

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

Lincoln Room
Capitol Plaza Hotel and Convention Center
415 West McCarty
Jefferson City, Missouri
January 26 and 27, 2015

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, January 26, 2015 in the Lincoln Room of the Capitol Plaza Hotel and Convention Center located at 415 West McCarty, Jefferson City, 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
Michael L. Popp, Member of the Architectural Division
Martha K. John, Member of the Architectural Division
Kevin C. Skibiski, Chair of the Professional Engineering Division
Abiodun "Abe" Adewale, Member of the Professional Engineering Division
Michael C. Freeman, Chair of the Professional Land Surveying Division
Daniel L. Govero, Member of the Professional Land Surveying Division
John Michael Flowers, Member of the Professional Land Surveying Division
Robert S. Shotts, Chair of the Professional Landscape Architectural Division
Robert N. Hartnett, Member of the Professional Landscape Architectural Division
Noel Fehr, Member of the Professional Landscape Architectural Division
Sherry Cooper, Public Member

Member Absent

Kelley Cramm, Member of the Professional Engineering Division

Others Present

Judy Kempker, Executive Director
Sandra Robinson, Licensing Technician Supervisor
Phyllis Prenger, Board Staff
Dawn Wilde, Board Investigator
Curtis F. Thompson, General Counsel
Bruce Wylie, Executive Director for the Missouri Society of Professional Engineers (MSPE)

Mike Armstrong, Chief Executive Officer for the National Council for Architectural Registration Boards (NCARB)
Kathy Hillegas, Director of Council Relations for the National Council for Architectural Registration Boards (NCARB)

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

Selection of Individual to Conduct Meeting

Since the Board currently does not have a Board Chair, Ms. Kempker called the meeting to order and asked for nominations of an individual to conduct the remaining business of the meeting. The Members of the Board discussed the selection of an individual to conduct the business of the meeting. Upon discussion, Mr. Adewale nominated Mr. Bob Hartnett to conduct the remaining business of the meeting. Ms. John seconded the nomination and it unanimously carried. Ms. Kempker then turned the meeting over to Mr. Hartnett.

Approval of Minutes

A motion was made by Mr. Skibiski to approve the November 10 and 11, 2014 Open Board Meeting minutes as submitted. The motion was seconded by Mr. Rearden and it unanimously carried. Mr. Skibiski made a motion to approve the January 9, 2015 Open Committee Conference Call minutes as submitted. The motion was seconded by Mr. Hartnett and carried by the following committee members voting in favor of the motion: JC Rearden, Kevin Skibiski, Mike Freeman and Bob Hartnett.

Discuss the changes in Section 327.272 which became effective August 28, 2014 pursuant to the passage of SB 809 and further answer questions regarding who can prepare easements and when and how a legal description is used

The Board discussed the changes in Section 327.272 which became effective August 28, 2014 pursuant to the passage of SB 809 and further answer questions regarding who can prepare easements and when and how a legal description is used. Mr. Govero reported that he attended the Missouri Society of Professional Surveyors (MSPS) board meeting on Saturday, December 6, 2014 and learned that members of the surveying community still have questions regarding who can prepare easements. He stated that a Board Rule to address the issue should help clear up any lingering questions MSPS and the surveying community may have.

Discuss email from Chris Wickern, PLS-2000161240, wherein he requests clarification for the new definition of Land Surveyor

The Board Members discussed the email from Mr. Chris Wickern, PLS-2000161250, wherein he requests clarification for the new definition of Land Surveyor. Mr. Freeman reported that Mr. Wickern attended the Open Meeting for the Professional Land Surveying Division on January 26, 2015. Mr. Freeman stated that Mr. Wickern's concerns will be addressed when the Board promulgates Board Rule 20 CSR 2030-15.020 Easements and Property Descriptions.

Discuss letter dated December 10, 2014 from Sharrock Dermott (not licensed), Director of Legal Services at the Empire District Electric Company wherein he is requesting additional information concerning the Board's interpretation of recent revisions made to Section 327.272, RSMo

Mr. Freeman reported that the Members of the Professional Land Surveying Division discussed the letter dated December 10, 2014 from Mr. Sharrock Dermott, Director of Legal Services at the Empire District Electric Company wherein he requested additional information regarding Section 327.272 RSMo. Upon discussion, Mr. Freeman made a motion directing Mr. Thompson to send a letter to Mr. Dermott advising him that the Board is currently in the process of promulgating proposed Board Rule 20 CSR 2030-15.020 Easements and Property Descriptions which should address his concerns. Mr. Popp seconded the motion and it unanimously carried.

Discuss article written by Mark W. Nolte, PLS-2424, entitled, "Who Can Describe it?" The article is to be published in the Journal of the Missouri Bar.

