

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

Maui Ballroom
Ramada Plaza Hotel and Oasis Convention Center
2546 N. Glenstone Avenue
Springfield, Missouri
November 10 and 11, 2014

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects was called to order at 3:00 p.m. on Monday, November 10, 2014 in the Maui Ballroom, Ramada Plaza Hotel and 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
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
Kelley P. Cramm, 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 Professional Landscape Architectural Division
Robert S. Shotts, Member of the Professional Landscape Architectural Division
Noel T. Fehr, Member of the Professional Landscape Architectural Division
Sherry L. Cooper, Public Member

Member Absent

Abiodun "Abe" Adewale, Member of the Professional Engineering Division

Others Present

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

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.

Motion to go into closed session

At approximately 3:00 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. 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. Skibiski 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.

Tuesday, November 11, 2014

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects was called to order at 8:00 a.m. on Tuesday, November 11, 2014 in the Maui Ballroom, Ramada Plaza Hotel and 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
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
Kelley P. Cramm, 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 Professional Landscape Architectural Division

Robert S. Shotts, Member of the Professional Landscape Architectural Division
Noel T. Fehr, Member of the Professional Landscape Architectural Division
Sherry L. Cooper, Public Member

Member Absent

Abiodun “Abe” Adewale, Member of the Professional Engineering Division

Others Present

Judy Kempker, Executive Director
Sandy Robinson, Processing Technician Supervisor
Dawn Wilde, Board Investigator
Jane Coffman, Board Staff
Curtis F. Thompson, General Counsel
Edwin Frownfelter, Assistant Attorney General
Neil S. Brady, PE

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

Mr. Hartnett then asked all veterans who have served his/her country to please stand up. At that time, Messrs. Freeman, Flowers, Govero and Shotts stood up and the remaining Board Members and Board staff gave them a round of applause thanking them for their service to their country. Mr. Hartnett also recognized Mr. Brady and thanked him for meeting with the Board.

Public Comment – Limited to 10 minutes

At the Board’s May 5 and 6, 2014 quarterly meeting, Ms. Kempker was directed to add an additional agenda item on all future agendas for individuals and/or licensees who may appear before the Board to discuss matters of mutual interest. This agenda item would be limited to 10 minutes. However, no one appeared at this meeting so no further action was deemed necessary at this time.

Approval of Minutes

A motion was made by Mr. Skibiski to approve the minutes for the August 5, 2014 Open Board meeting and for the October 21, 2014 Open Committee of the Board telephone conference call as submitted. The motion was seconded by Mr. Freeman and it unanimously carried.

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 reported that earlier in the day, 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). After much discussion, Mr. Freeman made a motion directing Ms. Kempker to send a letter to Mr. Richard Fordyce, Department Director, inviting him along with the Department of Agriculture's General Counsel, Michael Warrick, and Mr. Darrell Pratte, the State Land Surveyor, to meet with the Members of the Board to discuss any issues or concerns they may have regarding the Memorandum of Understanding (MOU) between the Board and the Department of Agriculture. The Board feels that it is vital that the MOU be signed so that the provisions of the Missouri Minimum Standards for Property Boundary Surveys can be enforced in order to protect the public. The motion was seconded by Mr. Shotts and unanimously carried.

Discussion regarding Task Analysis Survey on the Missouri State Specific Land Surveying Exam performed by Dr. Richard Elgin

Mr. Freeman reported that earlier in the day, the Professional Land Surveying Division Members discussed the Task Analysis Survey report prepared by Dr. Richard Elgin based on the 244 responses that were received back from the 1033 Missouri licensed professional land surveyors that were surveyed. As a result of that discussion, Mr. Freeman made a motion directing Ms. Kempker to inform the Missouri Society of Professional Surveyors (MSPS) that the Board is standing firm on the educational requirements that they previously recommended. Mr. Freeman further directed Ms. Kempker to insert Dr. Elgin's "Missouri Board and State-Specific PLS Exam Content...Questionnaire Results" report in the next Board newsletter using Dr. Elgin's name as the author. Ms. Kempker is to also notify Dr. Elgin that the Board recommends that he modify the percentages of areas that are covered on the state exam as follows:

Part 1 Exam "General" (1 hour)

- a.) Missouri "Minimum Standards" reduce the percentage from 38% to 35%
- b.) Board Rules and Statutes (other than Chapter 60) reduce the percentage from 27% to 25%
- c.) Missouri State Plane Coordinates increase the percentage from 20% to 25%
- d.) Missouri Riparian Boundaries keep the percentage the same at 15%

Part II Exam, "USPLSS" (1 hour)

- a.) Missouri GLO procedures, rules, protraction reduce the percentage from 37% to 35%
- b.) Resurveys on Missouri USPLSS and Chapter 60 reduce the percentage from 33% to 30%
- c.) Calculations problems relating to reestablishing lost USPLSS corner positions increase the percentage from 30% to 35%.

Mr. Skibiski seconded the motion and it unanimously carried.

Discuss MoDOT letter, dated September 3, 2014, from Right of Way Director Kelly Lucas which was forwarded to the Board by Dr. Dick Elgin asking the Board if it would issue a policy statement with regard to the changes in Section 327.272 which became effective August 28, 2014 pursuant to the passage of SB 809

The Members of the Board discussed the Missouri Department of Transportation (MoDOT) letter dated September 3, 2014, from Right of Way Director Kelly Lucas which was forwarded to the Board by Dr. Elgin. The letter addressed the requirement of all recordable documents with a legal description to be signed and sealed by a Professional Land Surveyor. Dr. Elgin asked the Board if it would issue a policy statement with regard to the changes in Section 327.272, RSMo, which became effective on August 28, 2014 pursuant to the passage of Senate Bill 809. The Board then decided that since on average it takes 9-10 months to promulgate a rule, it would prepare and issue a "Position Paper" in the interim to provide clarity to its licensees and the public until a formal rule can be promulgated. Mr. Freeman then stated the Professional Land Surveying Division drafted some proposed language for the "Position Paper" with regard to the changes in Section 327.272, RSMo. Upon discussion, Mr. Freeman made a motion to approve the "Position Paper" which reads as follows:

"Pursuant to the change in Chapter 327.272 RSMo, effective August 28, 2014, it is the position of the Survey Division that the creation of

any new property description shall be prepared by a licensed Professional Land Surveyor. Please note: if a deed description does not require either a preparation of a property description or the location of rights-of-way or easements, the law remains unchanged.

For enforcement purposes, if the new property description is prepared by anyone other than a licensed Professional Land Surveyor, such action would be considered the unlicensed practice of land surveying and subject to disciplinary action per Chapter 327.281 RSMo.

A new property description is defined as a description for any tract of land that is not already identified in the Public record. The Professional Land Surveyor preparing a new property description is reminded that the creation of the description is also subject to requirements as set forth by Chapter 60 RSMo.”

The motion was seconded by Mr. Skibiski and unanimously carried. The Board voted to adopt the Position Paper but if any portion of the paper needs clarification, Ms. Kempker was directed to run the clarification by the Board’s General Counsel, Curt Thompson. Mr. Freeman then made a motion directing Ms. Kempker to obtain permission from Ms. Lucas to include a copy of the MoDOT letter with correspondence the Board sends to its licensees. Ms. Kempker is to then draft a cover letter and provide it along with a copy of the “Position Paper” and a copy of the MoDOT letter (if permission is granted) to every Missouri licensed Professional Engineer and Professional Land Surveyor via GovDelivery informing them of the “Position Paper.” She is also to mail a hard copy to all of the Missouri licensed Professional Land Surveyors. In addition, Ms. Kempker is to include the “Position Paper” in the Board’s next newsletter and on the Board’s website. The motion was seconded by Mr. Skibiski and unanimously carried.

