Rearden, and Dan Govero). Ms. Kempker announced that Mr. Hartnett has been staying in contact with AJ Fox, the Governor's Director of Appointments for Boards and

Commissions. Mr. Hartnett stated that he had just recently spoken with Mr. Fox and was hopeful that some appointments will be made. Ms. Kempker state the Board has 14 of its 15 positions either vacant or serving on expired terms. Currently, Mr. Shotts is the only Board Member who is not serving on an expired term.

Ms. Kempker announced that the next edition of the Board's newsletter is scheduled to go out in early to mid-November in electronic format, which is on schedule. She thanked everyone for timely submitting their articles. Ms. Kempker announced that the next newsletter should be sent out around the first part of May 2014. Therefore, she will need all articles by no later than April 1<sup>st</sup>. She stated that she is sad to report that Sarah Mengwasser, the person in Professional Registration Administration, who she worked closely with in putting out the Board's newsletter in final format, will be leaving the Division of Professional Registration. Sarah has accepted another position outside of state government and her last day will be November 15<sup>th</sup>. Ms. Kempker stated she is hoping a replacement will be as easy and wonderful to work with as what Sarah was.

Ms. Kempker stated that in July 2013, she submitted a number of changes to the Information Technology Staff to be made to the format of the Board's web page in an effort to make it more user friendly. She stated that she was happy to report that some of the changes will most likely be made later that week. The main difference will be putting the Sub Navigation Bar on the left side of the screen as opposed to the right. This will help people who have their computers set at higher resolutions who are apparently not seeing the Sub Navigation Bar now because their screen cuts it off. This has resulted in numerous phone calls to the Board office. Ms. Kempker is hoping that this move will either eliminate, or cut down on, these types of phone calls.

Ms. Kempker advised the Board Members that she had previously made a request to the Missouri Secretary of State's office to see if they could provide a service to the Board which is similar to what a lot of other state Secretary of State offices are providing to the Board's sister boards. Ms. Kempker asked if the Missouri Secretary of State 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 corporate certificate of authority. In June 2013, Ms. Bridget Williams with the Missouri Secretary of State's office telephoned Ms. Kempker to say what the Board is wanting is quite possible; especially, after Ms. Kempker pointed out the statutes which restrict the usage of those titles. Ms. Williams indicated that she would speak to others at the Missouri Secretary of State office that would be involved and try to schedule a conference call with Ms. Kempker and the Board's General Counsel, Curt Thompson. Since then, Ms. Williams has never gotten back with Ms. Kempker even though Ms. Kempker has followed up with her multiple times via email. Therefore, it appears as though this is not something the Missouri Secretary of State's office is willing to

work on with the Board. Ms. Kempker stated that she does not plan to pursue it any further.

Ms. Kempker announced that renewals were mailed out the first part of October to every licensee who was originally licensed in an odd year.

Ms. Kempker advised the Board Members that the Missouri Association of Counties Annual Conference was October 20 and 21 at Tan-Tar-A in Osage Beach, Missouri. Ms. Kempker stated she along with Sandy Robinson, manned the booth for the Board and visited with multiple county officials making them aware of the need for licensed design professionals.

Ms. Kempker stated that as most of the Board Members knew, Mr. Oligschlaeger's last day with the Board will be November 15<sup>th</sup>. He, and his family, will be moving to South Dakota due to his wife's job promotion. Ms. Kempker stated that sounds like a very exciting opportunity for his family and she wished all of them well. She stated that the Investigator II position has been advertised and that she is hoping to get someone hired relatively soon. At that point the Board Members wished Mr. Oligschlaeger best of luck in his future endeavors.

Ms. Kempker stated that she had posted a "Job Opportunity" for the Investigator II position on the Division of Professional Registration's web site. Ms. Kempker stated that at this present time, she was recommending that the Investigator II position be part-time since the Board's case load is at an all-time low. The Board advised Ms. Kempker to use her discretion in whether to hire an Investigator II at part-time status eventually turning into full-time status.

Ms. Kempker stated with Mr. Oligschlaeger leaving, it puts the Board office in a bind in keeping the office open until 5:00 p.m. on Christmas Eve, December 24, 2013. Kevin had graciously volunteered to be in the office until 5:00 p.m. Christmas Eve allowing the rest of the Board's staff to be out of the office all or part of the day to attend religious services and/or family functions. Ms. Kempker stated that at this point, no staff member has volunteered to cover the phones so she has decided she would stay in the office even though she too had church services that afternoon as well as her family Christmas celebration. Ms. Kempker stated that on Monday, November 4<sup>th</sup>, Sandy Robinson had volunteered to stay with her to help with office functions and answer the phones. Before Ms. Kempker could proceed further, Mr. Hartnett made a motion that the Board office shall close at 12:00 noon on Christmas Eve, December 24, 2013 in order to allow staff to attend afternoon church services and planned family functions. All staff must take annual leave for any time taken away from the office on Christmas Eve. The motion was seconded by Mr. Govero and it unanimously carried. Mr. Hartnett directed Ms. Kempker to let the Division of Professional Registration know that the Board made this motion directing her to close the office at 12:00 noon on Christmas eve, December 24, 2013 and that all staff will be taking annual leave for any time they are not in the office on Christmas eve. If anyone had questions or concerns, Ms. Kempker was

directed to have him/her to either contact Mr. Hartnett or the Board's General Counsel, Curt Thompson.

### **Date and Location of November 2014 Board Meeting**

The Board Members discussed the date and location of the November 2014 Board Meeting. Upon discussion, the Board decided that the November meeting for 2014 will be held on November 10, 11, and if necessary, 12, 2014 in the Springfield or Branson, Missouri area. Also, the Board requested that Ms. Kempker continue to negotiate Wi-Fi with all future hotel contracts. The Board feels that free Wi-Fi would be a valuable tool to be used during all quarterly meetings since there have been numerous occasions where a search of the internet was helpful in deciding on an issue that has become before the Board.

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

At approximately 11:45 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 and it 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 in Open Session**

At approximately 3:40 p.m., the Board reconvened its open meeting for the purpose to adjourn.

### **Adjournment**

A motion was made by Ms. Cramm to adjourn the meeting. Mr. Shotts seconded the motion and it unanimously carried. The meeting adjourned at 3:40 p.m. on Tuesday, November 5, 2013.

ATTEST:

\_\_\_\_\_

Executive Director

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