

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

Terrace Meeting Room  
Holiday Inn South Butler Hill  
4234 Butler Hill Road  
St. Louis, Missouri  
Monday, May 5, 2014

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects was called to order at 3:00 p.m. on Monday, May 5, 2014 in the Terrace Meeting Room of the Holiday Inn South Butler Hill located at 4234 Butler Hill 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  
Martha K. John, Member of the Architectural Division  
Michael L. Popp, Member of the Architectural Division  
Kevin C. Skibiski, Chair of the Professional Engineering Division (via conference call)  
Abiodun "Abe" Adewale, Member of the Professional Engineering Division  
Michael C. Freeman, Chair of the Professional Land Surveying Division  
Daniel L. Govero, Member of the Professional Land Surveying Division  
John Michael Flowers, Member of the Professional Land Surveying Division  
Robert N. Hartnett, Chair of the Landscape Architectural Division  
Robert S. Shotts, Member of the Landscape Architectural Division

**Member Absent**

Kelley Cramm, Member of the Professional Engineering Division

**Others Present**

Judy Kempker, Executive Director  
Sandra Robinson, Processing Technician Supervisor  
Jane Coffman, Board Staff  
Dawn Wilde, Board Investigator  
Curtis F. Thompson, General Counsel  
Jerald A. "Rusty" Saunders, Jr., President, Missouri Association of Landscape Architects (MALA)

Noel T. Fehr, Representative from 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.

### **Approval of Minutes**

A motion was made by Mr. Adewale to approve the January 27 and 28, 2014 Open Board Meeting minutes and the February 10, 2014 Open Board Conference Call as submitted. The motion was seconded by Mr. Govero and carried with Mr. Popp and Ms. John abstaining from voting because they were not present at the meetings.

### **Update regarding the signing of 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 provided an update to the Board regarding the signing of the Memorandum of Understanding (MOU) between the Board and the Department of Agriculture. Upon discussion, Mr. Freeman made a motion directing Ms. Kempker to contact Mr. Richard Fordyce, Director of the Department of Agriculture, to request a meeting with him to discuss and finalize the MOU. The meeting will also include Mr. Mark Warrick, General Counsel for Department of Agriculture, Mr. Darrell Pratte, State Land Surveyor, the members of the Professional Land Surveying Division, the Board's General Counsel, Curt Thompson, and Ms. Kempker. Mr. Adewale seconded the motion and it unanimously carried.

### **Possible changes to the Board Rules and/or Chapter 327, RSMo (For information and/or discussion)**

The Members of the Board stated that they had reviewed the most recent drafts of changes to Chapter 327 and agreed that no further changes should be made. Ms.

Kempker reported that HCS SCS SB 809, which contains changes to Chapter 327, is currently moving through the Legislature and was expected to be truly agreed to and finally passed before the end of this Legislative Session. This matter was presented for informational purposes and no further action was taken.

### **Report from Architectural Division**

Mr. Rearden welcomed the newest Architectural Division Members, Mike Popp and Martha John. He also reported that earlier in the day during the Architectural Division meeting, Mr. Popp was elected to serve as the Vice Chair of the Architectural Division and Ms. John was elected to serve as the Audit Chair of the Division.

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

Mr. Skibiski reported that recently he had attended a funeral in Rolla, Missouri for former Board Chair, Dr. Paul Munger, P.E. He asked the Board to have a moment of silence in memory of Dr. Munger.

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

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

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

Mr. Hartnett reported that he, along with Mr. Shotts and possibly Ms. Kempker, will be attending the CLARB annual meeting where former Board Member Jerany Jackson will be sworn in as the next President of CLARB. This meeting will be held on September 24, 25, 26, and 27, 2014 in Reston, Virginia. Mr. Hartnett thanked Messrs. Saunders and Fehr for attending the Board's Open meeting, and thanked MALA, along with the other professional societies, for getting the changes to Chapter 327 through the Legislature.

### **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 2, 2014, the financial balances were as follows:

Personal Service Balance was \$134, 682. Originated with \$384,415.

E&E (Expense & Equipment) Balance was \$166,758. Originated with \$301,397.