Mr. Freeman reported that the Professional Land Surveying Division Members discussed the article written by Mark W. Nolte, PLS-2424, entitled, "Who Can Describe it?" The article is to be published in the monthly Journal of the Missouri Bar. Since this also is related to the need for a proposed rule, which will be addressed later in the minutes (proposed Board Rule 20 CSR 2030-15.020) the Board agreed that the article written by Mr. Nolte will be taken into consideration when drafting the proposed rule.

Review the "Position Paper" that was ordered and effected by the Board on November 11, 2014 and then prepare and discuss language regarding the changes to Section 327.272, RSMo for promulgation of a Board Rule

Mr. Freeman and Mr. Skibiski both stated that the "Position Paper" adopted by the Board on November 11, 2014 is final and should remain unchanged.

Mr. Freeman and Mr. Skibiski then presented a proposed rule for 20 CSR 2030-15.020 for Easements and Property Descriptions. After much discussion, the Board Members directed Messrs. Freeman and Skibiski to continue “fine tuning” the proposed rule and have it ready for the Board vote during its open meeting on Tuesday, January 27, 2015.

Proposed change to Section 327.041.3 RSMo as proposed by MSPS (presented for information and/or discussion)

The Members of the Board discussed the proposed change to Section 327.041.3, RSMo as proposed by the Missouri Society of Professional Surveyors (MSPS). Ms. Kempker advised the Board Members that former Board Chair Jim Anderson had contacted her to state that MSPS was thinking of proposing the following change to Section 327.041.3 to state: “Rules promulgated by the board pursuant to Sections 327.272 to 327.635 shall be consistent with and shall not supersede the rules promulgated [by the department of natural resources] pursuant to chapter 60.” After much discussion, the Board decided the Professional Land Surveying Division would ask MSPS not to proceed with opening Chapter 327 at this time and the Board would wait and see what the Department of Agriculture has to say at their meeting with the Board on Tuesday, January 27th.

Report from Ad Hoc Committee formed to look at Continuing Education Rules to include the requirement of licensees being required to take and pass a test on Missouri statutes and rules

Ms. John gave a report on behalf of Kelley Cramm, Chair of the Ad Hoc Committee, which was formed to review the Board’s continuing education rules and to include the requirement of licensees being required to take and pass a test on Missouri Statutes and Rules. Ms. John stated that the committee had decided to move forward on the previously approved amendments to the professions continuing education rules and not to include the requirement for hours on ethics. The Committee has not met since then so she had nothing new to report. The Board then directed Ms. Kempker to contact Ms. Cramm to ask for a report at the Board’s April 20 and 21, 2015 quarterly meeting. The matter was tabled until the Board’s April 2015 meeting.

Discuss revised version of Board Rules 20CSR 2030-21.010 Design of Fire Suppression Systems and 20 CSR 2030-21.020 Engineer of Record and Specialty Engineers

Mr. Skibiski presented the following proposed changes to Board Rule 20CSR 2030-21.010 Design of Fire Suppression Systems to the Board for review and discussion.

20 CSR 2030-21.010 Design of Fire Suppression Systems

PURPOSE: This rule requires [the design of] fire suppression systems to be designed[, prepared,] and sealed by, or under the immediate personal supervision of, a qualified professional engineer.

The design of fire suppression systems is engineering and therefore the plans for those systems must be designed[, prepared,] and sealed by a Professional Engineer. This can be accomplished two ways:

(1) Pursuant to section 327.181, RSMo, the design of fire suppression systems in engineering and therefore the plans for those systems must be designed[, prepared,] and sealed by, **or under the immediate personal supervision of, a qualified professional engineer.** This can be accomplished **by either** of two (2) ways:

(A) *[The design]* **A qualified professional engineer seals [the] construction documents that specify the design and performance criteria for the fire suppression system, including sprinklers, fire alarm[s, and other suppression] systems, and other fire suppression systems.** The layout and sizing of these systems[,] **may be** done by a Level III Technician certified by the National Institute for Certification in Engineering Technologies (NICET). *[or a professional engineer, can]* **The resulting plans may be submitted to the qualified professional engineer as [a] shop drawing.** These shop drawings. *[These shop drawings may be sealed by a professional engineer.]* The *[design]* **qualified professional engineer issuing construction documents specifying design and performance criteria** must review and approve the **submitted** shop drawings for compliance with the design and specifications shown on the construction documents; *[and]*

(B) *[If there is no design engineer for the fire suppression system, then t]*The *[shop drawings]* **plans** for the sprinklers, fire alarm[s] **systems,** and other **fire** suppression systems must be designed *[and prepared]* **and sealed by, or** under the immediate personal supervision of a **qualified** professional engineer. *[These shop drawings must be sealed by the Professional Engineer who prepared them.]*

(2) Nothing in this section shall prohibit the *[design]* **qualified professional engineer issuing construction documents specifying design and performance criteria,** at his/her discretion, to specify and require *[the]* **submitted** shop drawings to be designed[, prepared,] and sealed, by, **or under the immediate personal supervision of, a qualified** professional engineer.

