The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects was called to order by Board Chair Robert N. Hartnett at approximately 3:00 p.m. on Monday, November 9, 2015 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. Board Chair Hartnett declared the meeting open for business.

**Members Present**

Robert N. Hartnett, Chair of the Board  
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  
Abiodun “Abe” Adewale, Member of the Professional Engineering Division  
Kelley P. Cramm, Member of the Professional Engineering Division  
Craig M. Lucas, 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  
Sherry L. Cooper, Public Member

**Member Absent**

Noel T. Fehr, Member of the Professional Landscape Architectural Division

**Others Present**

Judy Kempker, Executive Director
Sandy Robinson, Processing Technician Supervisor  
Phyllis Prenger, Board Staff  
Dawn Wilde, Board Investigator  
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.

Before the meeting commenced, Board Chair Hartnett presented Ms. Kempker with a plaque commemorating her 25 years of service to the Board and its licensees. Board Chair Hartnett and Board Members then thanked Ms. Kempker for her dedicated service to the Board.

Please note that at approximately 4:05 p.m., Ms. Stephanie Ireland, AIA representative, joined the meeting.

**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. Board Chair Hartnett thanked Ms. Ireland for attending the meeting and asked if she had any questions or comments to make to the Board. Ms. Ireland stated that she did not have any questions or comments at this time, but was in attendance only to keep apprised as to what issues are before the Board.

**Approval of Minutes**

A motion was made by Mr. Skibiski to approve the minutes for the August 3 and 4, 2015 Open Board meeting as submitted. The motion was seconded by Mr. Freeman and it unanimously carried. A second motion was made by Mr. Skibiski to approve the open minutes for the October 27, 2015 Committee meeting of the Board held via telephone conference call, as submitted. The motion was seconded by Mr. Rearden and it unanimously carried with Committee Members JC Rearden, Kevin Skibiski, Mike Freeman, and Bob Shotts all voting in favor of the motion.

**Update on the Board’s Strategic Plan**

Board Chair Hartnett updated the Board Members regarding the Board’s Strategic Plan. He stated that People Concentric Consulting Group, LLC was the lowest bid. Board Chair Hartnett advised the Board that one of the founders of the company has a chemical engineering degree. People Concentric Consulting
Group, LLC suggested that a strategic planner meet with the Board in April 2016 for a full day to discuss the Strategic Plan. Since the Board felt that was too long, it was decided to ask the Strategic Planner to only meet with the Board for one and one half hours (1 ½) during the April 2016 quarterly meeting. Board Chair Hartnett stated that a well-developed plan would provide guidelines for the Board in the future. He also stated that it would provide continuity and direction on how to communicate with licensees. Ms. Kempker stated that the Division of Professional Registration does support the Board’s Strategic Plan. Upon discussion, Mr. Skibiski made a motion to move forward with the Strategic Plan and to accept the lowest bid which was from People Concentric Consulting Group, LLC. Board Chair Hartnett is to contact People Concentric Consulting Group, LLC to negotiate the scope and substance of their work on the Board’s Strategic Plan; especially as it relates to the full one day meeting they proposed in April when in fact the Board felt 1 ½ hours would be sufficient. The motion was seconded by Mr. Shotts and unanimously carried. The Committee Members for the Strategic Plan are as follows: Board Chair Hartnett, Division Chairs JC Rearden, Kevin Skibiski, Mike Freeman and Bob Shotts, and the Board’s Public Member, Sherry Cooper. Board Chair Hartnett directed Ms. Kempker to provide him with the contact information for People Concentric Consulting Group, LLC so he can start the negotiation process.