The Board's current Fund Balance is \$3,847,722. Ms. Kempker stated that per Section 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). As of May 2, 2014, the Fund Balance is almost \$100,000 below the sweep amount. Ms. Kempker reminded the Board, that at its January 2014 meeting, she reported the fund balance was \$3,998,265, which was approx. \$53,000 over the sweep ceiling. She also reported that at that time, the Board was at the peak of its income since the Board had just gone through a renewal cycle and for the following nine months up until the next renewal period begins, the Board's expenses will be greater than its revenue. Based on the Board's projections with the decreased fees that recently went into effect, the Board should not be in danger of a sweep.

For FY 2014, the Board was appropriated a total of \$685,812 for Expense and Equipment and Personal Service (\$301,397 was appropriated for E&E and \$384,415 for PS); \$122,100 for transfers (i.e., AHC & AG); \$278,472 for payment of operating expenses to PR; \$62,000 to go toward the new licensing system; \$9,490 for Cost Allocation Plan Transfer to OA; \$610 Workers' Comp Transfer; and, \$156,658 for fringe benefits (MCHCP - \$57,393, Retirement System - \$24,320, and, OASDHI). The Board requested no changes in its FY 2015 appropriation which is determined by House Bill 2007.

In House Bill 2007 (the Budget Bill), Section 7.475, to the Department of Insurance, Financial Institutions and Professional Registration, for the State Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects, Personal Service is \$388,688. Expense and Equipment is \$301,397. From State Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects (Not to exceed 10.00 full time employees (FTE)), is \$690,085.

For FY 2014, the Board was appropriated a total of \$685,812 for Expense and Equipment and Personal Service. The Personal Service amount appropriated last year was \$384,415. This bill would increase the Board's FY 2015 Personal Service appropriation amount by \$4,273. This would cover cost of living raises, if any are given. The Expense and Equipment amount appropriated last year is the same as what is being requested in this bill, therefore, no change.

Next, Ms. Kempker reported on 2014 Legislation.

**HCS SB 504** – This act provides that state agencies must make proposed rules available to the public by providing a web page which contains a summary, full text of the rule, and a fiscal note for each proposed rule, as well as a link to the Missouri Register. This information must be made available on the website the same day that the proposed rule is published in the Missouri Register. The Board

is already publishing proposed rule changes on the its web site so if this bill passes the Board would just have to make some minor changes by adding the fiscal note and the Secretary of State (SOS) link. The last action was on April 24, 2014 – Reported Do Pass House Rules Committee.

**HCS SB 528** – 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. Ms. Kempker announced that this is something the Board has wanted to change for a number of years. The Board is hopeful this bill will pass. The last action was on April 22, 2014 – Referred to House Rules Committee.

**SB 645** – Currently, certain information pertaining to a licensee or applicant under the Division of Professional Registration is treated as confidential and only disclosed with the person's consent, pursuant to litigation or other lawful requests. This act allows the disclosure of applicant or licensee information when requested by members of the General Assembly or their employees. This act also provides that an executive director of a board or commission under the Division of Professional Registration can only serve in this capacity on one board or commission, or a combination of boards or commission with the total number of licensees under the authority of the various boards is two-thousand or less. However, an executive director may serve on multiple boards if serving a different board personnel function. If passed, the Board would be required to give a copy of complaints and exam and licensure applications to the General Assembly upon request by him or her or one of their employees. Since this Board is one board and not a combination of smaller boards, the language about the Executive Director should not affect it. The last action was on January 23, 2014 – Second Read and Referred Senate Financial and Governmental Organizations and Elections Committee.

**SCS SB 704** – This bill modifies the qualification requirements for enrolling as a land surveyor-in-training and proposes to increase the educational requirements for licensure as a Professional Land Surveyor. The last action was on April 30, 2014 – Hearing Conducted House Professional Registration and Licensing Committee.

**SB 803** – This bill allows third and fourth class counties to adopt building codes upon voter approval and exempts agricultural structures from county building codes. The last action was on February 19, 2014 – Second Read and Referred S Jobs, Economic Development and Local Government Committee.

