The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects was called to order at 4:00 p.m. on Monday, April 25, 2016 in the Augusta Room of the Embassy Suites St. Louis/St. Charles, Two Convention Center Plaza, St. Charles, 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

Robert N. Hartnett, Board Chair
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
Kelley 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
Noel Fehr, Member of the Professional Landscape Architectural Division
Sherry Cooper, Public Member

Others Present

Judy Kempker, Executive Director
Sandra Robinson, Licensing Technician Supervisor
Shantae Duren, 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.
Approval of Minutes

A motion was made by Ms. Cramm to approve the January 21, 2016 Open Electronic Seals Committee of the Board Conference Call minutes as submitted. The motion was seconded by Mr. Shotts and carried by the following committee members voting in favor of the motion: Kelley Cramm, Bob Shotts, Sherry Cooper, and JC Rearden. Mr. Skibiski made a motion to approve the January 25 and 26, 2016 Open Board Meeting minutes as submitted. The motion was seconded by Ms. John and carried with Ms. Cramm, Mr. Flowers and Ms. Cooper abstaining from voting since they were not present at that meeting. Mr. Skibiski made a motion to approve the March 2, 2016 Board Conference Call minutes as submitted. The motion was seconded by Ms. John and unanimously carried. Ms. Cramm made a motion to approve the March 17, 2016 Open Electronic Seals Committee of the Board Conference Call minutes as submitted. The motion was seconded by Mr. Shotts and carried by the following committee members voting in favor of the motion: Kelley Cramm, Bob Shotts, Sherry Cooper, and JC Rearden. Mr. Skibiski made a motion to approve the minutes for the April 11, 2016 Open Committee of the Chairs of the Board Conference Call as submitted. The motion was seconded by Mr. Shotts and carried by the following committee members voting in favor of the motion: JC Rearden, Kevin Skibiski, Mike Freeman and Bob Shotts.

Public Comment – Limited to 10 minutes

Since no one from the Public was present, no specific issue was discussed.

Update on the Board’s Strategic Plan

Chairman Hartnett called for the committee reports on the following Strategic Plan Key Objectives:

A. Key Objective 1, Create a position for public outreach/possible Assistant Director – Chairman Hartnett reported he had additional information regarding this matter which he will report on Tuesday, April 26th, when the Board discusses Closed Agenda Item #22, Discussion of Board personnel matters.

B. Key Objective 1, Open-houses concurrent with Board meetings to meet with professions/combine webcast – Mr. Shotts reported since it was too late to secure additional meeting rooms at this meeting, the Board will host “Open House” meetings with area licensees at the August 2016 quarterly meeting in Blue Springs, Missouri.

C. Key Objective 4, Create opportunities to speak at conference and other venues – Mr. Skibiski provided a draft
outline for Communication with Educational Institutions. Mr. Skibiski stated that the purpose of communication with Educational Institutions is to have an open dialogue with educational institutions of all levels in order to promote architecture, professional engineering, professional land surveying, and professional landscape architecture; and to demonstrate the importance of licensure in order to protect the health, safety, and welfare of the public.

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

Ms. Kempker stated she was happy to report that registration for the NCEES Central Zone meeting is complete with approximately 92 attendees registered. She also stated the Agenda for the NCEES Central Zone Meeting has been set. Ms. Kempker announced that Chairman Hartnett will make the welcome address and Mr. Adewale will provide the invocation on Friday and Chairman Hartnett’s wife, Gina, has graciously agreed to be the guide for the spouse/guest tours. Ms. Kempker stated that Kevin Skibiski and Mike Freeman will be the funded delegates for this meeting. The following Board Members and staff plan to attend the NCEES Central Zone Meeting: Chairman Hartnett, Kevin Skibiski, Abe Adewale, Craig Lucas, Mike Freeman, Dan Govero, Mike Flowers, Bob Shotts, Judy Kempker, Dawn Wilde, Sandy Robinson and Shantae Duren.

**Update from Architectural Division of the NCARB Regional Meeting held in Savanah, Georgia on March 11 and 12, 2016**

Ms. John reported that she along with Mr. Popp attended the 2016 NCARB Regional Meeting which was held in Savanah, Georgia on March 11 and 12, 2016. She reported that ten Resolutions, which will be voted on during the 2016 NCARB Annual Meeting, were discussed at great length. Ms. John also advised that there were 2 discussion panels with the following topics: 1) “Restraint of Trade and Regulation: Is Teeth Whitening in Our Future? Discussion regarding the North Carolina Dentist Ruling by the Supreme Court”; and, 2) “Minimizing Illegal and Negligent Practice through relationships with Code Officials. Discussion regarding developing professional relationships with design professionals and Code Officials.”