(3) The design of fire suppression systems for dwelling units as defined in the National Fire Protection Association's Standard for the Installation of Sprinkler Systems (NFPA 13D) is exempt and is not required to be designed by a **qualified** professional engineer so long as the layout and sizing of these systems are done by a Level III Technician certified in the Fire Suppression System Layout by the NICET. Engineering decisions needed when the scope of the project is not clearly addressed in NFPA 13D shall be done by a qualified professional engineer.

(4) The term "qualified professional engineer" used in 20 CSR 2030-21.011 shall mean a professional engineer, as defined under RSMo Chapter 327.181, who has specific sprinkler, fire alarm system, or other fire suppression system education, training and experience, as determined by the board, necessary to protect the health, safety and welfare of the public.

Upon discussion, Mr. Skibiski made a motion to move forward with the proposed changes to 20 CSR 2030-21.010 Design of Fire Suppression Systems. Mr. Shotts seconded the motion and it 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 by publishing the text of Proposed Board Rule 20 CSR 2030-21.010 Design of Fire Suppression Systems on the Board's website.

Mr. Skibiski then presented the following proposed changes to Board Rule 20 CSR 2030-21.020 Engineer of Record and Specialty Engineers to the Board for review and discussion.

20 CSR 2030-21.020 Engineer of Record and Specialty Engineers

PURPOSE: In instances when there is more than one engineer involved on a project, this rule will clarify what the responsibilities are of each engineer.

The professional engineer who develops the design criteria and concept for a particular project and discipline, and who prepares or causes to be prepared under his/her immediate personal supervision the corresponding drawings, specifications, reports or other documents, shall be designated the Engineer of Record for the project and discipline. A professional engineer who provides services for specific portions of the project within a particular

discipline, but does not have a direct organizational contractual relationship with the corresponding Engineer of Record, shall be designated the Specialty Engineer.

(A) The Engineer of Record shall communicate in writing the extent of and complete design criteria, performance specifications and other requirements for the portion of the project delegated to the Specialty Engineer, which shall be limited to the same discipline as that of the Engineer of Record.

(B) The Specialty Engineer shall perform his/her services in strict accordance with the written requirements of the Engineer of Record, or shall clearly indicate in writing any exceptions taken to said requirements in his/her submittals to the Engineer of Record.

(C) The Specialty Engineer shall prepare or cause to be prepared under his/her immediate personal supervision the drawings, specifications, reports or other documents that correspond to the portion of the project delegated by the Engineer of Record; shall seal, sign and date them in accordance with 20 CSR 2030-3.060; and shall submit them to the Engineer of Record.

(D) The Engineer of Record shall review the drawings, specifications, reports or other documents submitted by the Specialty Engineer and confirm in writing that they conform to his/her written requirements and are consistent with the intent of his/her drawings, specifications, reports or other documents prepared for the project.

(E) An architect may delegate such engineering work as is incidental to the practice of architecture, provided that he/she follows the requirements for the Engineer of Record as described in this rule.

Upon discussion, Mr. Skibiski made a motion to move forward with the proposed changes to 20 CSR 2030-21.020 Engineer of Record and Specialty Engineers. Mr. Shotts seconded the motion and it 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 by publishing the text of Proposed Board Rule 20 CSR 2030-21.020 Engineer of Record and Specialty Engineers on the Board's website.

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

The Board Members decided that no new Board Rule changes were warranted at this time other than the proposed rule changes previously discussed. The Board Members also decided no new statute changes were required at this time. This item was presented for informational purposes; therefore no action was taken.

Motion to go into closed session

At approximately 4:05 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 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 carried. Mr. Adewale seconded the motion. A roll call vote was taken and unanimously. Mr. Hartnett asked that all visitors leave the room. After the departure of Mr. Wylie, Mr. Armstrong and Ms. Hillegas, Mr. Hartnett declared the meeting closed to the general public.

Return to Open Session

At approximately 4:20 p.m., the Board reconvened in Open Session for the purpose of recessing the meeting.

Recess

At approximately 4:20 p.m., the Board recessed its open meeting until 8:00 a.m. on Tuesday, January 27, 2015.