**HCS SCS SB 809** – This is the Board’s main bill that it’s watching and is hopeful of its passage. It modifies the provisions of Chapter 327 regarding licensing of architects, professional engineers, professional land surveyors, and professional landscape architects. This bill had been revised to keep the “current” definition of architecture in Section 327.091 with the addition of a new paragraph stating “Architects shall be in responsible charge of all architectural design of buildings and structures that can affect the health, safety, and welfare of the public within their scope of practice.” The bill was also revised to remove the construction observation exemption identified as paragraph (7) in Section 327.101. All other proposed revisions to Section 327.101 are included in the latest version. Also in the latest version, the changes to Section 327.421 which had proposed to add the profession of landscape architecture were removed. Therefore, Section 327.421 which is titled Political subdivisions not to use unlicensed architects, professional engineers or professional land surveyors, will remain as current law is written. The last action was on May 5, 2014. – Set on House Calendar. Ms. Kathi Harness, AIA’s lobbyist who has been putting in countless hours trying to get the bill passed, has indicated that this bill has a better chance of passing than HB 2131, which was turned into the PR Omnibus bill.

The companion bill to **HCS SCS SB 809** in the House is **HCS HB 2131**.

**HCS HB 2131** – This bill modifies the provisions of Chapter 327 regarding licensing of architects, professional engineers, professional land surveyors and professional landscape architects. Since its initial filing, it has become the PR Omnibus Bill. An initial comparison review of HCS HB 2131 with SB 809 indicated everything to be the same for Chapter 327 except for the Land Surveying section. It looks like SB 704, which increases the educational requirements for LS applicants, got added to this bill. This bill now also contains changes to the practice of a physical therapist or physical therapist assistant, social security number on renewal applications; and, pharmacy and pharmacists. The social security number on renewal applications and pharmacy and pharmacist language was added because Representative Burlison had attached HB 1824 to all of the PR bills. Ms. Harness is working to get the same revisions in this bill as in the House Committee Substitute for SB 809 but she is doubtful there is enough time to get this bill through and suggested all efforts be focused on passing SB 809. The last action was on April 17, 2014. – Rules – Reported do pass (H).

**HB 1182** – This bill revises and updates statutory language and references. In its main provisions, the bill: Updates intersectional references (104.342, 104.1024, 105.400, 105.430, 210.114, 288.036, 301.562, 324.028, 324.159, 326.265, 327.051, 329.025, 330.190, 332.041, 334.618, 335.036, 336.160, 338.130, 339.120, 345.035, and 414.412). This is more or less a cleanup bill. It proposes to change Section 327.051.2 to make reference to subsection 11 of Section 324.001 instead of subsection 10. The last action was on March 6, 2014 – Rules – No Action Taken.

**HB 1212** – This bill authorizes any political subdivision to enter into design-build contracts for construction projects exceeding one million dollars. The last action taken was on January 9, 2014 – Referred: Local Government (H).

**HB 1532** – This bill proposes to designate the third week of February as "Engineers Awareness Week" in the state of Missouri. The citizens of this state 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. This bill, if passed, wouldn't have a direct impact on the Board or Chapter 327. The last action taken was on March 27, 2014 – Second read and referred: Senate General Laws (S).

**HB 1660** – This bill allows third and fourth class counties to adopt building codes upon voter approval and exempts agricultural structures from building codes in those counties. The last action was taken February 27, 2014 – Voted Do Pass (H).

**HB 1771** – This bill modifies the provisions of Chapter 327 relating to licensure by the Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects. The last action taken was on April 2, 2014 – Motion to Do Pass Failed (H).

**HB 1824** – This bill establishes guidelines for the regulation of occupations and professions not regulated by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration prior to January 1, 2015, and those regulated professions that seek to substantially increase their scope of practice. The bill specifies that an individual may engage in the occupation of his or her choice, free from unreasonable government regulation. The state may not impose a substantial burden on an individual's pursuit of his or her occupation or profession unless there is a compelling interest for the state to protect the general welfare. Where an interest exists, the regulation adopted by the state should be the least restrictive type of regulation consistent with the public interest to be protected. The last action taken was on April 14, 2014 – Rules – Motion to Do Pass Failed (H). This is the bill that would make it extremely difficult for any board within PR to amend or file any new rules. Therefore, PR recommended all boards solicit the assistance of their professional associations in an attempt to prevent this bill from moving forward.