**Update Regarding the Upcoming NCEES Central Zone Meeting set for May 5, 6 and 7, 2016**

Ms. Kempker provided an update to Board Members regarding the upcoming NCEES Central Zone Meeting set for May 5, 6 and 7, 2016. She stated that she along with Christy VanBuskirk, P.E., NCEES Central Zone Vice President, and Trish McAlister, NCEES Manager of Meetings, had set the Budget for the event and it had been approved. Ms. Kempker reported that there will be a Welcome Reception at the Westin at Crown Center on Thursday evening. She advised that Board Chair Hartnett is working on jazz music for the reception. Ms. Kempker reported that Guests/Spouses will have time for shopping at the Country Club Plaza after a trolley tour of the city during the day on Friday, May 6th. On Friday evening, delegates and guests/spouses will have the opportunity to tour the Arabia Steamboat museum after enjoying a catered meal by Jack Stack Barbeque. Guests/Spouses will tour the Hallmark Visitor’s Center Saturday morning, May 7th and an awards luncheon will be held on Saturday for both the delegates and guests/spouses to attend. Ms. Kempker stated she is in the process of gathering items for goodie bags to be provided to each delegate at the meeting. Board Chair Hartnett stated that he would be able to pick up 1 ounce size bottles of barbeque sauce from Gate’s Barbeque. The price is $1.05 per 1 ounce bottle and that the sauce had to be bought by the case containing 100 bottles. Ms. Kempker asked Board Members who were interested in attending the NCEES Central Zone meeting. The following Board Members indicated they were interested in attending the meeting: Board Chair Hartnett, Kevin Skibiski, Abe Adewale, Kelley
Cramm, Craig Lucas, Mike Freeman, and Bob Shotts. Ms. Kempker stated she will be attending the meeting along with Board Staff members Dawn Wilde, Sandy Robinson and Phyllis Prenger.

**Discussion of digital signatures and creation of a task force to review Board Rule 20 CSR 2030-3.060 – Licensee’s Seal**

The Board Members held a discussion regarding digital signatures and the creation of a task force to review Board Rule 20 CSR 2030-3.060 – Licensee’s Seal. Mr. Rearden stated that there was still considerable confusion over the digital signatures. Board Chair Hartnett asked Mr. Rearden if he would be interested in chairing the task force. Mr. Rearden stated that he would volunteer to chair the committee for the task force on digital signatures. Other members of the committee are Kelley Cramm, Mike Freeman, Bob Shotts, Sherry Cooper, Judy Kempker and Board Investigator Dawn Wilde. The Board felt the first order of business should be to define the problem people are having with digital signatures. Upon discussion, the Board directed Mr. Rearden to provide a report to the full Board at its January 2016 quarterly meeting with at least the problem defined. At this point, each committee member was asked to talk with the societies to see what information they have to provide as to the problem with digital signatures. Ms. Cramm stated that she just gave a talk on Board Rules and Statutes and was asked several questions regarding digital signatures. She also stated that a good friend of hers from the state of Tennessee advised that the video the Board has posted on its web site provided great information. Ms. Cramm also suggested that the Information Technology staff (IT staff) at her office might be able to shed light on this issue. Since this committee meeting will be held in open session, Ms. Kempker suggested Ms. Cramm invite her IT staff to join the meeting.

**Discuss an email from MSPE’s Executive Director, Bruce Wylie, regarding a Memorandum issued by the Alabama Board of Licensure for Professional Engineers and Land Surveyors regarding Qualification Based Selection (QBS) Requirements**

Next the Board held a discussion regarding an email from the Missouri Society of Professional Engineers’ (MSPE’s) Executive Director, Bruce Wylie, regarding a Memorandum issued by the Alabama Board of Licensure for Professional Engineers and Land Surveyors regarding Qualification Based Selection (QBS) Requirements. It was noted that in the state of Alabama you are subject to discipline if you do not follow the law regarding QBS. Mr. Thompson talked in generalities about the Missouri laws and stated that tax payers can bring suit against public governmental bodies that violate laws. Ms. Cramm stated that if she finds out a client is bidding projects; she gets out of the project. She stated that most Professional Engineers consider bidding projects against the law. Upon much discussion, the Board decided
not to proceed with this issue for now and it would wait to determine what happens with the Memorandum issued by the Alabama Board.

Recess

At approximately 5:10 p.m., the Board recessed its meeting until Tuesday morning, November 10, 2015 at 8:00 a.m. Chair Hartnett announced that the remaining items on the Board’s Open Agenda would be discussed on Tuesday. Board Chair Hartnett thanked Ms. Ireland for attending the meeting and invited her to attend the Board’s Open session on Tuesday morning.

Tuesday, November 10, 2015

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects was called to order by Board Chair Hartnett at 8:00 a.m. on Tuesday, November 10, 2015 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. Board Chair Hartnett declared the meeting open for business.