Review and discuss article drafted by the Board’s General Counsel, Curt Thompson, entitled, “The Change to Section 327.272; What Does it Mean?” Also discuss preparing a FAQ paper or article addressing the Board’s position

The Members of the Board reviewed and discussed the article drafted by the Board’s General Counsel, Curt Thompson entitled, “The Change to Section 327.272; What does it Mean?” This article appeared in the Board’s Fall/Winter 2014 newsletter. Mr. Freeman then directed Ms. Kempker to place the article on the Board’s web site along with a copy of the Board’s Position Paper. The motion was seconded by Mr. Skibiski and unanimously carried.

Discuss meeting with Kathy Hillegas, Director of Council Relations for NCARB at the Board’s January 27, 2015 quarterly meeting

Mr. Rearden reported to the Board Members that Ms. Kathy Hillegas, Director of Council Relations for NCARB, and other NCARB Representatives, will be meeting with the Architectural Division Members on Monday, January 26, 2015. Ms. Hillegas and the other NCARB Representatives will host dinner for the Full Board that evening. On Tuesday morning, January 27, 2015, Ms. Hillegas and the other NCARB representatives will meet with the Full Board to discuss matters of mutual interest.

Mr. Hartnett then reminded Board Members that the Professional Registration Division Director, Ms. Jane Rackers (or designate) along with Mr. AJ Fox, Director of Appointments for Boards and Commissions, will be having breakfast meeting with Board on Tuesday morning, January 27, 2015.

Please note that at approximately 8:50 a.m., Mr. Brady departed the meeting.

Probation Violation Hearing of Stephen P. Maslan

At approximately 9:00 a.m., the Board conducted a Probation Violation Hearing in the matter of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects vs. Stephen P. Maslan. Mr. Maslan appeared personally with legal counsel, Ms. Emily Fretwell. 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. 2008-000279-PV2. When the hearing was concluded (at approximately 10:17 a.m.), Messrs. Maslan and Frownfelter and Ms. Fretwell were told that the Board would issue an Order soon after it has completed its deliberations. They then departed.

Motion to go into closed session

At approximately 10:17 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 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. Ms. John seconded the motion. A roll call vote was taken and it unanimously carried. Mr. Hartnett asked that all visitors leave the room. Upon the departure of Messrs. Maslan and Frownfelter and Ms. Fretwell, Mr. Hartnett declared the meeting closed to the general public.

Return to in Open Session

At approximately 10:45 a.m., the Board reconvened its open meeting for the purpose of conducting the Disciplinary Hearing on Christopher J. Deaton.

It should be noted that Mr. Frownfelter joined the meeting at approximately 10:45 a.m.

Disciplinary Hearing on Christopher J. Deaton

At approximately 10:45 a.m., the Board conducted a Disciplinary Hearing in the matter of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects vs. Christopher J. Deaton. Mr. Deaton did not appear. Assistant Attorney General Edwin Frownfelter appeared for the Board. Mr. Hartnett stated for the record that the hearing had convened. The record was established by a certified court reporter and a copy made a part of the Board's file in Case No. 2014-000401. When the hearing was concluded (at approximately 11:15 a.m.), Mr. Frownfelter was told that the Board would issue an Order soon after it has completed its deliberations. He then departed.

Motion to go back into Closed Session

At approximately 11:15 a.m., Mr. Hartnett called for a motion to go back into closed session for the purpose of discussing the disciplinary hearing of Christopher J. Deaton 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 Christopher J. Deaton as well as discussing other pending litigation and complaint matters and any confidential or privileged communication between this agency and its attorney. Ms. John seconded the motion. A roll call vote was taken unanimously carried. Mr. Hartnett asked that all visitors leave the room. After Mr. Frownfelter's departure, Mr. Hartnett declared the meeting closed to the general public.

Return to in Open Session

At approximately 12:50 p.m., the Board reconvened its open meeting for the purpose to discussing the remaining open agenda items.

Discuss Proposed Changes to Board Rules 20 CSR 2030-8.020 Professional Land Surveyor – Professional Development Units; 20 CSR 2030-11.015 Continuing Professional Competency for Professional Engineers; 20 CSR 2030-11.025 Continuing Education for Architects; and, 20 CSR 2030-11.035 Continuing Education for Professional Landscape Architects

Ms. Cramm reported that the sub-committee of the Board met via conference call on October 21, 2014. Those members of the sub-committee attending the conference call were: Kelley Cramm, Chair of the subcommittee; Martha John, Member of the subcommittee; Mike Flowers, Member of the subcommittee; and, Bob Shotts, Member of the subcommittee. It was the consensus of the subcommittee that the addition of an ethics course was not a good use of time for licensees because they felt that very few of the ethics courses being offered were worthwhile. After much discussion, the Board Members decided not to require an Ethics course but would consider requiring a Statutes and Board Rules test. The Board decided that the subcommittee, which consists of the audit chairs for each division of the Board, will meet again via conference call to discuss this matter further. Once the conference call is held, the subcommittee will report its findings back to the Board at its next quarterly meeting.

The Board then discussed proposed changes to Board Rule 20 CSR 2030-11.015 Continuing Professional Competency for Professional Engineers. Upon discussion, Ms. Cramm made a motion to move forward with the changes to Board Rule 20 CSR 2030-11.015 Continuing Professional Competency for Professional Engineers as stated below:

20 CSR 2030-11.015 Continuing Professional Competency for Professional Engineers

(1) Purpose.

(A) *[Effective December 31, 2004, a]* As a condition for renewal of an engineering license issued pursuant to section 327.261, RSMo, a licensee shall have successfully completed thirty (30) professional development hours, as defined by this regulation, within the two (2) immediately-preceding years (renewal period). Any licensee who completes more than thirty (30) professional development hours within the preceding two (2) calendar years may apply the excess, not to exceed fifteen (15) hours, to the requirement for the next two-(2-) year period.

(B) Continuing professional competency (continuing education) is a requirement for every professional engineer licensed by the board, regardless of age, area of practice, or whether the licensee lives in-state or out-of-state pursuant to section 327.271, RSMo.

(C) Continuing professional competency obtained by a licensee should maintain, improve, or expand skills and knowledge obtained for initial licensure or develop skills and knowledge relevant to the practice of professional engineering.

(D) If the licensee served honorably on full-time active duty in the military, the licensee may renew his/her license without completing the PDH requirement for the renewal period during which the licensee served.

(E) A professional engineer who holds licensure in Missouri for less than twelve (12) months from the date of his/her initial licensure shall *[be required to complete the number of continuing education hours calculated by multiplying 1.25 and the number of full months they will be licensed before their first renewal.]* **not be required to report professional development hours at the first license renewal.**

(2) Definitions.

(A) Board. The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and **Professional Landscape Architects.**

(B) Continuing education unit (CEU). Unit customarily used for continuing education courses. One (1) CEU equals ten (10) nominal contact hours of class in an approved continuing education course.

(C) Professional development hour (PDH). One (1) nominal contact hour of instruction or presentation. The common denominator for other units of credit.

(D) Professional engineering division. The four- (4-) member division of the board that concerns itself with the profession of engineering.

(E) Sponsor. An individual, organization, association, institution, or other entity that provides an educational activity for the purpose of fulfilling the professional development requirements of the board. **The sponsor is responsible for providing the attendees with verification records.**

(3) Activities. All such activities must be relevant to the practice of engineering and may include technical, ethical, or managerial content. Professional development activities that satisfy these requirements shall include, but shall not be limited to:

(A) Successfully completing college or university courses;

(B) Successfully completing courses that are awarded CEU(s);

(C) Active participation and successful completion of seminars, tutorials, workshops, short courses, correspondence courses, televised or videotaped courses or in-house **corporate sponsored educational** courses. **A correspondence course must require the participant to show evidence of achievement with a final graded test;**

(D) Attending program presentations at related technical or professional meetings. **PDHs are awarded only for those portions**

of the meeting that meet the requirements of this rule. Licensees serving as an officer or actively participating in a committee of the technical professional society or organization shall earn a maximum of 2 PDHs annually per organization. PDH credits are not earned until the end of each year of service is completed;

(E) Contact hours spent in professional service to the public that draws upon the licensee's professional expertise on boards or commissions, such as: serving on planning commissions, park boards, city council, county commissions, or state registration boards shall earn a maximum of 2 PDHs annually per organization. PDH credits are not earned until the end of each year of service is completed;

(F) Teaching or instructing (see subsections (3)(A)–(D)); and

[(F)] (G) Authoring papers or articles that appear in nationally circulated technical journals or trade magazines.