**Update from the Task Force regarding revisions to Board Rule 20 CSR 2030-3.060 – Licensee’s Seal as it relates to Digital Signatures**

Mr. Rearden gave a report from the Task Force regarding revisions to Board Rule 20 CSR 2030-3.060 – Licensee’s Seal as it relates to Digital Signatures. He stated that the subcommittee of the Board met via conference call on March 17,
2016 to discuss this issue. The following members of the subcommittee were also on the conference call along with Mr. Rearden: Kelley Cramm, Bob Shotts, Sherry Cooper, Judy Kempker, Dawn Wilde, and Curt Thompson. Mr. Rearden also advise that Jerald A. “Rusty” Saunders, PLA, Cody L. Dailey, P.E., S.E., and, Billy Kimmons, AIA also participated in the meeting. Mr. Rearden provided the Board with a handout of updates the Committee recommended to be made to the “Frequently Asked Questions” brochure regarding seals and signatures. Upon discussion, Mr. Rearden made a motion to allow handwritten scanned signatures to be used for the purpose of creating a PDF. only so that it is not easily manipulated or removed. The motion was seconded by Mr. Shotts and unanimously carried. The Board suggested that this information be discussed with licensees when the “Open House” meetings are held at the Board’s August 2016, November 2016, January 2017, and April 2017 quarterly meetings to obtain input from licensees. The Subcommittee of the Board will try to meet again via conference call sometime before June 1st to finalize language to be included in the Open House Invitations. The Board Members then directed Ms. Kempker to send out the agreed upon language via Gov Delivery. Also, the Board directed Ms. Kempker to place this matter on the Board’s August 2016 agenda for further discussion and to vote on a possible Board Rule regarding Licensee’s Seal as it relates to Digital Signatures.

Recess

At approximately 5:30 p.m., the Board recessed its open meeting until 8:00 a.m. on Tuesday, April 26, 2016.

Tuesday, April 26, 2016

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, April 26, 2016, in the Augusta Meeting Room at the Embassy Suites St. Louis/St. Charles, Two Convention Center Plaza, St. Charles, 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

Robert N. Hartnett, Board Chair
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
Craig M. Lucas, Member of the Professional Engineering Division
Report on study of the difference between Engineering Degrees and Engineering Technology Degrees

Mr. Lucas provided a report to the Board regarding his study of the differences between Engineering Degrees and Engineering Technology Degrees. He reported the major difference in the degrees is that the technology degree has user based knowledge and an engineering degree has theory and research based knowledge. Additionally, engineering degrees have a higher level of math and engineering science than technology degrees which tend to lean more toward applied sciences rather than engineering sciences. Mr. Lucas stated his research showed that the trend is moving toward licensure of individuals with an engineering technology degree. He stated that approximately 30 states currently accept an engineering technology degree for licensure. However, for individuals applying in those states based on their technology degree, they are required to have an additional 4-12 years of engineering experience. It was noted that this matter came before the Board at its January 2016 meeting via email from Mr. Kevin Shedrick wherein he asked if he could apply for licensure by comity in Missouri with his 1991 TAC/ABET accredited BS in Engineering Technology degree. Therefore, Mr. Skibiski made a motion directing Ms. Kempker to send an email response to Mr. Shedrick advising that Board Member Craig Lucas made a report to the Board at its April 25 and 26, 2016 meeting regarding the differences between an engineering degree and an engineering technology degree. Ms. Kempker is to advise Mr. Shedrick of Mr. Lucas’ findings as stated above. Ms. Kempker is to also advise Mr. Shedrick that
after Mr. Lucas gave his report, the Board felt more attention should be given to this topic. Therefore, the Professional Engineering Division Chair, Mr. Kevin Skibiski, agreed to have this topic placed on the agenda for discussion and consideration at the next Design Alliance Meeting which is a committee comprised of Board Members and professionals from the professional associations of Missouri Society of Professional Engineers (MSPE), American Council of Engineering Companies of Missouri (ACECMo), American Institute of Architects-Missouri (AIA-MO), Missouri Society of Professional Surveyors (MSPS), and Missouri Association of Landscape Architects (MALA). This committee works together when trying to get legislation passed to amend Chapter 327, RSMo, which is what would be required before the Board could accept technology degrees. The motion was seconded by Mr. Freeman and unanimously carried. Mr. Skibiski stated he would give the Design Alliance a heads up that this issue will be discussed at the next meeting.

**Update on the State’s Conceal and Carry Policy**

Ms. Wilde reported that she had discussed the Conceal and Carry policy with Ms. Sarah Ledgerwood, General Counsel for the Division of Professional Registration. Ms. Ledgerwood advised Ms. Wilde that if a state employee is conducting State Business they cannot carry a concealed weapon, especially in state office buildings and state vehicles. Mr. Thompson stated that he had concerns with some licensees as they can be belligerent and might try to do harm to Board Members and Board Staff. Upon discussion, the Board stated should a Board Member or Board Staff Member have concerns with regard to anyone meeting with the Board, that Board Member or Staff Member should notify Ms. Kempker, who will in turn notify the proper authorities in that jurisdiction to obtain security whether it would be from the hotel security or from the Missouri State Highway Patrol, which had been done in the past. The Board will continue to handle this matter on a case by case basis.

**Discussion of the difference between a “technology” drawing and an “engineering” drawing**

Since Ms. Cramm was not at the meeting, the Board directed Ms. Kempker to place this matter back on the Board’s August 2016 quarterly agenda for discussion.