Members Present

Robert N. Hartnett, Chair of the Board
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
Abiodun “Abe” Adewale, Member of the Professional Engineering Division
Kelley P. Cramm, Member of the Professional Engineering Division
Craig M. Lucas, 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
Sherry L. Cooper, Public Member

Member Absent

Noel T. Fehr, Member of the Professional Landscape Architectural Division

Others Present
Discussion regarding the bidding of surveying services

The Board held a discussion regarding the bidding of surveying services. Messrs. Freeman and Flowers had received an email inquiry from former Board Member Mike Gray, PLS-1994, asking if this issue might be addressed in the Board’s newsletter. Mr. Flowers stated that he thought bidding of surveying services should be quality based and not fee or percentage of the service rendered. Mr. Rearden stated that he did not think this matter was under the purview of this Board. Ms. Cramm agreed with Mr. Rearden. Upon discussion, the Board directed Ms. Kempker to send an email response to Mr. Gray advising that the members of the Board discussed his email and decided that the bidding of professional services is outside the jurisdiction of the Board. However, the provisions in Sections 8.285 to 8.291 allow the retention of such professionals outside the regular bidding process but do not prohibit the retention of them through competitive bidding. In fact, the last provision of Section 8.291 provides: "The provisions of sections 8.285 to 8.291 shall not apply to any political subdivision which adopts a qualification-based selection procedure commensurate with state policy for the procurement of architectural, engineering and land surveying services." No licensee who submits a bid would be subject to discipline by the Board for submitting a bid.

Discussion regarding PDH Days – Can Architects Qualify for continuing education credits if they attend MSPE PDH Days?

Mr. Skibiski reported that he had received an email from Mr. Ron Black, PE, PMP, inquiring if the MSPE Fall PDH Days would qualify for AIA continuing education credits. Mr. Rearden stated that he thought a lot of the topics on the agenda would be of interest to architects. After much discussion, the Board directed Ms. Kempker to send an email response to Mr. Black advising that the members of the Board discussed his email dated October 8, 2015 at its most recent meeting held on November 9th and 10th. Ms. Kempker is to advise that the Board does not preapprove continuing education courses for architects, engineers, or landscape architects and can only distribute information on what is and is not acceptable. With the broad range of opportunities to earn continuing education credits, it is up to the licensee to determine whether the activity qualifies under this Board’s requirements. Qualifying activities must have a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to the licensee’s field of practice.
The licensee is given flexibility in selecting among a broad range of subjects that are intended to strengthen or maintain competency in technical, managerial (business) or ethical fields. Licensees are encouraged to select meaningful activities which will be of benefit in the pursuit of their chosen fields. The Board realizes there is an overlap in the four professions that it regulates. Therefore, if in the professional opinion of an architect, engineer, land surveyor, or landscape architect he or she believes that his or her attendance at any of the courses MSPE presents would benefit them in their area of practice, those licensees then are encouraged to participate and claim the credit. If the licensee is audited, it will be up to the discretion of the Board to determine if the credit claimed is applicable.

**Report from Architectural Division**

Mr. Rearden reported that the NCARB Regional Summit is scheduled for March 11 and 12, 2016 in Savannah, Georgia, which all three division members would like to attend. Mr. Rearden asked Ms. Kempker to submit an Out-of-State Travel form for each of the three Architectural Division Members to attend this meeting.

**Report from Professional Engineering Division**

Mr. Skibiski reported that during the Professional Engineering Division meeting on Monday, November 9th, the Division Members discussed Professional Engineering licensure with an Engineering degree as opposed to an Engineering Technology degree. The Division Members decided that this matter needed to be considered further. Therefore, Mr. Lucas volunteered to look at the differences between Engineering degrees and Engineering Technology degrees and determine if Engineering Technology degrees are equivalent with Engineering degrees. Mr. Lucas will provide his findings during the January 2016 quarterly meeting of the Professional Engineering Division. Ms. Kempker then stated she could send an email via the NCEES ListServe to check with the other states’ Member Board Executives to find out if they are licensing applicants who have an Engineering Technology degree as Professional Engineers.

**Report from Professional Land Surveying Division**

Mr. Freeman reported the Professional Land Surveying Division Members discussed whether candidates can take the PLS exam prior to obtaining the four (4) years of satisfactory experience. The Professional Land Surveying Division Members determined that they agree with the Professional Engineering Division in that it is much better to have the four years of satisfactory experience before setting for the Professional Land Surveying examination and that this issue will be discussed in more detail later in the meeting.
Report from Professional Landscape Architectural Division

Mr. Shotts reported that during the Professional Landscape Architectural meeting on Monday, November 9th, a discussion was held regarding relicensure of a Professional Landscape Architect after the license had been expired for more than five years. After discussion, it was decided the current policy of only sending the relicensure applications of those expired more than 5 years to the Board Members is acceptable and therefore there is no need to change it.