Tuesday, January 27, 2015

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, January 27, 2015 in the Lincoln Room of the Capitol Plaza Hotel and Convention Center located at 415 West McCarty, Jefferson City, 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
Michael L. Popp, Member of the Architectural Division
Martha K. John, Member of the Architectural Division
Kevin C. Skibiski, Chair of the Professional Engineering Division
Abiodun "Abe" Adewale, Member of the Professional Engineering Division
Michael C. Freeman, Chair of the Professional Land Surveying Division
Daniel L. Govero, Member of the Professional Land Surveying Division
John Michael Flowers, Member of the Professional Land Surveying Division
Robert S. Shotts, Chair of the Professional Landscape Architectural Division
Robert N. Hartnett, Member of the Professional Landscape Architectural Division
Noel Fehr, Member of the Professional Landscape Architectural Division
Sherry Cooper, Public Member

Member Absent

Kelley Cramm, Member of the Professional Engineering Division

Others Present

Judy Kempker, Executive Director
Sandra Robinson, Licensing Technician Supervisor
Phyllis Prenger, Board Staff
Dawn Wilde, Board Investigator
Curtis F. Thompson, General Counsel
Edwin Frownfelter, Assistant Attorney General
Bruce Wylie, Executive Director for the Missouri Society of Professional Engineers (MSPE)
Mike Armstrong, Chief Executive Officer for the National Council for Architectural Registration Boards (NCARB)
Kathy Hillegas, Director of Council Relations for the National Council for Architectural Registration Boards (NCARB)
Sherry Hess, Acting Director for the Division of Professional Registration
AJ Fox, Deputy Director of Boards and Commissions, Office of the Governor

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. No one present had specific issues they wanted to discuss, therefore no further action was deemed necessary at this time.

Meeting with Ms. Hess and Mr. Fox to discuss matters of mutual interest

Ms. Sherry Hess met with the Board to discuss matters of mutual interest such as Board Appointments, Budget, and Legislation. Ms. Hess stated that the Division of Professional Registration is currently working with all the Boards and its staff members in implementing the new licensure system. She stated that this has been a big undertaking for the Division and she expects the new system to be up and running by June 1, 2015. Ms. Hess also mentioned that the Division was anxiously awaiting the confirmation of the new Division Director, Katie Steele Danner. Upon discussion, Ms. Hess thanked the Board Members for their service and advised that she was looking forward to working with them in the future. Ms. Hess departed the meeting at approximately 8:20 a.m.

Mr. Fox met with the Board to discuss Board Appointments. Mr. Fox announced that at least two Board appointments were forthcoming within the next week or two to fill the vacant Board Chair position and the vacant Professional Engineering Division Member position. Mr. Fox stated that he has been diligently working on getting all positions filled for this Board as well as for other Boards and Commissions. He thanked the Board Members for their service in protecting the health, safety, and welfare of the public.

View web cast entitled “*The Demographics of the Population in the United States*” presented by Mr. Joel Albizo, Executive Director for the Council of Landscape Architectural Registration Boards (CLARB) and discuss the presentation with Mr. Albizo via conference call

At approximately 8:30 a.m., the Board viewed the web cast entitled “*The Demographics of the Population in the United States*” which was presented at the annual meeting for the Council of Landscape Architectural Registration Boards (CLARB) by Mr. Joel Albizo, Executive Director for CLARB. At approximately 8:50 a.m. and after the Board viewed the informative web cast, Mr. Joel Albizo, Executive Director for CLARB, connected to the Board Meeting via conference call to answer any questions the Board Members may have regarding the presentation. Upon answering all questions posed by Board Members, Mr. Albizo was thanked for participating in the meeting and disconnected from the conference call at approximately 9:00 a.m.

Appearance of NCARB Representatives Mike Armstrong and Kathy Hillegas

At approximately 9:00 a.m., Mr. Armstrong and Ms. Hillegas met with the Board for the purpose of discussing matters of mutual interest to the Board as it relates to the licensure of architects. Mr. Armstrong was very complimentary of the Board, especially in how the meetings are conducted. He stated that NCARB has revisited the qualifications to allow Boards' Public Members as members of NCARB. Also, Mr. Armstrong informed the Board that he meets regularly with Mr. Albizo, Executive Director for CLARB, and Mr. Jerry Carter, Executive Director for the National Council of Examiners for Engineering and Surveying (NCEES). He also advised the Board that NCARB is trying to be more relatable to the "Millennium" age group by being connected to Twitter, Facebook and LinkedIn. After much discussion, the Board Members thanked Mr. Armstrong and Ms. Hillegas for meeting with them.

Mr. Fox departed at approximately 9:50 a.m.

Personal Appearance

At approximately 10:00 a.m., Mr. Ron Hays, Director of Weights, Measures and Consumer Protection for the Missouri Department of Agriculture, Mr. Darrell Pratte, PLS-2126, State Land Surveyor, and Mr. Michael Warrick, General Counsel for the Missouri Department of Agriculture (MDA), appeared before the Board for the purpose of discussing the Memorandum of Understanding (MOU) between the Department of Agriculture and the Board, which is to be signed so that the provisions of the Missouri Standards for Property Boundary Surveys can be enforced in order to protect the public. The Board discussed changes it wanted made to the document that the MDA submitted. MDA was in agreement with the changes. Therefore, Ms. Kempker was directed to make the changes and once in final format collect all the signatures. The Board then thanked Messrs. Hays, Pratte and Warrick for meeting with them and they departed the meeting at approximately 10:30 a.m.