**Review Expert Witness List and make revisions, if necessary**

The Board Members reviewed and discussed the Expert Witness List provided by Ms. Kempker. Mr. Freeman reported that the Professional Land Surveying Division Members directed Ms. Kempker, to leave the names of Bob Meyers and Ralph Riggs on the list, and add the names of Jim Mathis, Jim Anderson, Troy
Hays, and Mark Nolte but to remove all remaining names. In addition, it was decided that the Professional Land Surveying Division Members will contact the Missouri Society of Professional Surveyors (MSPS) and request they recommend two individuals from the seven regions of the state in which they select their officers for consideration to serve as an expert witness for the Board and ask them to submit these recommended names to the Board prior to the August 2016 quarterly Board meeting. Upon discussion, the remaining Division Chairs decided to also contact their professional societies asking them to make recommendations and submit names of individuals to serve as Expert Witnesses to the Board. These names are to be submitted prior to the Board’s August 2016 quarterly meeting.

**Update regarding review of the Board’s most current listing of “Acceptable Surveying Coursework” for purpose of making any revisions that may be necessary**

Mr. Freeman reported that the Professional Land Surveying Division voted to approve the “Acceptable Surveying Coursework” list as it was presented at the Professional Land Surveyor’s Division meeting on Monday, April 25, 2016. Ms. Kempker was directed to post the approved list to the Board’s website for reference by perspective Missouri Professional Land Surveyor applicants.

**Discussion regarding the wait period for applicants failing the Missouri State Specific Examination to retake the failed portion of the exam(s)**

Mr. Freeman reported that at their Division meeting on Monday, April 25, 2016, the Professional Land Surveying Division Members held a discussion regarding the waiting period for applicants failing the Missouri State Specific Examination to retake the failed portion of the examination(s). Upon discussion, Mr. Freeman made a motion to allow those candidates who fail one or both sections of the Missouri Specific examination the opportunity to apply to retake any future state exam without any waiting period. However, Ms. Kempker is to request Exam Consultant, Dr. Richard Elgin, to rearrange the questions on each of the state exams. Mr. Freeman also directed Ms. Kempker to advise Dr. Elgin that the Board voted to increase the time limit of Part I of the exam to one hour and fifteen minutes and the time limit of Part II of the exam to one hour and fifteen minutes. The motion was seconded by Mr. Adewale and it unanimously carried.

**Discussion regarding the renewal of Curt Thompson’s contract for general counsel services**

Chairman Hartnett advised the Board Members that this matter would be discussed later in the day in closed session when the Board discusses Closed
Agenda Item # 22. The outcome of that meeting will be announced later in the day when the Board comes back into open session.

**Discussion of potential budget item requests, if any**

Ms. Kempker asked the Board if they knew of any potential budget items which she needed to request for fiscal year 2018. Mr. Freeman asked Ms. Kempker if the Board had enough in its budget for Dr. Elgin to convene a test writing session for the Missouri State Specific examination. Ms. Kempker advised the Board that she will check with Dr. Elgin to determine if he will raise his fee for a test writing session. Ms. Kempker stated that another item that could be an expense for the Board is the reprinting of the updated tri-fold brochure entitled “State of Missouri Requirements Regarding the Use of Professional Seals and the Practice of Architecture, Professional Engineering, Professional Land Surveying, and Professional Landscape Architecture” with regard to Chapter 327. Since the Strategic Plan’s Education Committee and the Board’s Subcommittee regarding the updates to Board Rule 20 CSR 2030-3.060 – Licensee’s Seal as it relates to Digital Signatures have recommended updates, the cost of reprinting the brochure may be significant. Ms. Kempker asked that the Board Members provide her with any updates/markups to this brochure by the August 2016 meeting so she can determine what the cost might be and if it will significantly increase the Board’s printing budget. However, at this time, she did not feel it was necessary to seek an increase in the Board’s appropriation for these expenses.

**Report from Architectural Division**

Mr. Rearden reported that the Architectural Division discussed the NCARB annual meeting which will be held in Seattle, Washington on June 15, 16, 17, and 18, 2016. Mr. Rearden stated that he along with Mr. Popp and Ms. John were approved to attend this meeting. Ms. Kempker also advised that she along with Chairman Hartnett and Public Member Sherry Cooper were also approved and will be attending this meeting.

**Report from Professional Engineering Division**

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

**Report from Professional Land Surveying Division**

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

Mr. Shotts stated that, at this time, the Professional Landscape Architectural Division did not have anything to report.

Motion to go into closed session

At approximately 9:05 a.m., Chairman Hartnett called for a motion to close the meeting to the general public for the purpose 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. Lucas seconded the motion. A roll call vote was taken and unanimously. Chairman Hartnett asked that all visitors leave the room. After the departure of Mr. Frownfelter, Chairman Hartnett declared the meeting closed to the general public.

Return to Open Session

At approximately 9:12 a.m., the Board reconvened its open meeting for the purpose of continuing its discussion of the remaining open agenda items as well as to conduct the disciplinary hearing in the matter of the Board versus Metz Keim Skelton.

Please note that Mr. Frownfelter rejoined the meeting at approximately 9:15 a.m.

Executive Director's Report

Ms. Kempker announced that on May 2, 2016, Ms. Nichole Morris will join the Board’s staff as a Processing Tech II. Among her many duties, she will be responsible for processing Board Member per diems and expense accounts as well as out-of-state travel arrangements. She will also be accompanying the staff to future Board Meetings.
Ms. Kempker then presented the most recent information regarding the Board’s Financial Report. She advised the Board that as of April 22, 2016, the financial balances were as follows:

Personal Service Balance was $153,995. Originated with $390,782.

E&E (Expense & Equipment) Balance was $144,364. Originated with $301,397.