(4) Criteria. Professional development activities must meet the following criteria:

(A) There is a clear purpose and objective for each activity that will maintain, improve, or expand skills and knowledge obtained prior to initial licensure or develop new and relevant skills and knowledge;

(B) The content of each presentation is well organized and presented in a sequential manner;

(C) There is evidence of preplanning that should include the opportunity for input by the target group to be served;

(D) The presentation will be made by persons who are well qualified by education and experience; and

(E) There is a provision for individual participant registration that will include information required for record keeping and reporting.

(5) Units. The conversion to PDHs from other units is as follows:

- | | |
|---|-------------|
| (A) One (1) semester hour of college credit | 30 PDH; |
| (B) One-quarter (1/4) hour of college credit | 20 PDH; |
| (C) One (1) CEU | 10 PDH; and |
| (D) One (1) nominal contact hour of acceptable professional development education | 1 PDH. |

(6) Credits. PDHs of credit for qualifying courses successfully completed that offer semester hour, quarter hour, or CEU credit is as specified in this rule. All other activities permit the earning of one (1) PDH of credit for each contact hour with the following exceptions:

(A) Auditing or "hearing" of university or college courses permit PDH credit of one-third (1/3) as shown in section (5);

(B) Teaching or instructing qualifying courses or seminars or making presentations at technical meetings or conventions earn PDH credit at twice that of participants;

(C) Five (5) PDHs are earned for a paper or article that is published in a nationally circulated technical journal or *[article]* **trade magazine**. Credit cannot be claimed until that article or paper is actually published. **Licensees shall not earn more than ten (10) PDHs per two (2)-year renewal period for authoring a paper or article.**

(D) A one- (1-) time award of ten (10) PDHs will be granted for obtaining a work-related patent **within the renewal period**; and

(E) Notwithstanding the provisions above, PDHs will only be awarded for the first occurrence of attending or teaching a qualifying course or seminar per every two- (2-) year renewal period.

(7) Reciprocity. PDHs may be acquired at locations other than Missouri, so long as the content meets the requirements of this regulation.

(8) Forms. All renewal applications will require the completion of a continuing education form specified and supplied by the board. The licensee must certify and sign the form and submit it with the renewal application and fee.

(9) Records. The responsibility of maintaining records that can be used to support credits claimed is the responsibility of the licensee. Records required include but are not limited to: 1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned; and 2) attendance verification records in the form of completion certificates **which identify the participant by name**, signed attendance receipts, *[paid receipts,]* a copy of a listing of attendees signed by a person in responsible charge, or other documents supporting evidence of attendance. These records must be maintained for a period of four (4) years and copies must be furnished to the board for audit verification purposes if requested. **If these records get lost or destroyed the licensee must inform the board, in writing, within 30 days.** At its discretion, the board may randomly audit a portion of licensees each renewal period or a specific licensee if a complaint has been filed against the licensee.

(10) Disallowance. **If audited, t/T**he board will review all claimed PDH credits for compliance with the regulation. If in the review the board finds that the PDH credit is not acceptable, the board shall inform the licensee of the criteria that has not been adhered to. The licensee shall have three (3) months from the license renewal date in

which to substantiate the original claim or to earn other credits to meet the minimum requirements.

The motion was seconded by Mr. Freeman and unanimously carried. Since the Missouri Small Business Regulatory Fairness Board believes the most effective way to accomplish regulatory fairness for small businesses are by fostering communication during the promulgation, enforcement, and review of rules and regulations, the Board will be soliciting input from small business owners regarding this rule change by publishing the recommended amendment to Board Rule 20 CSR 2030-11.015 Continuing Professional Competency for Professional Engineers on the Board's website.

The Board discussed proposed changes to Board Rule 20 CSR 2030-11.025 Continuing Education for Architects. Upon discussion, Mr. Rearden made a motion to move forward with the changes to Board Rule 20 CSR 2030-11.025 Continuing Education for Architects as stated below:

**20 CSR 2030-11.025 Continuing Education for Architects
Purpose.**

(1) Purpose

(A) *[Effective December 31, 2006, a]* As a condition for renewal of an architectural license issued pursuant to section 327.171, RSMo a licensee shall have successfully completed twenty-four (24) continuing education units (CEUs), as defined by this regulation and the American Institute of Architects (AIA), within the two (2) years immediately preceding the renewal date or be exempt from these continuing education requirements as provided in this rule. At least sixteen (16) CEUs shall be related to health, safety, and welfare (HSW) acquired in structured educational activities. All twenty-four (24) hours may be acquired in such HSW subjects and activities. Failure to comply with these requirements will result in nonrenewal of the architect's license or other disciplinary action or both unless noted below. Any licensee who completes more than twenty-four (24) CEUs within the preceding two (2) calendar years may apply the excess, not to exceed twelve (12) units, to the requirement for the next two (2)-year period.

(B) Continuing education is a requirement for every architect who is actively licensed by the board, regardless of age, area of practice, or whether the licensee lives in-state or out-of-state pursuant to section 327.171, RSMo.

(C) Continuing education obtained by a licensee should maintain, improve or expand skills and knowledge obtained for initial licensure, or to develop skills and knowledge relevant to the practice of architecture and necessary to safeguard life, health, property and promote the public welfare.

(2) Definitions.

(A) Architectural Division. The three (3)-member division of the board that concerns itself with the profession of architecture.

(B) Board. The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and **Professional Landscape Architects**.

(C) Contact hour. One (1) nominal contact hour of acceptable continuing education is equivalent to one (1) CEU.

(D) Continuing education unit (CEU). One (1) nominal contact hour of instruction or presentation. One (1) CEU shall represent a minimum of fifty (50) minutes of actual course time. No credit will be allowed for introductory remarks, meals, breaks or administrative matters related to courses of study.

(E) Sponsor. An individual, organization, association, institution or other entity that provides an educational activity for the purpose of fulfilling the continuing education requirements of the board. The sponsor is responsible for providing the attendees with verification records [*such as certificates of attendance, signed attendance receipts, paid receipts, a copy of a listing of all attendees signed by a person in responsible charge of the activity, or other documentation verifying attendance*].

(3) Initial Registration.

(A) An architect who holds licensure in Missouri for less than twelve (12) months from the date of his/her initial licensure, shall not be required to report continuing education hours at the first license renewal. [*An architect who holds licensure in Missouri for more than twelve (12) months, but less than twenty-four (24) months from the date of initial licensure, shall be required to report twelve (12) CEUs, which includes eight (8) CEUs in HSW earned in the preceding twelve (12) months at the first license renewal.*]

(4) Activities.