Report from Architectural Division

Mr. Rearden reported that he, along with Ms. John and Ms. Kempker will be attending the NCARB Regional Summit Meeting in Long Beach, California on March 12, 13, and 14, 2015. Also, Mr. Rearden announced that two architects (to be determined later) will also attend the NCARB Annual Meeting in New Orleans, Louisiana on June 17, 18, 19 and 20, 2015.

Report from Professional Engineering Division

Mr. Skibiski reported that since the Board does not have a Board Chair at the present time, he will be representing the Missouri Board at the NCEES Board Presidents/Administrators meeting in Atlanta, Georgia on February 6 and 7, 2015. Also, Mr. Skibiski reported that he along with Mr. Adewale and Mike Freeman will be attending the upcoming NCEES Central Zone Meeting which will be held jointly with the Northeast Zone on April 30, May 1 and 2, 2015 in Hershey, Pennsylvania. Mr. Skibiski stated that Mr. Adewale has been nominated for the NCEES Central Zone Distinguished Service Award. Mr. Skibiski stated there may be some "hot" issues discussed at the meeting such as the licensing of university professors without taking the Fundamentals of Engineering (FE) or Professional Engineering (PE) examinations and the early taking of the PE examination.

Report from Professional Land Surveying Division

Mr. Freeman also reported that he along with Messrs. Skibiski and Adewale will be attending the upcoming NCEES Central Zone Meeting in Hershey, Pennsylvania on April 30, May 1, and 2, 2015.

Next, Mr. Freeman discussed with the Board Members, the changes made to Section 327.272, RSMo which became effective August 28, 2014 pursuant to the passage of SB 809 and all the questions that have risen regarding the preparation of easements and when and how a legal description is used. After much discussion, Mr. Freeman made a motion to move forward promulgating Board Rule 20 CSR 2030-15.020 Easements and Property Descriptions as follows:

- (1) In accordance with Section 327.272(3) and (4), the subdivision of a parcel of property to create a new parcel and the creation of a new recordable property description for that parcel is considered the practice of professional land surveying. A new recordable property description is defined as a description for any parcel of land that is not or has not previously been identified in the public record.
- (2) A permanent easement is a recordable document for the acquisition and conveyance of property rights. Creating a permanent easement encumbers a parcel of property and affects real property rights. A professional land surveyor shall locate the boundary that an easement is based upon.
- (3) The following services are not required to be performed by a professional land surveyor because the location of boundary lines is not affected:
 - (A) When the only property right being acquired or conveyed is access rights.
 - (B) When the only property right being acquired is a temporary easement.

(C) When the entire property is being acquired, and the property description is being copied from a previous deed of record.

(D) When at least one boundary of the easement is contiguous with the property line in accordance with paragraph 2 and is of uniform width.

The motion was seconded by Mr. Skibiski and it 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 by publishing the text of Proposed Board Rule 20 CSR 2030-15.020 Easements and Property Descriptions on the Board's website.

Mr. Freeman made a motion directing Ms. Kempker to send a copy of the draft of Proposed Board Rule 20 CSR 2030-15.020 Easements and Property Descriptions to Mr. Andy Briscoe, Legislative Liaison for the Division of Professional Registration, so that he may in turn forward a copy of Proposed Board Rule 20 CSR 2030-15.020 Easements and Property Descriptions to Senator Jay Wasson. Mr. Skibiski seconded the motion and it unanimously carried. It should be noted that this matter was again discussed later in the minutes.

Mr. Freeman reported that the Professional Land Surveying Division discussed the email received from Representative Robert Ross regarding the Missouri Association of Electric Cooperatives wanting to change the law to allow any and all easements created or prepared in Missouri by providers of electric, natural gas, communications, water or other utility services be exempt from complying with the law. Mr. Freeman stated that he will draft a response to Representative Ross and send it to Ms. Kempker. Ms. Kempker will then forward the drafted response to Mr. Thompson for review and approval. Once it is approved, Ms. Kempker will then send an email to Representative Ross responding to his inquiry so that it will be viewed as the reflection of the full Board's opinion and not just the Professional Land Surveying Division's opinion.

Mr. Freeman reported that the Professional Land Surveying Division Members discussed the "Legal Principles/Public Lands" course syllabus provided by Dr. Richard Elgin. As a result of that discussion, the Division Members approved Dr. Elgin's syllabus and directed Ms. Kempker to send a letter to all the universities that are on the Board's "Acceptable Land Surveying Coursework" list using Dr. Elgin's "Overview" as reference and enclose a copy of the syllabus. Ms. Kempker is to advise those Universities that the Board approved the Dr. Elgin's syllabus and highly recommends they use the syllabus in teaching their "Legal Principles of Surveying" or "Legal Aspects of Boundary Survey" courses.