The Board’s current Fund Balance is $3,501,311. Per Section 327.081, in order to avoid a sweep of the Board’s fund, our balance needs to be kept under $3,794,340, or 3 times our appropriation (3 x $1,264,780).

Ms. Kempker announced that although the Board’s fund is slowly declining, it does not seem to be enough to lower its fund balance to the place it needs to be. Ms. Kempker advised that at the Board’s April 2015 meeting, she proposed and the Board approved another fee reduction to the corporate renewal fee from $100 to $50. This fee change will go into effect before the next renewal period and should result in a net decrease every two years of $53,655. Therefore, the Board’s fund balance will gradually go down but still remain healthy. With the lower corporate renewal fee it is projected that by FY2025 (9 years later), the Board’s fund balance will still be approximately $3,000,000.

Ms. Kempker advised the Board Members that no changes were requested in the FY2017 appropriation which is determined by House Bill 7. Ms. Kempker advised that HB 7 was perfected and is expected to pass. House Bill 7 information is as follows:

Section 7.475. To the Department of Insurance, Financial Institutions and Professional Registration:

- For the State Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects
  Personal Service. .................................................. $398,599
  (which is an increase of $9,911 from last year’s amount of $388,688 to cover the 2% cost of living raise that was recommended)
- Expense and Equipment. ......................... $301,397.67
  (no change in this amount from previous years)
- From State Board for Architects, Professional Engineers, Land Surveyors & Landscape Architects Fund (0678) (Not to exceed 10 FTE) .............................................................. $699,996
  (which is an increase of $9,911 from last year’s amount of $690,085 to cover the 2% cost of living raise that was recommended and put in our PS fund)

Next Ms. Kempker discussed Board Member terms and appointments. She reminded the Board that Mr. Eric Davis was recently appointed to the Professional Landscape Architectural Division but unfortunately was not confirmed on April 20th.
like she had hoped and therefore he was not able to participate in this Board Meeting. Ms. Kempker stated that she is now hoping he will be confirmed on April 27th. The Board currently has nine members serving in expired terms (Bob Shotts, JC Rearden, Mike Popp, Kevin Skibiski, Abe Adewale, Kelley Cramm, Mike Freeman, Mike Flowers, and Dan Govero). Ms. Kempker stated that Chairman Hartnett has been staying in contact with AJ Fox, Director of Appointments for Boards and Commissions for the Governor’s Office, and will now give you an update on anything further that he knows with regard to reappointments. Chairman Hartnett reported that he had expressed his concern about reappointments to Mr. Fox in that it would cause significant hardship to the Board and its staff should the 9 who are on expired terms would not be reappointed.

Ms. Kempker announced that the last newsletter went out in November and the next one is slated for going out around the first part of May. At this point, she thanked everyone for timely submitting their articles.

HB 1466, Burlison, Establishes guidelines for the regulation of occupations and professions not regulated by the Division of Professional Registration. – On April 18, 2016, a public hearing was held. Last Action on May 3, 2016, Executive Session Held, SCS voted do pass.

HB 1512, Ellington, Specifics that a person applying for state employment, public assistance, or state housing assistance cannot be required to disclose any prior nonviolent felony plea or conviction, except for felony pleas or convictions for sexual offenses. – Last Action on May 13, 2016, Referred: Civil and Criminal Proceedings(H).

HB 1640, Hicks, Modifies the Science, Technology, Engineering and Mathematics Fund. – Last Action on April 18, 2016, HCS Reported Do Pass(H) – Ayes: 8; Noes: 2; Present: 0.

HB 1687, Chipman, Creates the budget planning incentive fund in which revenues disbursed to state agencies that are subject to a reversion to the General Revenue fund may be diverted for bonus to state agency employees. – Last action on May 13, 2016, Referred: Government Efficiency(H).

HB 1688, Chipman, Creates provisions relating to the use of state owned and operated electronic mail systems by certain state employees. – Last action on January 14, 2016, Referred: Government Efficiency(H).
HB 1727, Kidd, Authorizes municipalities to use design-build on water and wastewater projects and prohibits the projects from being denied grants on design-based utilization. – Last action on May 13, 2016, Referred: Emerging Issues(H).

HB 1735, Davis, Establishes the Password Privacy Protection Act. – Last action on April 6, 2016, Second read and referred: Senate Education(S).


HB 1894, Korman, Modifies provisions relating to design-build contracts. – Last action on May 13, 2016, Referred Emerging Issues(H).

HB 1925, Rowden, Requires all departments and divisions of the state, including statewide offices, to post copies of contracts entered into for provision of legal services from outside firms on Missouri Accountability Portal. – Last action on February 1, 2016, Public Hearing Scheduled, Bill not Heard(H).

HB 1993, Cornejo, Modifies provisions relating to Missouri Sunshine Law. – Last action on April 21, 2016, Reported Do Pass with Amendments (H) – HCA 1 Ayes: 7 Noes: 1 Present: 0. Referred Select Committee on Judiciary(H).

HCS HB 2034, McGaugh, Specifies that attorneys and title insurers shall not be prohibited from preparing real estate drawings or legal descriptions. – HCS Voted Do Pass (H) on March 9, 2016. On March 15, 2016, HCS Reported DO Pass (H) – Ayes: 7 Noes: 0 Present 0.