Report on Actions Taken at the NCEES Annual Meeting in Williamsburg, Virginia on August 19, 20, 21 and 22, 2015

Messrs. Skibiski, Adewale and Freeman as well as the Board's Public Member, Ms. Sherry Cooper reported they attended the NCEES Annual meeting in Williamsburg, Virginia on August 19, 20, 21, and 22, 2015. Mr. Skibiski stated that he will be serving on the Education Committee and the Central Zone Nominating Committee and Mr. Adewale will be serving on the Committee on Uniform Procedures and Legislative Guidelines and will chair the Central Zone Site Selection Committee. Mr. Skibiski stated that he reported on the NCEES Annual meeting in the Board's most recent newsletter. However, he did state the Bachelor plus 30 hours (B+30) issue had been brought back before the Education Committee of NCEES for review and discussion. Ms. Cooper remarked on her attendance at the meeting. She stated that she enjoyed the experience for the most part, but was appalled by the speed in which delegates had to place their vote. She felt that 15 seconds was much too quick and that she was planning to contact NCEES to see if more time can be allowed for future votes.

Report on Actions Taken at the CLARB Annual Meeting in New Orleans, Louisiana on September 16, 17, 18 and 19, 2015

Board Chair Hartnett reported that he along with Messrs. Shotts and Fehr attended the CLARB Annual meeting which was held in New Orleans, Louisiana on September 16, 17, 18, and 19, 2015. Mr. Shotts reported that former Board Member Jerany Jackson had completed her year as President of CLARB and will serve one more year as Past President of CLARB.

Felony Disciplinary Hearing of Dennis R. Key

At approximately 9:00 a.m., the Board conducted a Disciplinary Hearing in the matter of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects vs. Dennis R. Key. Mr. Key did not appear nor did counsel for Mr. Key appear. Assistant Attorney General Edwin Frownfelter appeared for the Board. Board Chair 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. 2014-006805. When the hearing was concluded (at approximately 9:30 a.m.), Mr. Frownfelter was told that the Board would issue an Order soon after it has completed its deliberations. Mr. Frownfelter then departed the meeting.

**Motion to go into closed session**

At approximately 9:30 a.m., Board Chair 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 Section 610.021(1) and (14) and Sections 324.001.8 and 324.001.9, RSMo, for the purpose of deliberating and voting to render a final decision after the felony disciplinary hearing of Dennis R. Key. Ms. Cramm seconded the motion. A roll call vote was taken and it unanimously carried. Board Chair Hartnett asked that all visitors leave the room. There being none, Board Chair Hartnett declared the meeting closed to the general public.

**Return to in Open Session**

At approximately 9:35 a.m., the Board reconvened its open meeting for the purpose of continuing to discuss open agenda items.

Please note that at approximately 9:35 a.m., Mr. Frownfelter joined the meeting.

**Executive Director’s Report**

Ms. Kempker presented the most recent information regarding the Board’s Financial Report. She advised the Board that as of November 6, 2015, the financial balances were as follows:

Personal Service Balance was $290,363. Originated with $390,782.

E&E (Expense & Equipment) Balance was $248,056. Originated with $301,397.

The Board’s current Fund Balance is $3,445,168. Per Section 327.081, RSMo, in order to avoid a sweep of the Board’s fund, the balance needs to be kept under $3,794,340, or 3 times our appropriation (3 x $1,264,780).

The Board requested no changes in its FY 2015 appropriation which is determined by House Bill 7.
Ms. Kempker announced that most Board Members had met the newest staff member, Ms. Laura Stieferman. Laura started working for the Board on September 28, 2015 replacing Laurie Koelling. Laura has caught on quick and is doing a great job. Ms. Kempker stated that the staff is excited to have her join them.

The Board currently has a Professional Landscape Architectural Division Member position vacant and nine Board Members serving in expired terms. Those members are: Bob Shotts, JC Rearden, Mike Popp, Mike Freeman, Mike Flowers, Dan Govero, Kevin Skibiski, Abe Adewale and Kelley Cramm. Ms. Kempker stressed the importance of having another Professional Landscape Architect appointed especially since Mr. Fehr was sick during this meeting. The Professional Landscape Architectural Division either had to cancel their meeting or meet by conference call. Fortunately, the Professional Landscape Architectural Division was able to meet via conference call. Board Chair Hartnett stated that he has been staying in contact with AJ Fox. Mr. Fox advised Board Chair Hartnett there is a possibility that another Professional Landscape Architectural Division Member may be appointed by the Board’s January 2016 quarterly meeting. Board Chair Hartnett stated he contacted Mr. Fox again after learning that Mr. Fehr was not able to attend the Board’s November 2015 meeting due an illness and stressed to Mr. Fox the importance of having all members appointed.