Report from Professional Landscape Architectural Division

Mr. Hartnett reported that at the Professional Landscape Architectural Division Meeting earlier in the day, Mr. Shotts was elected as Chair of the Professional Landscape Architectural Division and Mr. Fehr was elected the Vice Chair of the Division and the CEU Audit Chair.

Please note that at approximately 11:00 a.m., Mr. Wylie departed the meeting.

Also please note that at approximately 11:00 a.m., Mr. Adewale departed the meeting and rejoined the meeting at approximately 11:30 a.m.

Executive Director's Report

Ms. Kempker presented the most recent information regarding the Board's Financial Report. She advised the Board that as of January 23, 2015, the financial balances were as follows:

Personal Service Balance was \$222,630. Originated with \$388,688.

E&E (Expense & Equipment) Balance was \$198,605. Originated with \$301,397.

Currently, the Fund Balance is \$3,910,059. Per Section 327.081, in order to avoid a sweep of the Board's fund, the balance needs to be kept under \$3,945,156, or 3 times our appropriation (3 x \$1,315,052). The fund balance is high right now because the renewal cycle was just completed but for the remaining months of the year, it will decline since the Board's monthly expenses will be greater than our monthly revenue; thus, bringing our fund balance down.

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).

The Board currently has two vacant positions on the Board (Board Chair and PE Member) and effective January 30th the Board will have a third vacancy, a PLA Member due to Bob Hartnett's resignation. The Board also has nine members serving in expired terms (Bob Shotts, JC Rearden, Mike Freeman, Mike Flowers, Dan Govero, Kevin Skibiski, Abe Adewale, Kelley Cramm and Sherry Cooper).

Ms. Kempker announced that the next edition of the Board's newsletter is due out in May 2015. Therefore, she will need all articles by no later than April 1st. The upcoming edition will also include a first time publication of an article from the Board's Public Member.

Ms. Kempker advised the Board Members that the only legislative change that she is familiar with that **may** be introduced in the upcoming session and 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 changes to the requirements for enrollment as a Land Surveyor-in-training (LSIT) and language to amend Section 327.041.3 to delete reference to the Department of Natural Resources since Chapter 60 is no longer under that department's jurisdiction. Ms. Kempker stated that she just discovered last week that Representative Bart Korman filed HB 586 to amend Section 327.041.3.

Ms. Kempker announced that the next Design Alliance meeting is set for Wednesday, January 28, 2015 in Jefferson City at the office of the Missouri Society of Professional Engineers (MSPE). Ms. Kempker stated that she felt this is a very worthwhile meeting and she encouraged at least one Board Member from each profession (if not more) to be present. Ms. Kempker reminded the Board Members that at their August 5, 2014 meeting, the Board voted to present framed "Resolutions of Appreciation" to the American Institute of Architects-Missouri (AIA-MO); Kathi Harness, lobbyist for AIA-MO who took the lead on SB809; the Missouri Society of Professional Engineers (MSPE); the Missouri Society of Professional Surveyors (MSPS); and the Missouri Association of Landscape Architects (MALA) to show the Board's appreciation for their hard work and dedication in assisting the Board with the passage of SB 809 during last legislative session. Those framed resolutions will be presented at this meeting.

Next, Ms. Kempker advised the Board of the following bills of interest to the Board:

House Bill (HB) 215 introduced by Representative Moon (R) – Prohibits the enforcement of any federal regulation by any state department or agency unless the enforcement is approved by the General Assembly.

HB 301 introduced by Representative Hicks (R) and **HB 520** – Creates a tax credit for an employer that hires a student majoring in the field of science, technology, engineering, or mathematics for an internship.

HB 361 introduced by Representative Spencer (R) – Designates the third week of February as "Engineer Awareness Week" in Missouri.

HB 422 introduced by Representative Burlison (R) – Provides that boards and commissions under the Division of Professional Registration may issue certain opinions for educational purposes.

HB 586 introduced by Representative Korman (R) – Modifies provisions relating to the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects. – This bill deletes reference to Department of Natural Resources and leaves general reference to Chapter 60.

Senate Bill (SB) 14 introduced by Senator Munzlinger (R) – Requires all departments and divisions of the state, including statewide offices, to post copies of contracts entered into for the provision of legal services from outside firms on the Missouri Accountability Portal.

SB 15 introduced by Senator Dixon (R) – Prohibits gubernatorial appointees from serving more than sixty days after the expiration of their term of office.

SB 44 introduced by Senator Nasheed (D) – Prohibits employers from inquiring into or considering the criminal records of applicants before offering a conditional offer of employment.

SB 88 introduced by Senator LeVota (D) – Provides that appointed officers shall only hold office until their term ends.