HB 2039, Engler, This bill repeals specified obsolete, incorrect, overruled, and expired statutory provisions. – Last Action on February 3, 2016, Referred: Government Efficiency(H).

HB 2257, Jones, Modifies title insurance law with respect to the performance of escrow, settlement, or closing services by title insurers, agencies, and agents. – SCS Reported Do Pass (S) on April 21, 2016. Last action on April 26, 2016, Placed on Informal Calendar.
**HCS HB 2332, Corlew**, Changes provisions relating to judicial proceedings – Voted Do Pass and Truly Agreed To and Finally Passed on May 13, 2016. On May 26, 2016, delivered to Governor.

**HB 2461, Ross**, Removes the requirement that land surveyors submit letters of reference in order to be licensed. – Last action on April 19, 2016, Reported Do Pass (H) – Ayes: 9 Noes: 0 Present: 0.

**HB 2629, Korman**, Modifies provisions relating to the licensure of land surveyors. – Last action on May 13, 2016, Referred: Professional Registration and Licensing(H).

**SB 595, Kraus**, Modifies provisions of law relating to construction management. – Last action on February 9, 2016, Bill combined (w/SCS SBs 789 & 595).

**SB 704, Munzlinger**, 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. – Action on May 11, 2016, Reported Do Pass H Fiscal Review w/HCA 3. Last action on May 13, 2016, H Calendar Senate Bills for Third Reading w/ HCA 3.

**SB 737, Parsons**, Creates the Board of Administrative Appeals and provides that a person is entitled a hearing before the Board following a proceeding before a governmental agency. – Last action on January 11, 2016, Second Read and Referred S Financial and Governmental Organizations and Elections Committee.

**SB 789, Wasson**, Modifies provisions relating to construction contracts entered into by political subdivisions. – On April 11, 2016, Bill Placed on Informal Calendar. Last action on May 13, 2016, Informal Calendar S Bills for Perfection-SBs 789 & 595-Wasson, with SCS.

**SB 828, Sifton**, Provides that attorneys and title insurance companies are not precluded by land surveyor statutes from preparing property descriptions. (Proposes to revise Section 327.272, RSMo.) – Last action on January 12, 2016, Second Read and Referred S Small Business, Insurance and Industry Committee.

**SB 829, Wasson**, Establishes legislative procedures for regulating previously unregulated professions. – Last action on January 12, 2016, Second Read and Referred S Financial and Governmental Organizations and Elections Committee.
SB 831, Wasson, Provides acceptable ways a professional licensee may submit payment, application, requests for educational time extensions or notify his or her licensing board. – Last action on May 13, 2016, S Bills with H Amendments-SB 831 Wasson, with HCS, as amended.


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 Final Order of Rulemaking was filed with JCAR on December 3, 2015. The Final Order was filed with the Missouri Secretary of State on January 4, 2016. The Final Order was in the Missouri Register on February 1, 2016 and it will appear in the Code of State Regulations on February 29th. This rule went into effect on March 30, 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 on October 30, 2015. Approved for filing and filed with Secretary of State (SOS), Joint Committee on Administrative Rules (JCAR) and Small Business Regulatory Fairness Board (SBRFB) on February 29, 2016. To appear in Missouri Register on April 1, 2016. Comments to end on May 1, 2016. The Final Order filed with JCAR & SBRFB on May 2, 2016. The Final Order was filed with Secretary of State is June 1, 2016, it will appear in the Missouri Register on July 1, 2016, and, appear in the Code of State Regulations on July 31, 2016. The effective date is August 30, 2016.

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,
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 Final Order of Rulemaking was filed with JCAR was December 3, 2015. The 90 days expire on March 1, 2016. The Final Order was filed with the Missouri Secretary of State on January 4, 2016. The Final Order was in the Missouri Register on February 1, 2016 and will appear in the Code of State Regulations on February 29, 2016, and was effective on March 30, 2016.
approval. On September 15, 2015, a revision of 20 CSR 2030-3.060 was sent to Nick.

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 Final Order of Rulemaking was filed with JCAR was December 3, 2015. The Final Order was filed with the Missouri Secretary of State on January 4, 2016. The Final Order will be in the Missouri Register on February 1, 2016 and it will appear in the Code of State Regulations on February 29th. The effective date will be March 30, 2016.

20 CSR 2030-16.010 – Application of Standards; 20 CSR 2030-16.020 – Definitions (Rescission); 20 CSR 2030-16.030 – General Land Surveying Requirements (Rescission); 20 CSR 2030-16.040 – Accuracy Standards for Property Boundary Surveys (Rescission); 20 CSR 2030-16.050 – Use of Missouri Coordinate System, 1983 (Rescission); 20 CSR 2030-16.060 – Approved Monumentation (Rescission); 20 CSR 2030-16.070 – Detail Requirements for Resurveys (Rescission); 20 CSR 2030-16.080 – Detail Requirements for Original Surveys (Rescission); 20 CSR 2030-16.090 – Detail Requirements for Subdivision Surveys (Rescission); 20 CSR 2030-16.100 – Detail Requirements for Condominium Surveys (Rescission); 20 CSR 2030-16.110 – Location of Improvements and Easements (Rescission); 20 CSR 2030-16.020 – Definitions (Rule); 20 CSR 2030-16.030 – General Land Surveying Requirements (Rule); 20 CSR 2030-16.040 – Accuracy Standards for Property Boundary Surveys (Rule); 20 CSR 2030-16.050 – Use of Missouri Coordinate System, 1983 (Rule); 20 CSR 2030-16.060 – Approved Monumentation (Rule); 20 CSR 2030-16.110 – Location of Improvements and Easements (Rule); 20 CSR 2030-17.010 – Definitions; 20 CSR 2030-17.020 –

20 CSR 2030-5.160 – State Exam Covering Chapter 327, RSMo, the Board Rules and Ethics. The Board initiated this rule on October 6, 2015. The rule was formatted on October 7, 2015 and was sent to DIFP for approval on October 30, 2015.