**HB 1891** – This bill (also referred to as the "Deregulation Bill") authorizes a person to engage in the practice of specified professions without being licensed if he or she does not hold himself or herself out as being licensed. (The profession of landscape architecture is included in this bill.) The last action taken was on April 2, 2014 – Referred: Professional Registration and Licensing (H).

**HB 1910** – This bill allows any political subdivision that adopts a qualification-based selection procedure for county procurement contracts to collect a fee proposal from three qualified firms. The last action taken was on February 20, 2014 – Read Second Time (H).

**HB 1945** – This bill authorizes any political subdivision to enter into design-build contracts for construction projects exceeding one million dollars. Last action: 3/31/2014 – HCS Voted Do Pass (H).

Next, Ms. Kempker provided an update on Board Rules. At the Board's November 2013 meeting, the Board directed Ms. Kempker to proceed with amending Board Rule 20 CSR 2030-5.110 Standards for Admission to Examination-Professional Land Surveyors. The amendment proposes to change one-third field experience to 24 months; one-third office experience to 16 months; and, engineering surveys to design surveys reducing the maximum credit allowed from 25% (12 months) to 8 months. At the Board's January 2014 meeting, Ms. Kempker reported that this Proposed Amendment was currently sitting at PR Division approval based on a January 7<sup>th</sup> meeting she had with PR Administrative Staff to discuss the rule change. During that meeting, it was decided that due to "design survey" being defined in the proposed changes to Chapter 327, RSMo, via HB 2131 and SB 809; and, due to Representative Bart Korman wanting to accept experience from any profession regulated by Chapter 327 for licensure as a PLS, the Division of Professional Registration recommended the Board hold off with processing this proposed rule amendment until the 2014 legislative session has concluded so that the Board will know if the term "design survey" can be used or if the Board should keep it as "engineering survey." The Board will also be able to determine whether Representative Korman was successful at changing Chapter 327, to allow experience from any profession to count toward licensure.

Ms. Kempker reported on Board Member terms and appointments. Since the recent appointments of Mike Popp and Martha John, the Board currently has four vacant positions on the Board (Board Chair, Public Member, PE Member, and LA Member) and eight members serving on expired terms (Bob Harnett, JC Rearden, Mike Freeman, Mike Flowers, Dan Govero, Kevin Skibiski, Abe Adewale, and Kelley Cramm). Currently, the Board has 12 of its 15 positions either vacant or serving on expired terms. Messrs. Shotts and Popp and Ms. John are the only Board Members who are not serving on an expired term. Ms. Kempker stated that Mr. Hartnett has been in contact with Mr. AJ Fox, the Governor's Director of Appointments for Boards and Commissions, and it sounds hopeful that some additional appointments will be made around the first part of June. At that point, Mr. Hartnett reported that he had recently spoken with Mr. Fox. Mr. Hartnett stated that Mr. Fox is looking to have appointments made to the APELSLA Board sometime near the beginning of June. Those appointments might include a member for the Landscape Architectural Division, a Public Member, and possibly a member for the Professional Engineering Division.

Ms. Kempker reported that she has been working on the Board's newsletter, *Dimensions*. The next edition of the newsletter is scheduled to go out in early to mid-May in electronic format. A new PR Administration employee, Ms. Sarah Jorgenson, is putting the Board's newsletter in final form. This will be Ms. Jorgenson's very first newsletter she's done for the Board. Ms. Kempker stated that she is hoping everything stays on track. Ms. Jorgenson had told Ms. Kempker that she would have a draft copy by Friday, May 2<sup>nd</sup>, but unfortunately, Ms. Kempker did not receive that draft copy of the Board's newsletter. Ms. Kempker stated that she would continue to send Ms. Jorgenson reminders.

Ms. Kempker announced that renewals were mailed out the first part of October 2013 to every licensee who was originally licensed in an odd year. The data shows that 93% of the Board's licensees completed the renewal process and had been approved prior to December 31<sup>st</sup>. Of those who had renewed, approximately 64% renewed online and 36% renewed via paper renewal. On April 1, 2014, the Board lapsed approximately 730 licensees due to failure to renew.