(A) The following suggested list may be used by all licensed architects in determining the types of activities that may fulfill continuing education requirements:

1. Contact hours in attendance at short courses or seminars, dealing with architectural or engineering subjects, as appropriate, to each discipline and sponsored by colleges or universities;

2. Contact hours in attendance at technical presentations on subjects which are held in conjunction with conventions or at seminars related to materials use and function. Such presentations as those sponsored by the National Council of Architectural Registration Boards, American Institute of Architects (AIA), Construction Specifications Institute, Construction Products Manufacturers Council or similar organizations devoted to architectural or engineering education may qualify. **CEUs are awarded only for those portions of the meeting that meet the requirements of this rule. Licensees serving as an officer or actively participating in a committee of the technical professional society or organization shall earn a maximum of 2 CEUs annually per organization. CEU credits are not earned until the end of each year of service is completed;**

3. Contact hours in attendance at short courses, *[or]* seminars, **tutorials, workshops, correspondence courses, televised or videotaped courses or in-house corporate sponsored educational courses** relating to business practice or new technology and offered by colleges, universities, professional organizations, or system suppliers. **A correspondence course must require the participant to show evidence of achievement with a final graded test;**

4. Contact hours spent in self-study courses sponsored by the National Council of Architectural Registration Boards, AIA, or similar organizations. **Credit will be given for self-study courses only if an examination has been completed by the licensee and graded by the sponsor;**

5. Three (3) units preparing for each class hour spent teaching architectural courses or seminars. Credit is allowed for first occurrence of teaching course or seminar per two (2)-year renewal period. College or university faculty may not claim credit for teaching regular curriculum courses;

6. Contact hours spent in architectural research, which is published or formally presented to the profession or public. **Five (5) CEUs are earned for a paper or article that is published in a nationally circulated technical journal or trade magazine. Credit cannot be claimed until that article or paper is actually published. Licensees shall not earn more than ten (10) CEUs per two (2)-year renewal period for authoring a paper or article;**

7. College or university credit courses dealing with architectural subjects or business practice. Each semester hour shall equal fifteen (15) CEUs;

8. Contact hours spent in professional service to the public that draws upon the licensee's professional expertise on boards or commissions, such as: serving on planning commissions, building code advisory boards, urban renewal boards, *[or]* code study

committees, **or as a mentor or sponsor for the Intern Development Program (IDP), shall earn a maximum of 2 CEUs annually per organization. CEU credits are not earned until the end of each year of service is completed;**

9. Contact hours spent in education tours of architecturally significant buildings, where the tour is sponsored by a college, university, or professional organization[;], **shall earn a maximum of 2 CEUs annually; or**

10. *[A maximum of two (2) CEUs annually may be used for serving as a mentor or sponsor for the Intern Development Program (IDP)]* **A one (1)-time award of ten (10) CEUs will be granted for obtaining a work related patent within the renewal period.**

(5) Exemptions.

(A) A licensed architect shall be deemed to have complied with the foregoing continuing education requirements if the architect attests in the required renewal that for not less than twenty-one (21) months of the preceding two (2)-year period of licensure, the architect is a government employee working as an architect and assigned to duty outside the United States.

(B) If the licensee served on full-time active duty in the military the licensee may renew his/her license without completing the CEU requirement for the renewal period during which the licensee served.

(6) Reactivation—Retired or Inactive.

(A) Architects, who so attest on their renewal that they are retired from active practice or are not engaged in the active practice of architecture, may place their license in an inactive status **pursuant to Section 327.172.1 RSMo**. Those doing so cannot practice but can still retain the title of architect. Such architect may, however, reenter practice only after paying the required fee and satisfying the board of their proficiency. Proficiency may be established by any one (1) of the following:

1. Submitting verifiable evidence of compliance with the aggregate continuing education requirements for the reporting periods attested as retired from active practice or not engaged in active practice; or

2. Retake the architectural examination; or

3. Fulfill alternative reentry requirements determined by the board, which serve to assure the board of the current competency of the architect to engage in the practice of architecture.

(7) Reciprocity.

(A) CEUs may be acquired at locations other than Missouri, so long as the content meets the requirements of this regulation.

(8) Forms.

(A) All renewal applications will require the submission of *[either]* a continuing education form specified and supplied by the board *[or the AIA/CES reporting form prescribed by the AIA]*. The licensee must certify and complete the attestation on the form, before submitting it with the renewal application and fee. Failure to fulfill the continuing education requirements, or file the required reporting form, properly and completely signed, shall result in nonrenewal of a licensee's license.

(9) Records.

(A) The responsibility of maintaining records, which can be used to support credits claimed, is the responsibility of the licensee. **Records required include but are not limited to: 1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and CEU credits earned; and 2) attendance verification records in the form of completion certificates which identify the participant by name, signed attendance receipts, a copy of a listing of attendees signed by a person in responsible charge, a copy of the AIA/CES reporting form prescribed by the AIA or other documents supporting evidence of attendance.** Each architect shall complete and submit the required reporting form certifying that he/she has acquired the required continuing education hours. These records must be maintained for a period of four (4) years and copies must be furnished to the board for audit verification purposes, if requested. **If these records get lost or destroyed the licensee must inform the board, in writing, within 30 days.** At its discretion, the board may randomly audit a portion of licensees each renewal period or a specific licensee if a complaint has been filed against the licensee. Any untrue or false statements or the use thereof with respect to course attendance or any other aspect of continuing education activity is fraud or misrepresentation and will subject the architect to license revocation or other disciplinary action. If *[in the review,]* **audited and** the board finds that the CEU is not acceptable, the board shall inform the licensee of the criteria that has not been adhered to. The licensee shall have three (3) months from the license renewal date in which to substantiate the original claim or to earn other credits to meet the minimum requirements.

The motion was seconded by Mr. Govero and unanimously carried. Since the Missouri Small Business Regulatory Fairness Board believes the most effective way to accomplish regulatory fairness for small businesses are by fostering communication during the promulgation, enforcement, and review of rules and regulations, the Board will be soliciting input from small business owners regarding

this rule change by publishing the recommended amendment to Board Rule 20 CSR 2030-11.025 Continuing Education for Architects on the Board's website.

Next, the Board discussed proposed changes to Board Rule 20 CSR 2030-11.035 Continuing Education for Professional Landscape Architects. Upon discussion, Mr. Fehr made a motion to move forward with the changes to Board Rule 20 CSR 2030-11.035 Continuing Education for Professional Landscape Architects as stated below:

20 CSR 2030-11.035 Continuing Education for Professional Landscape Architects

(1) Purpose.

(A) As a condition for renewal of a **professional** landscape architectural license issued pursuant to section 327.621, RSMo, a licensee shall have successfully completed twenty-four (24) continuing education units (CEUs), as defined by this regulation within the two (2) years immediately preceding the renewal date or be exempt from these continuing education requirements as provided in this rule.

1. At least sixteen (16) CEUs shall be related to health, safety, and welfare (HSW) acquired in structured educational activities. All twenty-four (24) units may be acquired in such HSW subjects and activities. Failure to comply with these requirements will result in nonrenewal of the **professional** landscape architect's license or other disciplinary action or both unless noted below.

2. Any licensee who completes more than twenty-four (24) CEUs within the preceding two (2) calendar years may apply the excess, not to exceed twelve (12) units, to the requirement for the next two-(2-) year period.

[3. This requirement goes into effect for landscape architects starting with their December 31, 2010, renewal period.

A. Every landscape architect originally licensed in an even year will need to start accumulating twenty-four (24) CEUs between January 1, 2009, and December 31, 2010, in order to renew their license prior to their next renewal deadline of December 31, 2010.

B. Every landscape architect originally licensed in an odd year will be required to have accumulated twenty-four (24) CEUs between January 1, 2010, and December 31, 2011.]

(B) Continuing education is a requirement for every **professional** landscape architect who is actively licensed by the board, regardless of age, area of practice, or whether the licensee lives in-state or out-of-state pursuant to section 327.621, RSMo.

(C) Continuing education obtained by a licensee should maintain, improve, or expand skills and knowledge obtained for initial licensure or develop skills and knowledge relevant to the practice of landscape architecture and necessary to safeguard life, health, property, and promote the public welfare.

(2) Definitions.

(A) **Professional** Landscape Architectural Division. The three- (3-) member division of the board that concerns itself with the profession of landscape architecture.

(B) Board. The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and **Professional** Landscape Architects.

(C) Contact hour. One (1) nominal contact hour of acceptable continuing education is equivalent to one (1) CEU.

(D) Continuing education unit (CEU). One (1) nominal contact hour of instruction or presentation. One (1) CEU shall represent a minimum of fifty (50) minutes of actual course time. No credit will be allowed for introductory remarks, meals, breaks, or administrative matters related to courses of study.

