

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

Monday, November 10, 2014
Fiji Ballroom
Ramada Oasis Hotel and Convention Center
2546 N. Glenstone Avenue
Springfield, Missouri

The Professional Land Surveying Division of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects was called to order at 8:00 a.m. on Monday, November 10, 2014 in the Fiji Ballroom, of the Ramada Oasis Hotel and Convention Center, Springfield, Missouri. A quorum being present, Chairman Mike Freeman declared the meeting open for business.

Members Present

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

Others Present

Bob Shotts, Professional Landscape Architect Member and Professional Land Surveyor
Judy Kempker, Executive Director
Karen Payne, Board Staff

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

Approval of Minutes

On motion by Dan Govero, the minutes of the August 4, 2014 Professional Land Surveying Division open meeting were approved as submitted. Mike Flowers seconded the motion. Voting in favor of the motion were Dan Govero and Mike Flowers.

Please note that Board Staff, Laurie Koelling, entered the meeting at 8:25 a.m.

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)

The Land Surveying Division members discussed the status of the Memorandum of Understanding (MOU) between the Board and the Department of Agriculture. This issue was tabled until the January 2015 Board meeting to allow additional time for the signing of the MOU to avoid two versions of the Minimum Standards.

Please note that Legal Counsel, Curt Thompson, entered the meeting at 8:30 a.m. and departed the meeting at 8:45 a.m.

Please note that Executive Director, Judy Kempker, departed the meeting at 8:55 am.

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

The 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. Upon discussion Dan Govero made a motion to recommend to the full Board to direct Executive Director, Judy Kempker, to send a letter to MSPS stating that the Board is standing firm on the educational requirements that they previously recommended and advise that if MSPS makes any changes to the Board's recommendation they need to notify the Board of such changes. The motion further recommended to the full Board to have Ms. Kempker 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. The motion also included the recommendation of directing Exam Consultant, Dr. Richard Elgin, to 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%.

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

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

A copy of the September 3, 2014 letter written by Kelly Lucas, Right of Way Director, with the Missouri Department of Transportation (MoDOT) that addresses the requirement of all recordable documents with a legal description to be signed and sealed by a Professional Land Surveyor was discussed. The Division Members agreed that the issuance of a paper stating the position of the Board would be helpful to its licensees at least until the Board has had time to get a rule promulgated. Therefore, the Division drafted proposed wording to be presented to the full Board for approval. Upon discussion of the proposed wording, Mike Flowers made a motion to recommend to the full Board that it approve the "Position Paper" to read 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 further directed Ms. Kempker (upon obtaining full Board approval) to draft a cover letter and provide a copy of the "Position Paper" to every Missouri licensed Professional Land Surveyor informing them of the "Position Paper" and enclose a copy of MoDOT's letter with MoDOT's permission. Ms. Kempker is also to include the "Position Paper" in the Board's next newsletter as well as put it and a copy of Curt Thompson's article entitled "The Change to Section 327.272; What Does it Mean?" on the Board's website. Dan Govero seconded the motion and it unanimously carried. Voting in favor of the motion were Dan Govero and Mike Flowers.

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

This topic was discussed and addressed earlier in the meeting so no further direction was given on this matter.

Discuss Proposed Changes to Board Rules 20 CSR 2030-8.020 Professional Land Surveyor – Professional Development Units

The Professional Land Surveying Division members then discussed the proposed changes to Board Rules 20 CSR 2030-8.020 Professional Land Surveyor – Professional Development Units. Upon discussion, Mike Flowers made a motion proposing to the full Board to amend Board Rule 20 CSR 2030-8.020(1)(A) Professional Land Surveyor-Professional Development Units to read: "Of the required professional development units, licensed professional land surveyors shall complete a minimum of two professional development units in 20 CSR 2030, Chapter 16 "Missouri Minimum Standards for Property Boundary Surveys; Chapter 17 "United States Public Land Survey Corner"; and/or RSMo's Chapter 60 & Chapter 327 during the two-year period immediately preceding renewal. Dan Govero seconded the motion and it unanimously carried. Voting in favor of the motion were Dan Govero and Mike Flowers.

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

Nothing further was discussed regarding the Board Rules or Chapter 327 RSMo.

Motion to Close

At 11:35 a.m., Chairman Freeman called for a motion to close the meeting to the general public for the purpose of discussing confidential or privileged communications between this agency and its attorney as well as to discuss pending litigation and complaint matters. Dan Govero made a motion that the meeting be closed to the general public pursuant to Chapter 610.021 subsection (14) and 324.001.8 and 324.001.9, RSMo for the purpose of discussing investigative reports, complaints, audits and/or other information pertaining to licensees or applicants; Chapter 610.021 subsection (1) RSMo for the purpose of discussing general legal action, causes of action or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under Chapter 610.021 RSMo which authorizes this agency to go into closed session during those meetings. The motion was seconded by Mike Flowers and unanimously carried. Voting in favor of the motion were Dan Govero and Mike Flowers.

Reconvene in Open Session

At 2:55 p.m., the Professional Land Surveying Division members reconvened in open session for the purpose of adjourning.

Adjournment

There being no further discussion, a motion was made by Dan Govero and seconded by Mike Flowers to adjourn. The motion carried unanimously. The meeting adjourned at 2:55 p.m.

ATTEST:

Executive Director

Approved by Board on: _____