SB 95 introduced by Senator LeVota (D) – Modifies laws relating to the number of professional boards that an executive director can serve on and who can request licensee information.

SB 103 introduced by Senator LeVota (D) – Allows members of the General Assembly to request confidential professional licensee information.

SB 107 introduced by Senator Sater (R) – Provides that boards and commissions under the Division of Professional Registration may issue certain opinions for educational purposes.

Next, Ms. Kempker discussed Proposed Amendments to Board Rules. She announced that Proposed Amendment to Board Rule 20 CSR 2030-5.110 Standards for Admission to Examination-Professional Land Surveyors is the amendment which 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. This proposed amendment is pending Department approval. It was sent to the Department on July 8th.

Because of 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

Ms. Kempker reported that these Proposed Amendments have been finalized; fiscal notes were prepared for each, and submitted to the Division of Professional Registration for review and approval. She forwarded the Proposed Amendments to the Department on December 22, 2014. They are currently pending Department approval.

At your November 2014 meeting, the Board approved the following Proposed Amendments for promulgation:

- 20 CSR 2030-11.015 Continuing Professional Competency for
Professional Engineers
- 20 CSR 2030-11.025 Continuing Education for Architects
- 20 CSR 2030-11.035 Continuing Education for Professional
Landscape Architects
- 20 CSR 2030-13.010 Immediate Personal Supervision

Ms. Kempker advised that these Proposed Amendments have been finalized, fiscal notes have been prepared for each, and submitted to the Division of Professional Registration for review and approval. Ms. Kempker stated that she met with the Division's Administration and their Legal staff to review the changes on Friday, January 15th. They were in agreement with the proposed amendments and will forward them to the Department for approval. However, when Ms. Kempker mentioned the Board would be finalizing its proposed amendments to the Land Surveyor continuing education rule at its upcoming meeting, the Division's Administration said they will then hold the other continuing education rules until Ms. Kempker submits the Land Surveyor continuing education rule. Once received, they will then send all of the Proposed Rule changes to the Department as one package.

Ms. Kempker announced that the revised statutes, pursuant to SB 809, are available online. Ms. Kempker advised that she is currently in the process of having hard copies made. As soon as the hard copies are back from State Printing, Ms. Kempker stated a copy will be mailed to each Board Member and licensee.

Ms. Kempker announced that Abe Adewale has been nominated by the PE and PLS Divisions for the 2015 NCEES Central Zone Distinguished Service Award. The award will be presented at the 2015 Central Zone Interim Meeting in Hershey, Pennsylvania. The award is presented to individuals who have given outstanding

service to the Central Zone and/or NCEES. Mr. Adewale was nominated last year but unfortunately did not win; however, the Awards Committee was so impressed with his service that a Committee Member called Ms. Kempker to strongly encourage the Missouri Board to nominate Mr. Adewale again this year. Ms. Kempker stated that she is hopeful that Mr. Adewale will be selected for the award. If so, Mr. Adewale and Ms. Kempker will both be notified of the selection and the Central Zone will waive the registration fee for Mr. Adewale to attend the meeting. NCEES will also pay for his travel expenses and the meal cost of the Awards Luncheon for one guest of his choosing.

Ms. Kempker stated that the Board's renewals were mailed out the first part of October to every licensee who was originally licensed in an even year. Approximately 91% of the Board's licensees had completed the renewal process and had been approved prior to December 31, 2014. Of those who had renewed, approximately 84% renewed online compared to 62% last year. Ms. Kempker stated that the percentage increase of online renewals is due to the renewal notice being mailed in the form of a pressure sealed envelope containing the online PIN number and instructions to renew online instead of the actual paper renewal form itself. Due to the passage of SB 808, which went into effect on August 28, 2014, the requirement for the Social Security number of the Board's licensees to be on the renewal form is no longer a requirement. Therefore, Ms. Kempker stated that she opted to send the pressure sealed envelopes. This was a substantial savings to the Board for it cut the Board's copying and postage cost nearly in half. Ms. Kempker also had requested the Division's IT staff make the entry of the email address a "required" field for all applicants renewing their license online. This alone has resulted in the capture of an additional 4,442 email addresses. Ms. Kempker stated that she plans to keep this as a renewal requirement so that when the other half of the Board's licensees renew by the end of 2015, the Board will be able to capture another 4,000-5,000 email addresses. If so, the Board will have an email address recorded for almost all of its licensees versus the previous 60%.

The Missouri Association of Counties (MAC) Annual Conference was held on November 23 and 24 at Tan-Tar-A in Osage Beach, Missouri. Ms. Wilde and Ms. Robinson manned the booth for the Board at this conference and said it was well attended.