The Department has approved PR Boards to establish a Facebook page, if the Boards find it beneficial. Only the Executive Directors (and/or their designee) would have access to post topics on the page. The Executive Directors will be having a meeting in the next couple of weeks with the Department and PR Division Staff to determine which boards, if any, are interested in setting up a Facebook account and to work out the details. Before proceeding, Ms. Kempker asked the Board Members if they were interested in a Facebook page for the Board. If so, did they want the page to be where only the Board can publish comments or did they want to allow the public and/or licensees to comment on the topics posted? Ms. Kempker stated that she knows some agencies like and encourage public comment and find it very helpful. However, anytime a subject is open for public comment, one has no control over what gets posted or what language is used in those postings. This would be something the Board needs to take into account when making their decision. After much discussion, it was the consensus of the Board Members to wait on implementing a Facebook page for at least one year.

Ms. Kempker announced that she had received a request from Mr. Doug Tiemann, E-23345, to meet with the Board for a brief period of time on Tuesday, May 6, 2014 to discuss the reviewing of plans by Code Officials. Mr. Hartnett asked if the Board wanted to have an item added on all future Open Board agendas to include a set amount of time for the public to appear and present comments on Board related issues. Upon discussion, the Board directed Ms. Kempker to add an additional agenda item to be placed on all future agendas where individuals and/or licensees may appear before the Board to discuss matters of mutual interest. However, they would be limited to 10 minutes. The agenda may be as follow:

1. Call to Order
2. Roll Call

3. Approval of Minutes
4. Public Comments – limited to 10 minutes

Please note that Mr. Saunders departed the meeting at approximately 4:00 p.m.

### **Date and Location of May 2015 Board Meeting**

The Board Members discussed the date and location of the May 2015 Board meeting. It was noted that the NCEES Central and Northern Zones' Joint meeting will be held in Hershey, Pennsylvania on April 30, May 1, and 2, 2015. Therefore, the Board Members set the "May" 2015 meeting for April 20 and 21, 2015, to be held in St. Louis, Missouri. To make it more accessible for Mr. Adewale, Ms. Kempker was directed to find a hotel either near the St. Louis airport or the Highway 40 Corridor. The Board then directed Ms. Kempker to 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.

Please note that Mr. Fehr departed the meeting at approximately 4:30 p.m.

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

At approximately 4:35 p.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. Adewale made a motion that the meeting be closed to the general public pursuant to Chapter 610.021 subsection (14) and 324.001.8 and 324.001.9, RSMo for the purpose of discussing investigative reports, complaints, audits and/or other information pertaining to licensees or applicants; Chapter 610.021 subsection (1) RSMo for the purpose of discussing general legal action, causes of action or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under Chapter 610.021 RSMo which authorizes this agency to go into closed session during those meetings. Mr. Govero seconded the motion. A roll call vote was taken as follows: James C. "JC" Rearden – Yea; Michael Popp – Yea; Martha John – Yea; Kevin Skibiski (via conference call) – Yea; Abiodun "Abe" Adewale – Yea; Kelley Cramm – Absent; Mike Freeman – Yea; Dan Govero – Yea; Mike Flowers – Yea; Bob Hartnett – Yea; and, Bob Shotts – Yea. Motion carried. Mr. Hartnett asked that all visitors leave the room. There being none, Mr. Hartnett declared the meeting closed to the general public.

### **Return to Open Session and Recess**

At approximately 5:30 p.m., the Board recessed its open meeting until 8:00 a.m. on Tuesday, May 6, 2014.

### **Tuesday, May 6, 2014**

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects was called to order at 8:00 a.m. on Tuesday, May 6, 2014 in the Terrace Meeting Room of the Holiday Inn South Butler Hill located at 4234 Butler Hill 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  
Martha K. John, Member of the Architectural Division  
Michael L. Popp, Member of the Architectural Division  
Kevin C. Skibiski, Chair of the Professional Engineering Division (via conference call)  
Abiodun "Abe" Adewale, Member of the Professional Engineering Division  
Michael C. Freeman, Chair of the Professional Land Surveying Division  
Daniel L. Govero, Member of the Professional Land Surveying Division  
John Michael Flowers, Member of the Professional Land Surveying Division  
Robert N. Hartnett, Chair of the Landscape Architectural Division  
Robert S. Shotts, Member of the Landscape Architectural Division