Ms. Kempker announced that the Board’s newsletter went out during the week of November 2nd, as planned. Ms. Kempker stated that she again specifically announced the award of FREE CEUs/PDHs/PDUs in the subject line when sending the newsletter so people would not delete the email without even opening it since that seemed to work well last time. Ms. Kempker thanked everyone for timely submitting their articles. She stated that she plans to send the next newsletter out around the first part of May 2016; therefore she asked Board Members to submit their news articles to her on or before April 1, 2016.

Ms. Kempker advised the Board Members that Jim Anderson is on the Missouri Society of Professional Surveyors’ (MSPS’s) Legislative Committee and has been keeping her informed of the Committee’s direction with proposed changes to Chapter 327, RSMo. Others on that Committee with Mr. Anderson are Rich Barr and Jim Mathis (both former Board Members), and Representative Bart Korman. Mr. Anderson said what he thinks will happen is MSPS will introduce a bill similar to last year’s bill which will include the pursuit of amending Section 327.312(3), RSMo, to eliminate the 12 semester hour option and instead require 30 semester hours for enrollment as an Land Surveyor-in-Training (LSIT); however, he said they don’t expect the bill to get a hearing but want to at least keep the idea in front of the legislature. In addition to the change in education, Mr. Anderson said they are also considering changing the statute to allow PLS applicants the opportunity to take the exam prior to having four years of experience.
Should Chapter 327, RSMo, be opened up due to the filing of these proposed changes to amend the surveying sections of the law, Ms. Kempker encouraged the Board to think about deleting the requirement for reference letters. Ms. Kempker stated that given the move to a new licensing system which will enable individuals to submit their applications online, the question came up about the submittal of reference letters. Since applicants for licensure are now required to submit reference letters in a sealed envelope, this would be impossible for the applicant to submit electronically with his/her application. Ms. Kempker stated that she remembered Mr. Thompson always saying that the Board cannot deny a license based on a bad reference because that reference letter is merely the “opinion” given by one person. That made Ms. Kempker question why then require reference letters at all. Ms. Kempker stated she researched the statute and found that the LSIT and PLS sections of the law (Sections 327.313 and 327.321, RSMo) are the only two in the statutes that require the submission of reference letters. All professions ask for them via the application instructions but the land surveying profession is the only one in which the references are required by statute. With that being the case, and with the implementation of a new licensing system along with striving for consistency, if MSPS pursues other changes to the statute, it might be a good idea to have them include changes to Sections 327.313 and 327.321, RSMo, to delete the requirement of reference letters, should the Board desire to do so. The land surveying profession would then be consistent with the other three professions. Mr. Anderson suggested MSPS could do this via a Consent Bill. Upon discussion, Mr. Govero made a motion to eliminate reference letters for all four professions and then directed Ms. Kempker to correspond with Mr. Anderson for the purpose of asking MSPS to move forward with a Consent Bill to amend Sections 327.313 and 327.321, RSMo as follows:

327.313. Applications for enrollment as a land surveyor-in-training shall be typewritten on prescribed forms furnished to the applicant. The application shall contain applicant’s statements showing the applicant’s education, experience and such other pertinent information as the board may require[, including but not limited to three letters of reference, one of which shall be from a professional land surveyor who has personal knowledge of the applicant’s land surveying education or experience]. Each application shall contain a statement that it is made under oath or affirmation and that the representations are true and correct to the best knowledge and belief of the applicant, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

327.321. Applications for licensure as a professional land surveyor shall be typewritten on prescribed forms furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of prior land surveying examinations, if any, and such other pertinent information as the board may require[, including but not limited to three letters of reference from professional land surveyors with personal knowledge of the experience of the applicant's land surveying education or experience]. Each application shall contain a statement that it is made under oath or affirmation and
that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

The motion was seconded by Mr. Shotts and carried with Ms. Cooper voting against the motion. Next, Ms. Kempker provided the Board with the following updates to Board Rules.

**20 CSR 2030-2.040 – Evaluation Criteria for Building Design.** The Board initiated this rule change on June 10, 2015. It was formatted on June 11, 2015. The rule was sent to the Department of Insurance, Financial Institutions and Professional Registration (DIFP) for approval; DIFP approved the rule to be filed on September 25, 2015. The rule was filed with the Secretary of State (SOS), Joint Committee on Administrative Rules (JCAR), and Small Business Regulatory Fairness Board (SBRFB) on September 29, 2015. The rule appeared in the Missouri Register on November 2, 2015 and the end of comment period on December 2, 2015. The first day to file Final Order of Rulemaking with JCAR was December 3, 2015 and the last day to file Final Order of Rulemaking with JCAR is January 29, 2016. The 90 days will be up on March 1, 2016.