Ms. Kempker stated that she reported at the Board's November 11, 2014 meeting that Ms. Leah Hauk had accepted employment in another Board due to a promotional opportunity for her. Ms. Kempker then announced that Ms. Jan Gilliam will be retiring from the Board effective March 1, 2015. However, Ms. Gilliam will be staying on as a 1,000 hour employee. Ms. Kempker stated that the Board will be presenting Ms. Gilliam with a retirement gift, which is an engraved clock, during the Board's luncheon meeting today with its Staff. Ms. Kempker then stated that Ms. Phyllis Prenger joined the Board in December 2014 and has been doing a great job. She has a vast amount of experience with the computer and scanning and merging documents so it is the goal to have all of the complaints scanned in

their entirety and then made accessible via the secure portal at each Board Meeting instead of only the documentation that was received within the last three months. Ms. Kempker stated that she was excited about the prospect of having all the complaints scanned to the secure portal and hopes the Board Members are excited as well.

Another change in Division of Professional Registration staff, which the Board Members are already aware of, is the retirement of Jane Rackers as the Division Director of Professional Registration. Ms. Rackers' last day was December 31, 2014. Her replacement has been appointed but, as of this reporting, not yet confirmed. Her replacement is Ms. Kathleen (Katie) Steele Danner. Ms. Danner previously served as the Director of the Missouri Division of Tourism. Before that she held the position of Deputy Director of the Missouri Department of Economic Development (DED). From 1988 to 1994, Ms. Danner served three terms as a State Representative in the Missouri General Assembly, representing the 2nd Legislative District from Northeast Missouri. While in office, she chaired the Science, Technology and Critical Issue Committee, and also served on the Joint Legislative Committee on Health Care Policy and Planning; the Tourism, Recreation and Cultural Affairs Committee; the Board of Directors for the Missouri State Employees Retirement System; and was the founding chair of the Missouri Office of Rural Health Care.

Date and Location of January 2016 Board Meeting

The Board Members set the January 2016 meeting for January 25 and 26, 2016 to be held in Jefferson City, Missouri. The Board directed Ms. Kempker to secure the January 2016 Board Meeting at the Capital Plaza Hotel and Conference Center, if at all possible, since it best suits the Board's meeting needs. 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.

Please note that at approximately 12:00 noon, Mr. Armstrong and Ms. Hillegas departed the meeting.

Board Meets with the Staff

At approximately 12:00 Noon, the Board met with its staff for the purpose of discussing licensure and policy issues. Members of the Staff joining the meeting were: Nancy Plaster, Jan Gilliam, Laurie Koelling, and Jane Coffman. The Members of the Board took a moment to thank the staff for their excellent service and for the courtesies that they extend to the Board throughout the year. Mr. Harnett along with the rest of the Board Members extended their congratulations to Ms. Jan Gilliam on her upcoming retirement. At this time, Mr. Hartnett gave Ms. Gilliam a lovely engraved clock as a “thank you” for her years of service to the Board, its licensees and the State of Missouri. At approximately 1:10 p.m., Ms. Gilliam, Ms. Koelling, Ms. Coffman, and Ms. Plaster departed the meeting.

Motion to go back into Closed Session

At approximately 1:10 p.m., Mr. Hartnett called for a motion to go back into closed session to continue discussing pending litigation and complaint matters as well as any confidential or privileged communication between this agency and its attorney. Mr. Govero made a motion to go back into closed session to continue discussing pending litigation and complaint matters as well as any confidential or privileged communication between this agency and its attorney. Mr. Skibiski seconded the motion. A roll call vote was taken 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 Open Session

At 4:05 p.m., the Board reconvened its open meeting for the purpose of adjournment.

Mr. Flowers announced that he will be staying over to attend the Design Alliance meeting as well as to attend a meeting on Wednesday afternoon, January 28th with Representative Robert Ross, MSPS member Jim Anderson and members of the Electric Cooperatives to discuss the legislation the Missouri Association of Electric Cooperatives are proposing to amend Section 327.272, RSMo. Mr. Flowers requested the Board's permission to attend this meeting. The Board gave Mr. Flowers permission to attend. Upon discussion, Mr. Shotts made a motion that the Board oppose the language proposed by the Missouri Association of Electric Cooperatives to allow any and all easements created or prepared in Missouri by providers of electric, natural gas, communications, water or other utility services be exempt from complying with the law. The Board will allow Mr. Flowers to represent the Board at the Wednesday afternoon, January 28th meeting with Representative Ross, Mr. Anderson, and the Coop representatives, and enter into discussions with

them in order to see how the issue can be resolved. The motion was seconded by Mr. Skibiski and it unanimously carried.

Adjournment

Mr. Hartnett made a motion to adjourn the meeting. The motion was seconded by Mr. Skibiski and unanimously carried. The meeting adjourned at 4:15 p.m. on Tuesday, January 27, 2015.

ATTEST:

Executive Director

Approved by the Board on: _____