(E) Sponsor. An individual, organization, association, institution, or other entity that provides an educational activity for the purpose of fulfilling the continuing education requirements of the board. **The sponsor is responsible for providing the attendees with verification records.** *[A landscape architect is responsible for obtaining from the sponsor verification records such as certificates of attendance, signed attendance receipts, paid receipts, a copy of a listing of all attendees signed by a person in responsible charge of the activity, or other documentation verifying attendance.]*

(3) Initial Registration.

(A) A **professional** landscape architect who holds licensure in Missouri for less than twelve (12) months from the date of his/her initial licensure shall not be required to report continuing education hours at the first license renewal.

(4) Activities.

(A) The following suggested list may be used by all **professional** licensed landscape architects in determining the types of activities that may fulfill continuing education requirements:

1. Contact hours in attendance at short courses or seminars, dealing with landscape architectural, architectural, engineering, or land surveying subjects, as appropriate to each discipline and sponsored by colleges or universities;

2. Contact hours in attendance at technical presentations on subjects which are held in conjunction with conventions or at seminars related to materials use and function. Such presentations

as those sponsored by the Council of Landscape Architectural Registration Boards (CLARB), American Society of Landscape Architects (ASLA), or similar organizations devoted to landscape architectural, architectural, engineering, or land surveying education may qualify. **CEUs are awarded only for those portions of the meeting that meet the requirements of this rule. Licensees serving as an officer or actively participating in a committee of the technical professional society or organization shall earn a maximum of 2 CEUs annually per organization. CEU credits are not earned until the end of each year of service is completed;**

3. Contact hours in attendance at short courses *[or]* seminars, **tutorials, workshops, correspondence courses, televised or videotaped courses or in-house corporate sponsored educational courses** relating to business practice or new technology and offered by colleges, universities, professional organizations, or system suppliers. **A correspondence course must require the participant to show evidence of achievement with a final graded test;**

4. Contact hours spent in self-study courses sponsored by the CLARB, ASLA, or similar organizations. **Credit will be given for self-study courses only if an examination has been completed by the licensee and graded by the sponsor;**

5. Three (3) units preparing for each class hour spent teaching landscape architectural courses or seminars. Credit is allowed for first occurrence of teaching course or seminar per two- (2-) year renewal period. College or university faculty may not claim credit for teaching regular curriculum courses;

6. Contact hours spent in landscape architectural research, which is published or formally presented to the profession or public. **Five (5) CEUs are earned for a paper or article that is published in a nationally circulated technical journal or trade magazine. Credit cannot be claimed until that article or paper is actually published. Licensees shall not earn more than ten (10) CEUs per two (2)-year renewal period for authoring a paper or article;**

7. College or university credit courses dealing with landscape architectural subjects or business practice. Each semester hour shall equal fifteen (15) CEUs;

8. Contact hours spent in professional service to the public that draws upon the licensee's professional expertise on boards or commissions, such as: serving on planning commissions, park boards, city council, county commissions, or state registration boards **shall earn a maximum of 2 CEUs annually per organization. CEU credits are not earned until the end of each year of service is completed;**

9. *[Contact hours, maximum of one (1) per annum, spent actively participating in a technical profession society or organization as an officer or member of a committee;*

10.] Contact hours spent in education tours of landscape architecturally significant projects, where the tour is sponsored by a college, university, or professional organization; or

[11]10. A one-time award of ten (10) CEUs will be granted for obtaining a work-related patent **within the renewal period.**

(5) Exemptions.

(A) A licensed **professional** landscape architect shall be deemed to have complied with the foregoing continuing education requirements if the **professional** landscape architect attests in the required renewal that for not less than twenty-one (21) months of the preceding two- (2-) year period of licensure, the **professional** landscape architect is a government employee working as a **professional** landscape architect and assigned to duty outside the United States.

(B) If the licensee served on full-time active duty in the military, the licensee may renew his/her license without completing the CEU requirement for any renewal period during which the licensee served.

(6) Reactivation—Retired or Inactive.

(A) **Professional** [L]landscape architects, who so attest on their renewal that they are retired from active practice or are not engaged in the active practice of landscape architecture, may place their license in an inactive status **pursuant to Section 327.622.1, RSMo.** Those doing so cannot practice but can still retain the title of **professional** landscape architect **and use the letters “PLA” behind their name.** Such **professional** landscape architect may, however, re-enter practice only after paying the required fee and satisfying the board of their proficiency. Proficiency may be established by any one (1) of the following:

1. Submitting verifiable evidence of compliance with the aggregate continuing education requirements for the reporting periods attested as retired from active practice or not engaged in active practice; or

2. Retake the landscape architectural registration examination; or

3. Fulfill alternative reentry requirements determined by the board, which serve to assure the board of the current competency of the **professional** landscape architect to engage in the practice of landscape architecture.

(7) Reciprocity.

(A) CEUs may be acquired at locations other than Missouri, so long as the content meets the requirements of this regulation.

(8) Forms.

(A) All renewal applications will require the submission of a continuing education form specified and supplied by the board. The licensee must certify and complete the attestation on the form, before submitting it with the renewal application and fee. Failure to fulfill the continuing education requirements, or to file the required reporting form, properly and completely signed, shall result in non-renewal of a licensee's license.

(9) Records.

(A) The responsibility of maintaining records, which can be used to support credits claimed, is the responsibility of the licensee. **Records required include but are not limited to: 1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and CEU credits earned; and 2) attendance verification records in the form of completion certificates which identify the participant by name, signed attendance receipts, a copy of a listing of attendees signed by a person in responsible charge, or other documents supporting evidence of attendance.** Each **professional** landscape architect shall complete and submit the required reporting form certifying that he/she has acquired the required continuing education hours. These records must be maintained for a period of four (4) years and copies must be furnished to the board for audit verification purposes, if requested. **If these records get lost or destroyed the licensee must inform the board, in writing, within 30 days.** At its discretion, the board may randomly audit a portion of licensees each renewal period or a specific licensee if a complaint has been filed against the licensee. Any untrue or false statements or the use thereof with respect to course attendance or any other aspect of continuing education activity is fraud or misrepresentation and will subject the **professional** landscape architect to license revocation or other disciplinary action. If *[in the review,]* **audited and** the board finds that the CEU is not acceptable, the board shall inform the licensee of the criteria that has not been adhered to. The licensee shall have three (3) months from the license renewal date in which to substantiate the original claim or to earn other credits to meet the minimum requirements.

The motion was seconded by Mr. Govero and unanimously carried. Since the Missouri Small Business Regulatory Fairness Board believes the most effective way to accomplish regulatory fairness for small businesses are by fostering communication during the promulgation, enforcement, and review of rules and

regulations, the Board will be soliciting input from small business owners regarding this rule change by publishing the recommended amendment to Board Rule 20 CSR 2030-11.035 Continuing Education for Professional Landscape Architects on the Board's website.

The Board also discussed proposed changes to Board Rule 20 CSR 2030-8.020 Professional Land Surveyor – Professional Development Units. Upon discussion, Mr. Freeman made a motion to move forward with the changes to Board Rule 20 CSR 2030-8.020 Professional Land Surveyor – Professional Development Units as stated below:

20 CSR 2030-8.020 Professional Land Surveyor—Professional Development Units

*PURPOSE: This rule outlines the professional development standards for professional land surveyors applying for renewal of licensure under the provisions of section 327.041, RSMo. **This rule is being amended to provide more clarification on acceptable units of professional development for the renewal of a professional land surveyor's license.***

(1) Each licensed professional land surveyor, as a condition for renewal of his/her license, shall complete a minimum of twenty (20) professional development units (PDU) each two (2)-year period immediately preceding renewal, except as provided in section (2) of this rule.

(A) Of the required professional development units, licensed professional land surveyors shall complete a minimum of *[four (4)]* **two (2)** professional development units in Minimum Standards (20 CSR 2030, Chapters 16~~,~~ and 17, ~~[and 19]~~ **and/or Chapters 60 and 327 RSMo**) during the **two (2)**-year period immediately preceding renewal.