Ms. Kempker announced that the Board and the Division are still using PROMO. It has not yet been upgraded to the new licensing system called PRISM. Apparently, there are many more areas of concern than what was initially thought, so until those concerns are addressed, we will continue to use PROMO.

Ms. Kempker reported that she continues to see a steady percentage of licensees taking the state specific exam covering Chapter 327, RSMo, the Board Rules, and ethics for Architects, Engineers, and Landscape Architects which went live during the first week of January. It is pleasing to know that almost everyone who takes the exam receives a score of 80% or higher on their first attempt; only very few received a score lower than 80%. Of those individuals who received a failing score, when they retake it, they eventually receive a passing score which Ms. Kempker thought was very promising. The requirement for all new licensees to take the exam prior to being issued a license will not go into effect until after the Proposed Rule requiring passage of the exam goes into effect. As reported earlier on the Rule Status Chart, this rule change is currently at the Department/Governor’s office pending approval.

Ms. Kempker announced that renewal notices were mailed out the first part of October to every licensee who was originally licensed in an odd year. Approximately 89% of the Board’s licensees had completed the renewal process and had been approved prior to December 31, 2015. Of those who had renewed, approximately 87% renewed online compared to 65% last year. On April 1, 2016,
the Board had 1,395 licenses expire for failure to renew. This is a substantial increase from 895 that expired last year. In fact, 895 is a pretty standard figure from year to year. In mid-April Board staff mailed expiration notices to people who failed to renew their license; some by choice, others just because they either ignored the renewal notices and reminders that were sent to them, or misplaced them, or never got them. The Board has received a good number of calls during the past week from individuals who got an expiration notice telling Board staff they never received any renewal notices and they are quite upset that they now have to pay a $200 relicensure fee versus the $35 renewal fee. The individuals over 75 are particularly upset because they could have renewed for free but are now having to get relicensed at a fee of $200. Most of the people calling in are those who had an INACTIVE status. Ms. Kempker stated she did some checking and was informed by IT, who pulls and prints the renewals, the Division’s Cash Receiving Room (CRR), who stuffs the renewals, and the Office of Administration (OA), who mails the renewals, that they were indeed printed and mailed to the “contact at” address for each licensee due to be renewed. However, since most complaint calls are coming from licensees with inactive status, Ms. Kempker asked the IT staff to run a count on the Board’s inactive individuals who received an expiration notice and it came up to about 500 which would explain the approximate increase of 500 more expiration notices this year from years past. In addition to sending the two paper notices/postcards to individuals who had not yet renewed (one to everyone in early October and a second one to those not yet renewed by mid-December) Ms. Kempker also sent a total of 6 emails from August, 2015 to March, 2016 reminding licensees of the need to renew. However, a lot of the callers said they either don’t have email or it must have gone to their SPAM. Ms. Kempker and staff have also been advising the callers that the Board cannot guarantee mail delivery of the renewal notice thus the reason for Board Rule 20 CSR 2030-11.010(5) which specifically states: “Failure to receive an application for renewal of a license or certificate of authority shall not relieve the licensee or certificate holder from their duty to timely renew, nor shall it relieve them from the obligation to pay an additional fee(s) necessitated by any late renewal.” In addition, Ms. Kempker and staff have encouraged them to make sure they have a good email address recorded with the Board Office so that they will receive multiple reminders to renew their license instead of just the two paper notices sent via US mail and we kindly reminded them to be mindful of the expiration date printed on their license and that a good way to always remember when their license is due to be renewed is if they were initially licensed in an even year they will ALWAYS be required to renew by December 31st of every even year and if they were initially licensed in an odd year they will ALWAYS be required to renew by December 31st of every odd year. Telling them all of this did little to calm them down. In fact, one gentleman (Mr. Jim Rochow) wrote a letter which was distributed for the Board to review. After the Board read Mr. Rochow’s letter, Ms. Kempker advised that, based on the number of calls and letters received, she took it one step further and asked for the mailing records from the Office of Administration (which is the entity ultimately responsible for the mailing) so that she could verify that the number of renewals/postcards that we ordered to be
printed and sent to them for mailing matched with the number of pieces that were actually mailed. After receiving the printing requisitions from the Office of Administration, Ms. Kempker noticed an inconsistency in numbers. The requisition dated 10/07/2015, shows that approximately 15,000 paper renewals and postcards were to be mailed for our Board. However, when she looked at the postage statement which was attached to the printing requisition, it indicated that only 14,199 pieces were mailed. Ms. Kempker realized this is an approximate number and that we need to allow margin for error so had it been fewer than 100 pieces she would not have been so alarmed. However, this documentation shows a difference of approximately 800 pieces, which in her opinion, was a large number and would support the hundreds of calls the Board office received from licensees saying they never received their first renewal notice. On the printing requisition dated 12/07/2015, Ms. Kempker noticed that it shows 5,843 “postcards” were mailed and the postage statement confirms that number. However, in addition to these postcards we ordered a “Second Notice” paper renewal be sent to all of our inactive licensees since they are not given the option of renewing online. Therefore, this printing requisition should have actually reflected 5,843 postcards and approximately 680 paper renewals. Unfortunately, it only showed the postcards; therefore, she is quite confident that the “Second Notice” paper renewals for our inactive licensees did not get sent over as we had requested. This would explain why many callers have said they never received either their first or second paper notice. Most have stated they could perhaps understand not having received one notice but were quite adamant that if two notices were sent they would have received at least one of them; especially, since their “contact at” address that we have recorded for them is correct. Therefore, Ms. Kempker suggested the Board do one of two options: 1) apologize again for any inconvenience but reiterate that renewal notices are sent as a courtesy and it is the licensee’s obligation to renew, therefore, in order to return their license to active or inactive status they will need to apply for relicensure; or, 2) advise them that upon checking mailing records and expiration notices of past years, we have noticed a substantial increase in expirations this year (mainly among those licensees with inactive status) which leads the Board to believe, even though Ms. Kempker was told the notices were mailed, that they may have gotten misplaced somewhere along the way and therefore the Board is making a one-time exception of allowing everyone who had an inactive status during 2014/2015 two weeks from the date of this notice to complete the attached renewal and submit it, along with the proper fee (either $35 or $0 if over 75), to the Board office for processing. For those individuals who had already paid the $200 relicensure fee, we could issue them a refund of the excess. A lot of the callers said they will just let their license expire before they pay the $200 relicensure fee and they hate doing that because they were proud of that license (which many had for almost 50 years) and wanted to keep it as long as they were alive. Upon discussion, Mr. Skibiski made a motion to make a one-time exemption of allowing everyone (not just those with inactive status) who has an expired status effective April 1, 2016, 30 days from the date of the memorandum to complete a renewal form (which will be attached to the letter) and submit it, along with the proper fee (either $35 or $0 if over 75), to the Board
office for processing. Ms. Kempker is also to include a stern reminder that it is the licensee’s responsibility to renew and that renewal notices are sent as a courtesy. So that the Board is not setting a precedent in allowing exemptions, Ms. Kempker is to specifically state in the memorandum that their licensing record will be flagged as having been granted a “ONE TIME” exemption and that no future exemptions or waivers will be considered. She is also to advise the affected licensees to be sure and check their SPAM filtering techniques to make sure emails from the Board office (which are sent via GovDelivery) do not end up in their junk mail. For those individuals who had already paid the $200 relicensure fee, the Board will issue a refund of the excess amount to them. Mr. Shotts seconded the motion and it unanimously carried.