**20 CSR 2030-6.015 – Application, Renewal, Relicensure and Miscellaneous Fee (corporate renewal).** The Board initiated this rule on June 10, 2015. It was formatted on June 11, 2015 and it was sent to DIFP for approval.

**20 CSR 2030-15.020 – Easements and Property Descriptions.** The Board initiated this rule on February 9, 2015 and it was formatted on that same day. The rule was held pending legislation on March 27, 2015. On June 9, 2015, the Board again pursued the rule. On June 12, 2015, the rule was sent to DIFP for approval.

**20 CSR 2030-21.010 – Design of Fire Suppression Systems and 20 CSR 2030-21.020 – Engineer of Record and Specialty Engineers.** These rules were initiated by the Board on February 11, 2015 and were formatted on February 12, 2015. The Division of Professional Registration had a meeting with the Board’s Executive Director on March 27, 2015. On April 9, 2015, the rules were sent to DIFP for approval.

**20 CSR 2030-5.110 – Standards for Admission to Examination – Professional Land Surveyors.** The rule was initiated by the Board on December 24, 2013. On January 7, 2014, the Board’s Executive Director met with the Division and decided to hold it pending MSPS’ legislation. On July 7, 2014, the rule was sent to the Division’s attorney for review. On July 8, 2014, the rule was sent to DIFP for approval. On September 25, 2015, the rule was approved to be filed. On September 29, 2015, the rule was filed with SOS, JCAR, and SBRFB. The rule appeared in the Missouri Register on November 2, 2015 and the end of comment period was December 2, 2015. The first day to file the Final Order of Rule Making with JCAR was December 3, 2015 and the last day is January 29, 2016. The 90 days expire on March 1, 2016.
These rules were initiated by the Board on November 3, 2014 and were formatted on November 4, 2014. On December 15, 2014, the Board’s Executive Director met with the Division. On December 22, 2014, the rules were sent to DIFP for approval. The rules were approved on September 25, 2015 and were filed with SOS, JCAR and SBRFB on September 29, 2015. On November 2, 2015, the rules appeared in the Missouri Register. The end of the comment period was on December 2, 2015 and the first day to file the Final Order of Rulemaking with Nick.

The Board initiated these rules on November 3, 2014 and they were formatted on November 4, 2014. The Board’s Executive Director had a meeting with the Division on December 15, 2014. On December 22, 2014, the rules were sent to DIFP for approval. The rules were approved on September 25, 2015 and were filed with SOS, JCAR and SBRFB on September 29, 2015. On November 2, 2015, the rules appeared in the Missouri Register. The end of the comment period was on December 2, 2015 and the first day to file the Final Order of Rulemaking with
JCAR was December 3, 2015. The last day to file the Final Order with JCAR is January 29, 2016 and the 90 days are up on March 1, 2016.

20 CSR 2030-2.040 – Evaluation Criteria for Building Design; 20 CSR 2030-2.050 – Title Block; 20 CSR 2030-4.030 – Deferring Action on Applications; 20 CSR 2030-4.055 – Criteria to File Application under section 324.008.1., RSMo, for a Temporary Courtesy License; 20 CSR 2030-5.060 - Reexamination—Architects; 20 CSR 2030-5.110 – Standards for Admission to Examination—Professional Land Surveyors; 20 CSR 2030-5.120 – Scope of Examination—Land Surveyor-in-Training and Professional Land Surveyors; 20 CSR 2030-5.150 – Standards for Admission to Examination—Landscape Architects; and, 20 CSR 2030-6.010 – Fees Not Refundable. The Board initiated these rules on November 3, 2014 and they were formatted on November 4, 2014. The Board’s Executive Director met with the Division on December 15, 2014 and the Rules were sent to DIFP for approval on December 22, 2014. On September 25, 2015, DIFP approved the rules to be filed. The rules were filed with SOS on October 20, 2015. The rules were to appear in the Missouri Register on December 15, 2015, and in the Code of State Regulations on December 30, 2015. However, on October 2, 2015, the change request was withdrawn. The revised change request was filed and the rules are now scheduled to appear in the Code of State Regulations on December 30, 2015.