(B) Of the required professional development units in the two (2)-year renewal period, not more than twelve (12) shall be obtained in nonpersonal contact activities. Nonpersonal contact activities include correspondence courses, video and televised courses, Internet and email courses, or other activities where the presenter is not in physical proximity to the attendee.

(2) The following are exceptions to the requirement that licensees successfully complete twenty (20) PDUs prior to renewal:

(A) The licensee can show good cause why he/she was unable to complete the PDU requirements. In the event good cause is shown, the licensee will be required to make up all outstanding required PDUs within a reasonable amount of time as established by the board;

(B) The licensee received his/her initial licensure during the preceding two (2)-year period. The licensee will be required to complete an average of one (1) PDU per month for each month of licensure; provided however that the licensee will not be required to complete more than twenty (20) PDUs; or

(C) If the licensee served honorably on full-time active duty in the military, the licensee may renew his/her license without completing the PDU requirement for the renewal period during which the licensee served.

(3) A licensee who completes more than twenty (20) PDUs during the two (2) years immediately preceding renewal may carry forward into the next two (2)-year period up to ten (10) PDUs.

(4) In evaluating PDUs for licensure renewal, the board will be guided by the following standards and guidelines:

(A) Criteria: In order to qualify as acceptable PDU credit, each activity must:

1. Have a clear purpose and objective to maintain, improve and/or expand skills and knowledge obtained prior to licensure or to develop new and relevant skills and knowledge;

2. Have a well organized content presented in a sequential manner;

3. Show evidence of pre-planning, including an opportunity for input by the target group to be served;

4. Be presented by persons qualified by education and experience; and

5. Provide information to the licensee necessary for PDU record keeping and reporting purposes.

(B) Except as otherwise stated in this rule, licensees shall earn one (1) PDU for every fifty (50) to sixty (60) minutes of activity that qualifies as acceptable PDU credit pursuant to this rule.

(C) Activities.

1. PDU activities must be relevant to the practice of land surveying and may include technical, ethical or business related content.

2. PDUs may be earned at locations outside Missouri, so long as the activity qualifies as acceptable PDU credit pursuant to this rule.

3. Assuming they otherwise qualify as acceptable PDU credit pursuant to this rule, the following activities are acceptable sources of PDU credits:

A. Successful completion of college or university course earns thirty (30) PDUs per semester hour and twenty (20) PDUs per quarter hour. Auditing or "hearing" a course qualifies for one-third (1/3) PDU credit of that stated herein.

B. Active participation and successful completion of seminars, tutorials, workshops, short courses, correspondence courses, or televised or videotaped courses. **Attending program presentations at related technical or professional meetings. A correspondence course must require the participant to show evidence of achievement with a final graded test.**

C. *[Attending program presentations at related technical or professional meetings.]*

D.] Authoring a paper or article earns five (5) PDUs upon actual publication in a regionally or nationally circulated technical journal or trade magazine. **Credit cannot be claimed until that article or paper is actually published. Licensees shall not earn more than ten (10) PDUs per two (2)-year renewal period for authoring a paper or article.**

[E.] D. Teaching or instructing a course or seminar that satisfies the PDU criteria described in this rule, or making a presentation at a technical meeting or convention. For the original instruction or presentation, a licensee shall earn two (2) PDUs for each PDU a participant could earn pursuant to this rule. [For subsequent instructions or presentations, a licensee shall earn only one (1) PDU for each PDU a participant could earn pursuant to this rule. Licensees shall not earn more than ten (10) PDUs per two (2)-year renewal period for teaching, instruction, or making presentations.]

E. Notwithstanding the provisions above, PDUs will only be awarded for the first occurrence of attending or teaching a qualifying course or seminar per every two (2) year renewal period.

(5) All licensees shall maintain and retain records of PDU activities completed for a period of four (4) years after the reporting period in which the PDU was completed **and copies must be furnished to the board for audit verification purposes if requested. If these records get lost or destroyed the licensee must inform the board, in writing, within 30 days.** The board may randomly audit a portion of licensees each renewal period, or a specific licensee if a complaint has been filed against the licensee, to verify compliance with the PDU requirements. Licensees shall assist the board in any audit by providing timely and complete responses to the board's inquiries. At a minimum, licensees must keep the following records:

(A) A log identifying the type of activity claimed, the sponsoring organization, location of the program, duration of the program, the name of the instructor(s) or speaker(s), and the PDU credits earned; and

(B) Attendance verification records such as certificates of attendance, signed attendance receipts, *[paid receipts,]* a copy of a listing of all attendees signed by a person in responsible charge of the activity, or other documentation verifying attendance.

(6) Any person or entity may seek pre-approval of a PDU activity by providing the board the following information. The professional land surveying division will approve or deny credit for the activity within forty-five (45) calendar days of receipt of the information.

- (A) Date(s) of the program or activity;
- (B) An outline or syllabus of the program;
- (C) Presentation abstract(s);
- (D) Preliminary program with time frames;
- (E) Course or program description; and
- (F) Names of the instructor(s) or speaker(s) with biographical information showing their education and professional experience.

(7) The board will review all PDUs claimed in support of a renewal application. If **audited and** it is determined that a portion of the claimed PDUs fail to meet PDU requirements, the licensee will be notified in writing of the denied PDUs. **The licensee shall have three (3) months from the license renewal date in which to substantiate the original claim or to earn other credits to meet the minimum requirements.** If PDUs are denied to the extent that the licensee has failed to obtain the required number of PDUs for renewal, then the board will deny issuance of the renewal *[and will notify the licensee in writing of their right to appeal the board's decision to the Administrative Hearing Commission].*

The motion was seconded by Mr. Popp and unanimously carried. Since the Missouri Small Business Regulatory Fairness Board believes the most effective way to accomplish regulatory fairness for small businesses are by fostering communication during the promulgation, enforcement, and review of rules and regulations, the Board will be soliciting input from small business owners regarding this rule change by publishing the recommended amendment to Board Rule 20 CSR 2030-8.020 Professional Land Surveyor—Professional Development Units on the Board's website.

Discuss Proposed Changes to Board Rules 20 CSR 2030-13.010 Immediate Personal Supervision for Architects, Professional Engineers, and Professional Landscape Architects, 20 CSR 2030-21.010 Design of Fire Suppression Systems, and 20 CSR 2030-21.020 Engineer of Record and Specialty Engineers

The Board Members discussed the Proposed Changes to Board Rule 20 CSR 2030-13.010 Immediate Personal Supervision for Architects, Professional Engineers, and Professional Landscape Architects. Upon discussion, Mr. Skibiski

made a motion directing Ms. Kempker to proceed with the filing of the Proposed Changes to Board Rule 20 CSR 2030-13.010 Immediate Personal Supervision for Architects, Professional Engineers, and Professional Landscape Architects as stated below:

20 CSR 2030-13.010 Immediate Personal Supervision

PURPOSE: This rule defines what shall be considered immediate personal supervision for architects, professional engineers and
PURPOSE: This rule defines what shall be considered immediate personal supervision for architects, professional engineers and professional landscape architects. ***This rule is being amended to change the term “engineering surveys” to “design surveys” and “documents” to “technical submissions” due to passage of SB 809 and to also update the rule to reflect modern day use of automated equipment.***

1) Immediate personal supervision is a combination of activities by which a licensee maintains control over those decisions that are the basis for the findings, conclusions, analysis, rationale, details, and judgments that are embodied in the development and preparation of the technical submissions. Immediate personal supervision requires providing personal direction, oversight, inspection, observation, and supervision of work being performed.

(A) Communications between the licensee and those persons who are performing the work include, but are not limited to, use of any of the following ways: direct face-to-face communications; written communications; U.S. mail; private express package delivery; electronic mail; facsimiles; telecommunications; or other current technology; provided that the licensee retains, maintains, and asserts continuing control and judgment.