At approximately 9:45 a.m., Mr. Metz Keim Skelton joined the meeting.

Ms. Kempker stated that since the Board eliminated the middle step of reinstatement due to the recent passage of SB 809, the cost now for an individual failing to meet the renewal deadline automatically jumps to the cost of relicensure which is higher than what the cost of reinstatement was. Ms. Kempker stated she ran some projections to see if the Board’s fund could support a reduction in the relicensure fee from $200 to $100 and found that it easily could. Based on past figures, it would only be a reduction of about $10,000. She then asked if the Board is interested in reducing its relicensure fee. Upon discussion, the Board felt the higher relicensure fee was adequate. The members felt that a reduction in this fee may result in more licensees becoming lax with the timely renewal of their license; therefore, it was unanimously decided not to reduce the relicensure fee.

Ms. Kempker stated that the Board’s plan was to schedule Open Houses of the four Divisions in conjunction with this meeting; however, since staff did not reserve the extra rooms when the contract was signed (because staff didn’t know at that time the Board wanted to host the Open Houses) the hotel only had one large room available for the Board to use which meant all four Divisions would be in the same room. Also, the hotel was going to charge the Board $825 to use the room for the one hour open house. Ms. Kempker stated she ran this information by Chairman Hartnett and Mr. Shotts (since he is the head person on the Open House Key Objective on the Strategic Plan), and they both said to postpone with scheduling any Open Houses until the August meeting. Therefore, Ms. Kempker stated that staff will work this into future contracts allowing space for having Open Houses at the Board’s upcoming meetings.

**Disciplinary Hearing of Metz Keim Skelton**

At approximately 10:00 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. Metz Keim Skelton. Mr. Skelton appeared without legal counsel. Assistant Attorney General Edwin
Frownfelter appeared for the Board. Chairman Hartnett stated for the record that the hearing had convened. The record was established by a certified court reporter and a copy made a part of the Board’s file in Case No. 2012-003192. When the hearing was concluded (at approximately 10:50 a.m.), Messrs. Skelton and Frownfelter were told that the Board would issue an Order soon after it has completed its deliberations.

**Motion to go back into Closed Session**

At approximately 10:50 a.m., Chairman Hartnett called for a motion to go back into closed session for the purpose of discussing the disciplinary hearing of Metz Keim Skelton. Mr. Govero made a motion to go back into closed session for the purpose of discussing the disciplinary hearing of Mr. Skelton. Mr. Adewale seconded the motion. A roll call vote was taken unanimously carried. Chairman Hartnett asked that all visitors leave the room. After the departure of Messrs. Skelton and Frownfelter, Chairman Hartnett declared the meeting closed to the general public.