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; 20 CSR 2030-11.035 – Continuing Education for Professional Landscape Architects; 20 CSR 2030-13.010 – Immediate Personal Supervision. These rules were initiated by the Board and formatted on December 23, 2014. The Division met with the Board’s Executive Director on January 23, 2015, and Board Rule 20 CSR 2030-8.020, Professional Land Surveyor-Professional Development Units was added to the group. On March 2, 2015, these rules were sent to DIFP for approval. On June 25, 2015, revisions to Board Rules 20 CSR 2030-8.020 and 20 CSR 2030-11.015 were sent to Nick. On September 25, 2015, the DIFP approved Board Rule 20 CSR 2030-8.020.

20 CSR 2030-8.020 – Professional Land Surveyor –Professional Development Units. This rule was initiated by the Board on December 23, 2014 and was formatted the same day. On January 23, 2015, the Division met with the Board’s Executive Director. On March 2, 2015, the rule was sent to DIFP for approval. On June 25, 2015, Board Rule 20 CSR 2030-8.020 was sent to Nick with revisions. On September 25, 2015, the DIFP approved the rule. The rule was filed with SOS, JCAR and SBRFB on September 29, 2015. On November 2, 2015, the rule appeared in the Missouri Register. The end of comment period was December 2, 2015. The first day to file Final Order of Rulemaking with JCAR was December 3, 2015 and the last day to file the Final Order with JCAR is January 29, 2016. The 90 days are up on March 1, 2016.
The Board and the Department of Agriculture (MDA) initiated these rule changes on March 26, 2015. They were formatted on March 27, 2015. On April 17, 2015, the Division met with the Board’s Executive Director. On April 24, 2015, the Board’s Executive Director emailed the rule changes to Sharon at the MDA. On September 17, 2015, the rules were sent to DIFP for approval.

Next, Ms. Kempker stated that during preparation for this meeting, she had been notified by some of the Board Members they were having difficulties opening and/or downloading the information posted on the secure portal. Ms. Kempker stated she thought the reason was not due to anything Board Members did but
rather it was due to the volume of the information on the portal. Therefore, she suggested to the Board Members that they only “view” the information on the portal and make any notes that they may need but not download the information. Ms. Kempker reported that the staff brought flash drives to this meeting for everyone to use which contained ALL of the information. Also, the flash drives distributed at the meeting were set up so Board Members did not have to enter any passwords; thus, making mobility among the agenda items and complaint/disciplinary matters much easier. However, for purpose of security, the flash drives will all be collected by staff before any Board Member departs from the meeting. This process will continue for future Board Meetings.

Ms. Kempker reported to the Board that Ms. Prenger has now scanned the “complete” file for each and every complaint case and included the entire information on the portal instead of just the information received in the last three months. Ms. Kempker advised the Board Members that for their ease of maneuvering through the portal, Ms. Prenger has bookmarked the information received in the last three months as “8/4/15 to present” for them to click on when viewing cases that don’t necessarily require them to refer back to earlier information. The goal in doing this was for multiple reasons: 1) to provide Board Members with the luxury of having any and all information available to them when needed instead of waiting for staff to pack and haul the files to the Board Meeting and then pull the information from the file for Board Members’ viewing; 2) so that Mr. Frownfelter will immediately have all information needed for any case referred to the Attorney General’s office; and, 3) so that staff can eventually not have to pack and haul all of the complaint files to each Board Meeting; mainly for security reasons but also to save time and manual labor. Starting with the next meeting, since it is in Jefferson City and will be convenient if Board Members need something additional, staff will not bring complaint files to the meeting. However, Board Members will be asked via email if there are any specific complaint files they wish to view at future meetings in hard copy format. The staff will be happy to pack and bring those along to the meeting. Ms. Kempker stated that the Professional Land Surveying Division Members have advised her that they still want all the land surveying complaint files brought to future meetings, which she stated would be done.

Ms. Kempker advised that in June of this year, the Board’s computer licensing system, PROMO, was supposed to be upgraded to the new system called PRISM. At the last Board Meeting, Ms. Kempker reported that the new system will afford each licensee the ability to create and manage a personal online account with the Board. As with any new system, it will take a while to get all the “bugs” worked out but the end goal is to provide the Board’s licensees with easier access to their licensing information and more flexibility with managing that information. Unfortunately, the vendor fell behind schedule so the new projection date is December 1, 2015; which is in the midst of the Board’s renewal cycle and undoubtedly will affect online renewals to a certain extent. Ms. Kempker stated that she has been sending GovDelivery messages out routinely encouraging the
Board’s licensees to renew before the conversion. However, during last week’s PR Managers’ meeting, the Executive Directors were informed that the December 1st date may be pushed back since the vendor is not able to provide all functions necessary to satisfactorily meet the needs of all boards within PR. For every day beyond December 1st, the vendor is to be assessed a penalty of $1,000/day for each day the system is delayed. With this now being the case, Ms. Kempker stated she was afraid that the company will force whatever they have at that point on the Boards whether the system fully meets the needs of the Boards or not. Ms. Kempker advised that the PR Managers were all in agreement that we would rather do some negotiating on that penalty in exchange for the Boards obtaining a better system.