(2) The licensee who signs and seals technical submissions in accordance with the provisions of Section 327.411, RSMo must be capable of answering questions as to the decisions made during preparation of the technical submissions in sufficient detail as to leave little doubt as to the licensee’s proficiency for the work performed.

[(1)] **(3)** Specifications, drawings, reports, *[engineering]* **design** surveys or other *[documents]* **technical submissions** will be deemed to have been prepared under the immediate personal supervision of *[an individual licensed with the board]* **a licensee** *[only]* when the following circumstances exist:

(A) The client requesting preparation of specifications, drawings, reports, *[engineering]* **design** surveys or other *[documents]* **technical submissions** makes the request directly to the *[individual licensed with the board]* **licensee** or an employee of the *[individual licensed with the board]* **licensee** so long as the employee works in the *[licensed individual's]* **licensee's** place of business *[and not a separate location]*;

(B) The *[individual licensed with the board]* **licensee** shall supervise each step of the preparation of the specifications, drawings, reports, *[engineering]* **design** surveys or other *[documents]* **technical submissions** and *[has]* **have** input into their preparation prior to their completion;

(C) The *[individual licensed with the board]* **licensee** reviews the final specifications, drawings, reports, *[engineering]* **design** surveys or other *[documents]* **technical submissions** and is able to, and does make, necessary and appropriate changes to them; and

(D) In circumstances where a licensee in responsible charge of the work is unavailable to complete the work, or the work is a site adaptation of a standard design drawing, or the work is a design drawing signed and sealed by an out-of-jurisdiction licensee, a successor licensee may take responsible charge by performing all professional services to include developing a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work. The non-professional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's work. The burden is on the successor licensee to show such compliance. The successor licensee shall have control of and responsibility for the work product and the signed and sealed originals of all *[documents]* **technical submissions**.

[(2)] **(4)** The specifications, drawings, reports, *[engineering]* **design** surveys or other *[documents]* **technical submissions** shall be signed and sealed per the provisions of section 327.411, RSMo.

[(3) The individual licensed with the board shall supervise each step of the preparation of the specifications, drawings, reports, engineering surveys or other documents and has input into their preparation prior to their completion.]

(4) The individual licensed with the board reviews the final specifications, drawings, reports, engineering surveys or other documents and is able to, and does make, necessary and appropriate changes to them.]

The motion was seconded by Mr. Govero and unanimously carried. Since the Missouri Small Business Regulatory Fairness Board believes the most effective way to accomplish regulatory fairness for small businesses are by fostering communication during the promulgation, enforcement, and review of rules and regulations, the Board will be soliciting input from small business owners regarding this rule change by publishing the recommended amendment to Board Rule 20 CSR 2030-13.010 Immediate Personal Supervision on the Board's website.

Mr. Skibiski reported that he and Ms. Cramm will continue to work on Board Rules 20 CSR 2030-21.010 Design of Fire Suppression Systems and 20 CSR 2030-21.020 Engineer of Record and Specialty Engineers and will have language to be presented to the full Board by its January 2015 quarterly meeting.

Report from Architectural Division

Mr. Rearden reported that the Architectural Division Members held a conference call on August 29, 2014 to finalize their responses to NCARB's IDP Survey. Mr. Rearden advised the Board that the Architectural Division disagrees with NCARB's proposed changes to streamlining the IDP program which focuses solely on the required, or "core" hours, to complete the program. NCARB is proposing to reduce the hours from 5,600 to 3,740. After much discussion, Ms. Kempker was directed to send a response to NCARB advising of the Architectural Division's responses to the IDP Survey.

Report from Professional Engineering Division

Mr. Skibiski stated that, at this time, the Professional Engineering Division did not have anything to report.

Report from Professional Land Surveying Division

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

Please note that at approximately 1:20 p.m., Mr. Shotts rejoined the meeting.

Report from Professional Landscape Architectural Division

Mr. Hartnett reported that he and Bob Shotts attended the CLARB annual meeting in Reston, Virginia where former Board Member Jerany Jackson was sworn in as CLARB's new President. Mr. Hartnett stated that while at the annual meeting CLARB's Executive Director, Joel Albizo, gave a presentation on demographics of the population in United States. Mr. Hartnett thought it was an excellent presentation and that it might be of interest to the Board. Therefore, Mr. Hartnett directed Ms. Kempker to invite Mr. Albizo to hold a web cast with the Board at its January 27, 2015 quarterly meeting. Ms. Kempker is to coordinate with CLARB and Mr. Albizo in getting the web cast for the Board to view.

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 7, 2014, the financial balances were as follows:

Personal Service Balance was \$271,514. Originated with \$384,415. The Board has approximately 70.18% of its PS funds remaining.

E&E (Expense & Equipment) Balance was \$245,660. Originated with \$301,397.

Our current Fund Balance is \$3,691,220. Per Section 327.081, in order to avoid a sweep of the Board's fund, our balance needs to be kept under \$3,945,156, or 3 times our appropriation (3 x \$1,315,052).

For FY 2015, the Board was appropriated a total of \$690,085 for Expense and Equipment and Personal Service (\$301,397 was appropriated for E&E and \$388,688 for PS); \$122,100 for transfers (i.e., AHC & AG); \$278,472 for payment of operating expenses to PR; \$62,000 to go toward our 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).

Next, Ms. Kempker discussed the Board Member terms and appointments. She stated that currently the Board has two vacant positions, which are the Board Chair and a Professional Engineering Division Member. She had been told that there was going to be a fourth member of the PE Division appointed before the August 2014 meeting, however that did not happen. The Board also has nine members serving in expired terms (Bob Harnett, Bob Shotts, JC Rearden, Mike Freeman, Mike Flowers, Dan Govero, Kevin Skibiski, Abe Adewale, and Kelley Cramm). Mr. Hartnett has been staying in contact with AJ Fox, the Director of Appointments for

Boards and Commissions. At this time, Mr. Hartnett stated that had recently spoken with Mr. Fox and invited him to have breakfast and meet with the Board at its January 27, 2015 quarterly meeting to provide an update on Board appointments.

Ms. Kempker reminded the Board that the last edition of the newsletter went out on schedule and in electronic format, in early November 2014. Ms. Kempker thanked everyone for submitting their articles in a timely manner. She stated that the next newsletter will be sent out around the first part of May 2015. Therefore, she will need all articles by no later than April 1, 2015. Ms. Kempker took a moment to publicly apologize to Ms. Cooper for not having her biography and announcement of her appointment to the Board included in the the most recent newsletter. Ms. Kempker stated that it clearly should have been in that newsletter and will most definitely be included in the next edition of the Board's newsletter. Ms. Kempker asked the Board Members if it would be beneficial for the Public Member to include an article in each newsletter similar to the Division Chairs' articles. The Board Members agreed that Ms. Cooper should have an article in each of the upcoming newsletters.

Next, Ms. Kempker gave a report on the 2015 Legislative Session. She stated that the only legislative change that she is familiar with that **may** be introduced in the upcoming session that would have a direct impact on Chapter 327, RSMo, is the proposed amendment that MSPS is planning to pursue to Section 327.312(3) regarding elimination of the 12 semester hour option and instead requiring 30 semester hours for enrollment as an LSIT. Ms. Kempker announced that the next Professional Design Alliance Meeting is scheduled for Wednesday, January 28, 2015 in Jefferson City at the office of the Missouri Society of Professional Engineers. Ms. Kempker stated that this is a very worthwhile meeting and therefore encouraged all Board Members, but at least one from each profession (if not more) to be present at the Professional Design Alliance meeting.

Ms. Kempker provided the Board with an update on the status of Board Rules. Ms. Kempker advised that Proposed Amendment to Board Rule 20 CSR 2030-5.110 Standards for Admission to Examination-Professional Land Surveyors proposes to change one-third field experience to 24 months; one-third office experience to 16 months; and, engineering surveys to design surveys reducing maximum credit allowed from 25% (12 months) to 8 months is pending Department approval. It was sent to the Department on July 8, 2014.