**Return to in Open Session**

At approximately 10:58 p.m., the Board reconvened its open meeting for the purpose of discussing the remaining open agenda items.

**Ratification of decisions on licensure and enrollments made by the Architectural Division, Professional Engineering Division, Professional Land Surveying Division, Professional Landscape Architectural Division and/or Staff**

Ms. Kempker advised the Board Members that, in the past, the Board ratified the decisions on licensure and enrollments made by the Architectural, Professional Engineering, Professional Land Surveying and Professional Landscape Architectural Divisions of the Board and/or Staff, especially as it relates to all applications approved “in-house.” Mr. Thompson stated that the Board should resume ratification of licensures and such should be maintained in the Board’s records. The Board Members agreed and directed that Ms. Kempker place this matter on the Board’s Agenda at each quarterly meeting so that they can ratify the approvals of licensure and relicensure for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects as well as architectural, engineering, land surveying and landscape architectural corporations.

**Architects** – Mr. Rearden made a motion to ratify the corporate licenses for architectural corporations, reauthorizations for architectural corporations and the
licenses and relicensures of Architects for the period January 1, 2016 to March 31, 2016. The motion was seconded by Mr. Fehr and unanimously carried.

**Professional Engineers and Engineer Interns** – Mr. Skibiski made a motion to ratify the corporate licenses, reauthorizations for engineering corporations and the licenses and relicensures of Professional Engineers as well as enrollments as Engineer-Interns for the period January 1, 2016 to March 31, 2016. The motion was seconded by Mr. Popp and unanimously carried.

**Professional Land Surveyors and Land Surveyors-in-Training** – Mr. Freeman made a motion to ratify the corporate licenses, reauthorizations for land surveying corporations and the licenses and relicensures of Professional Land Surveyors as well as enrollments as Land Surveyors-in-Training for the period January 1, 2016 to March 31, 2016. The motion was seconded by Mr. Adewale and unanimously carried.

**Professional Landscape Architects** – Mr. Shotts made a motion to ratify the corporate licenses, reauthorizations for landscape architectural corporations and the licenses, relicensures, and denials of Professional Landscape Architects for the period January 1, 2016 to March 31, 2016. The motion was seconded by Mr. Govero and unanimously carried.

**Date and Location of April/May 2017 Board Meeting**

The Board Members set the April/May 2017 meeting for April 24 and 25, 2017 to be held in or near St. Louis, Missouri. 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.

**Discuss the Funded Delegates and First-Time Attendee Notification for the 2016 NCEES Annual Meeting scheduled for August 24-27, 2016 in Indianapolis, Indiana**

Ms. Kempker announced that Messrs. Adewale and Freeman will be attending the 2016 NCEES Annual Meeting as funded delegates. She also stated that Mr. Lucas will be attending fully funded because he can attend as the “First Time Attendee” and that she and the Board’s investigator will also plan to attend since a special session on Law Enforcement is being conducted.

Mr. Shotts then asked Ms. Kempker to proceed with receiving approval for him, Mr. Fehr and Ms. Kempker to attend the CLARB Annual Meeting which is scheduled for September 22, 23, 24 and 25, 2016 in Philadelphia, Pennsylvania. Chairman Hartnett stated he would not be attending this meeting.
Motion to go into closed session

At approximately 11:20 a.m., Chairman 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, discussing investigative reports, complaints, audits and/or other information pertaining to licensees or applicants; and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings. Mr. Govero made a motion that the meeting be closed to the general public pursuant to Sections 610.021(1), (3), (13), and (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 (13), RSMo, for the purpose of discussing individually identifiable personnel records, performance ratings or records pertaining to employees; and, 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. Chairman Hartnett asked that all visitors leave the room. There being none, Chairman Hartnett declared the meeting closed to the general public.

Return to Open Session

At 5:20 p.m., the Board reconvened its open meeting for the purpose of adjournment.

Discussion regarding the renewal of Curt Thompson’s contract for general counsel services

Upon returning to Open Session, Chairman Hartnett announced that a motion was made by Ms. John to leave Mr. Thompson’s hourly salary at $125/hour. The motion was seconded by Mr. Popp. A roll call vote was taken and unanimously carried. When making this decision the Board took into account the salaries of all other contract legal counsels utilized by boards within the Division of Professional Registration whose salaries ranged from $45/hour to $125/hour for General Counsel duties and $100/hour to $140/hour for litigation. The Board did not think paying more per hour for General Counsel duties than what all other boards pay for Litigation duties was justified at this time. It also took into account its spending authority for future services that will be paid out of the Board’s Expense and Equipment (E&E) Fund. Due to expected increases in E&E expenses in upcoming Fiscal Years, the Board felt if it increased Mr. Thompson’s salary it may run its E&E fund balance too low which was the primary reason for denying the increase.
Adjournment

Mr. Govero made a motion to adjourn the meeting. The motion was seconded by Mr. Adewale and unanimously carried. The meeting adjourned at 5:25 p.m. on Tuesday, April 26, 2016.

ATTEST:

_______________________________________
Executive Director

Approved by the Board on: ________________