### **Member Absent**

Kelley Cramm, Member of the Professional Engineering Division

### **Others Present**

Judy Kempker, Executive Director  
Sandra Robinson, Processing Technician Supervisor  
Jane Coffman, Board Staff  
Dawn Wilde, Board Investigator  
Curtis F. Thompson, General Counsel

### **Discuss the review of plans with Doug Tiemann, E-23345 and LS-2378**

At approximately 8:00 a.m. on Tuesday, May 6, 2014, Mr. Doug Tiemann, E-23345 and LS-2378, met with the Board at his request, for the purpose of discussing the review of plans. Mr. Tiemann informed the Board that he had a number of concerns about the review of plans and other engineering reports by local agencies and government staff, especially plans completed by local agencies that are not signed/sealed and the design/build process as it relates to engineering documents. Mr. Tiemann stated that it was his opinion that the Planning and Zoning Commissions are requesting items they should not be requesting. At approximately 8:15 a.m., Mr. Tiemann thanked the Board for meeting with him and departed the meeting.

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

At approximately 8:17 a.m., Mr. Hartnett called for a motion to close the meeting to the general public for the purpose of discussing confidential or privileged communications between this agency and its attorney as well as to discuss pending litigation and complaint matters. Mr. Govero made a motion that the meeting be closed to the general public pursuant to Chapter 610.021 subsection (14) and 324.001.8 and 324.001.9, RSMo for the purpose of discussing investigative reports, complaints, audits and/or other information pertaining to licensees or applicants; Chapter 610.021 subsection (1) RSMo for the purpose of discussing general legal action, causes of action or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under Chapter 610.021 RSMo which authorizes this agency to go into closed session during those meetings. Mr. Adewale seconded the motion. A roll call vote was taken as follows: JC Rearden – Yea; Michael Popp – Yea; Martha John – Yea; Kevin Skibiski – Yea; Abe Adewale – Yea; Kelley Cramm – Absent; Mike Freeman – Yea; Dan Govero – Yea; Mike Flowers – Yea; Bob Hartnett – Yea; and, Bob Shotts – Yea. Motion carried. Mr. Hartnett asked that all visitors leave the room. There being none, Mr. Hartnett declared the meeting closed to the general public.

### **Return to Open Session**

At approximately 9:00 a.m., the Board reconvened in Open Session for the purpose of holding a disciplinary hearing on Donald Dustin Curtis and a probation violation hearing on Michael F. Sapp.

### **Disciplinary Hearing of Donald Dustin Curtis**

At approximately 9:00 a.m., the Board conducted a Disciplinary Hearing in the matter of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects vs. Donald Dustin Curtis. Mr. Curtis personally appeared with legal counsel, Mr. David Barrett. 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. 2012-000591. When the hearing was concluded (at approximately 10:15 a.m.), Messrs. Curtis, Barrett, and Frownfelter were told that the Board would issue an Order soon after it has completed its deliberations. Messrs. Curtis and Barrett then departed the meeting.

### **Probation Violation Hearing of Michael F. Sapp**

At approximately 10:20 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. Michael F. Sapp. Mr. Sapp appeared personally 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. 2012-6447 PV1. When the hearing was concluded (at approximately 10:45 a.m.), Messrs. Sapp and Frownfelter were told that the Board would issue an Order soon after it has completed its deliberations. They then departed.

### **Motion to go back into Closed Session**

At approximately 10:45 a.m., Mr. Hartnett called for a motion to go back into closed session for the purpose of discussing the disciplinary hearing of Donald Dustin Curtis and the probation violation hearing of Michael F. Sapp as well as discussing other pending litigation and complaint matters and any confidential or privileged communication between this agency and its attorney. Mr. Govero made a motion to go back into closed session for the purpose of discussing the disciplinary hearing of Donald Dustin Curtis and the probation violation hearing of Michael F. Sapp as well as discussing other pending litigation and complaint matters and 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. After the departure of Messrs. Sapp and Frownfelter, Mr. Hartnett declared the meeting closed to the general public.

### **Return to Open Session**

At approximately 1:21 p.m., the Board reconvened its open meeting for the purpose of adjournment.

**Adjournment**

Mr. Shotts made a motion to adjourn the meeting. The motion was seconded by Mr. Govero and unanimously carried. The meeting adjourned at approximately 1:21 p.m. on Tuesday, May 6, 2014.

ATTEST:

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

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