Ms. Kempker advised the Board Members that due to the passage of SB 809, Chapter 327 had a major overhaul; thus, resulting in the need for a number of rule changes. At the Board's August 2014 meeting, the Board approved the following Proposed Amendments for promulgation:

20 CSR 2030-1.010	General Organization
20 CSR 2030-1.020	Board Compensation

20 CSR 2030-1.030	Procedural Rules
20 CSR 2030-2.010	Code of Professional Conduct
20 CSR 2030-3.010	Official Seal of Board
20 CSR 2030-3.060	Licensee's Seal
20 CSR 2030-4.010	Filing Deadline—[Architects,] Professional Engineers[,] and Professional Land Surveyors [, Landscape Architects, Engineer Interns and Land Surveyors-in-Training]
20 CSR 2030-4.050	Criteria to File Application Under [327.391 and] 327.392, RSMo
20 CSR 2030-4.060	Evaluation—Comity Applications—Architects
20 CSR 2030-4.070	Evaluation—Comity Applications—Professional Engineers
20 CSR 2030-4.080	Evaluation—Comity Applications—Professional Land Surveyors
20 CSR 2030-4.090	Evaluation—Comity Applications—Professional Landscape Architects
20 CSR 2030-5.010	Special Examinations Prohibited
20 CSR 2030-5.020	NCARB Examinations—Architects
20 CSR 2030-5.030	Standards for Admission to Examination—Architects
20 CSR 2030-5.050	Admission to Examination RESCISSION
20 CSR 2030-5.055	Passing Grade—Architects
20 CSR 2030-5.070	NCEES Examinations—Professional Engineers
20 CSR 2030-5.080	Standards for Licensure—Professional Engineers
20 CSR 2030-5.090	Scope of Examination—Professional Engineers
20 CSR 2030-5.105	Reexaminations—Professional Engineers
20 CSR 2030-5.130	Reexamination—Land Surveyor-in-Training and Professional Land Surveyor
20 CSR 2030-5.140	CLARB Examinations—Professional Landscape Architects
20 CSR 2030-6.015	Application, Renewal, [Reinstatement,] Relicensure, and Miscellaneous Fees
20 CSR 2030-6.020	Reexamination Fees
20 CSR 2030-7.010	Nonresidents
20 CSR 2030-8.010	Professional Land Surveying Matters
20 CSR 2030-10.010	Application for Certificate of Authority
20 CSR 2030-11.010	Renewal Period
20 CSR 2030-11.020	Professional Land Surveyor—Renewal and Reactivation of Licensure
20 CSR 2030-11.030	Professional Engineer Renewal and Reactivation of Licensure
20 CSR 2030-12.010	Public Complaint Handling and Disposition Procedure

The above Proposed Amendments have been finalized, fiscal notes prepared for each, posted on the Board's web page, and submitted to the Division for review and approval. They are currently pending Division approval.

Ms. Kempker advised the Board Members that the revised statutes, pursuant to Senate Bill 809, are available online. She stated that she is currently in the process of getting hard copies made for the Board Members. As soon as the hard copies are received back from State Printing, she will mail hard copies to each of the Board Members.

Ms. Kempker stated that renewals were mailed out the first part of October to every licensee who was originally licensed in an even year. Ms. Kempker advised the Board that she recently had a question asked regarding the signature required on corporate renewals. In the past, the renewals had always required either the President (if a corporation) or a Manager (if an LLC) sign the renewal form. However, Board Rule 20 CSR 2030-10.010(3)(A) states the Managing Agent's responsibilities include "Renewal of the certificate of authority and notification to the board of any changes in the firm." Because the rule states it is the Managing Agent's responsibility to renew the Certificate of Authority, Ms. Kempker asked the Board if future renewals should be changed to require the signature of the Managing Agent instead of the President or Manager. Upon discussion, the Board Members directed Ms. Kempker to change all future renewals to require the signature of the Managing Agent instead of the President or Manager.

Ms. Kempker stated that she recently received a "Sunshine Law Request" from Mark P. Vincent with the law firm of Bryan Cave whose client wished to remain anonymous. Ms. Kempker stated that she routinely receives "Sunshine Law Requests" throughout the year and she along with Mr. Thompson always handle them because they usually are asking for closed records on a specific licensee that cannot be released or for information that is public and can easily be released. The only challenging requests the Board has ever received in the past were for the email addresses of licensees, which she along with Mr. Thompson have always refused to release. Thus far, this has not been challenged on the denial of those records. This latest Sunshine Law request however is a bit different; and, since it involved information being released regarding present Board Members, past Board Members, current and past members of the Board's staff, and licensees, she forwarded the request to the Board Members for information purposes. Upon Mr. Vincent's receipt of Ms. Kempker's response letter, he promptly replied stating he will notify her shortly regarding whether to proceed with the data request given the cost (\$266.08). If he confirms they want the Board to proceed, she stated that she would provide the allowable records within three weeks. A very similar request was also sent to the Dental Board, Healing Arts Board, Accountancy Board, and the Cosmetology/Barber Board.

Ms. Kempker stated that the Missouri Municipal League's Annual Conference was held on September 14 and 15 in St. Charles, Missouri. She stated she along with Board Staff member Sandy Robinson, manned the booth for the Board and visited

with multiple officials making them aware of the need for licensed design professionals.

Ms. Kempker advised that the Missouri Association of Counties' Annual Conference is scheduled for November 23 and 24 at Tan-Tar-A in Osage Beach, Missouri. She advised that she along with Ms. Robinson will also man the booth for the Board at this conference; however, if any Board Members also want to be present for any period of time, they are most certainly welcome. Ms. Kempker also stated that she may have Ms. Wilde to attend the conference as it would be beneficial for her to make contacts with county officials.

Ms. Kempker announced that Leah Hauck, a Processing Tech I, had resigned and accepted a Processing Tech II position with the Board of Embalmers. Her last day was November 4th. Jane Coffman had requested to be moved into the position Leah vacated since it was one she had previously held. It is a Processing Tech I position now but will be a Processing Tech II position effective March 1st so this will end up being a lateral move for Jane. Effective March 1, 2015, Jan Gilliam will be retiring; however, she will be staying on as a 1,000 hour employee. Jan's knowledge and expertise is far too valuable to lose and her services will continue to be needed. Ms. Kempker stated that she has already received approval from the Division to hire Jan as a 1,000 hour employee. The Board has 10 full-time employee (FTE) positions; and it currently has 8 $\frac{3}{4}$ FTEs employed (one Processing Tech I position is vacant and has been for a number of years and Karen Payne is classified as a .6 employee since she works three days per week). With keeping Jan on as a 1,000 hour employee, Ms. Kempker will not be hiring another FTE to replace her. With the CBT testing, the timing worked out perfect in that Jan's workload has just recently been greatly reduced since she no longer has to process the FE applications before examination; therefore, the services of a full time person is no longer needed to replace her. However, at this time, a half-time person is necessary and since Jan is willing to work 1,000 hours, it should work out. Ms. Kempker announced that effective March 1, 2015, the Board will basically be utilizing 8 $\frac{1}{4}$ FTEs instead of the 8 $\frac{3}{4}$ FTEs. Ms. Kempker stated that this will result in a cost savings to the Board and its licensees.

Date and Location of November 2015 Board Meeting

The Board Members discussed the date and location of the November 2015 Board Meeting. Upon discussion, the Board decided that the November meeting for 2015 will be held on November 9 and 10, 2015 in the Springfield, 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 2:05 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. 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. Ms. John 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 2:35 p.m., the Board reconvened its open meeting for the purpose to adjourn.

Adjournment

A motion was made by Mr. Popp to adjourn the meeting. Mr. Govero seconded the motion and it unanimously carried. The meeting adjourned at 2:35 p.m. on Tuesday, November 11, 2014.

ATTEST:

Executive Director

Approved by the Board on: _____