**Date and Location of November 2016 Board Meeting**

The Board Members discussed the date and location of the November 2016 Board Meeting. Upon discussion, the Board decided that the November meeting for 2016 will be held on November 14 and 15, 2016 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.

**Additional Agenda Items**

**Discuss email from Greg Hasty, PLS-2985, regarding planning and zoning regulation by government**

The Board Members discussed an email from Mr. Greg Hasty, PLS-2985, regarding planning and zoning regulation by government. Upon discussion, the Board Members directed Ms. Kempker to send an email response to Mr. Hasty (which will be drafted by the Professional Land Surveying Division Members) advising that unlike several licensing boards that have recently obtained authority to issue informal opinions, this Board does not have statutory authority to issue such “opinions.” Ms. Kempker is to direct Mr. Hasty’s attention to Chapter 327.272.1, RSMo, which defines Professional Land Surveying as “…the person…who renders or offers to render, or holds himself or herself out as willing or able to render, or perform any service or work, the adequate performance of which involves the special knowledge and application of the principles of land surveying, mathematics, the related physical and applied sciences, and the relevant requirements of law, all of which are acquired by education, training, experience and examination, that affect real property rights on, under or above the land and which service or work involves: (1) the determination, location, relocation, establishment, reestablishment, layout, or retracing of land boundaries and positions of the United States Public Land Survey System;” (Emphasis added).
Ms. Kempker is to further advise Mr. Hasty that unless the Planning and Zoning personnel are licensed as Professional Land Surveyors, or working under the direct personal supervision of a licensed Professional Land Surveyor, and if they determine the location of boundary lines, corner monuments and real property rights, their actions could be considered a violation of the above cited statute, by practicing professional land surveying without a license. If the boundary determination by unlicensed personnel is incorrect, his/her error could require zoning variances or removal or relocation of improvements and possibly subject them and/or the zoning authority to liability for damages. Ms. Kempker is to then advise Mr. Hasty that it is the practice in many jurisdictions to establish ordinances containing specific steps (i.e. obtaining a boundary survey, site plan and field staking by a licensed Professional Land Surveyor) before the issuance of use permits. Planning and Zoning personnel would only confirm that the applicant has met the zoning requirements and that the construction site is properly marked.

Discuss email from Jim Anderson, PLS-1726, wherein he advised that MSPS is proposing a possible statute change to Section 327.314, RSMo, which would allow a Land Surveyor-in-Training (LSIT) apply to sit for land surveyor exam before completing the four (4) years of experience under a Professional Land Surveyor (PLS). If the applicant passes the exam, he/she would have to complete four (4) years of experience, to the satisfaction of the Board, under a PLS to become licensed.

The Board discussed the email from Jim Anderson, PLS-1726, wherein he advised that the Missouri Society of Professional Surveyors (MSPS) is proposing a possible statute change to Section 327.314, RSMo, which would allow a Land Surveyor-in-Training (LSIT) to apply to sit for the land surveyor exam before completing the four (4) years of experience under a Professional Land Surveyor (PLS). If the applicant passes the exam, he/she would have to complete four (4) years of experience, to the satisfaction of the Board, under a PLS to become licensed. Upon discussion, the Board Members directed Ms. Kempker to send an email response to Mr. Anderson advising that the Board is supportive of the early taking of the LSIT (FS) exam but NOT of the PLS (PS) Exam.

Motion to go into closed session

At approximately 11:00 a.m., Board Chair 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. Freeman seconded the motion. A roll call vote was taken and it unanimously carried. Board Chair Hartnett asked that all visitors leave the room. There being none, Board Chair Hartnett declared the meeting closed to the general public.

Return to in Open Session

At approximately 5:05 p.m., the Board reconvened its open meeting for the purpose to adjourn.

Adjournment

A motion was made by Mr. Rearden to adjourn the meeting. Mr. Skibiski seconded the motion and it unanimously carried. The meeting adjourned at 5:05 p.m. on Tuesday, November 10, 2015.

ATTEST:

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Executive Director

Approved by the Board on: ___________