The Architectural Division of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects was called to order by Chairman JC Rearden at 8:00 a.m. on Monday, August 8, 2016. A quorum being present, Chairman Rearden declared the meeting open for business.

Members Present
James C. “JC” Rearden, Chairman of the Division
Michael Popp, Member of the Division
Martha John, Member of the Division

Others Present
Eric Davis, PLA Division Member
Shantae Duren, Board Staff

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

Approval of Minutes

Martha John made a motion to approve the minutes of the April 25, 2016 Architectural Division Open Meeting. The motion was seconded by Michael Popp and unanimously carried.

Discuss status of, or potential changes to, the Board Rules and/or Chapter 327, RSMo, regarding the Architectural profession

Division members discussed potential changes to the Board Rules and/or Chapter 327, RSMo. The Architectural Division Members decided to present their support of potential amendments to Chapter 327, RSMo, to change reference to the Intern Development Program (IDP) in Section 327.131, RSMo, to instead reflect Architectural Experience
Program (AXP) and to amend section 327.106, RSMo, to reference the adoption of a new Mutual Recognition Arrangement for licensure in Australia and New Zealand, and reciprocity for those foreign licensees in the United States. Mr. Rearden noted that the Board should still require the licensees from these countries to have comity through NCARB.

During the discussion regarding potential changes to Chapter 327, RSMo, regarding the Architectural profession JC Rearden expressed that if Chapter 327, RSMo, is being opened he would like for the Architects to have “construction observation and the inspection of construction for the purpose of compliance with drawings and specifications” to be added to the Architectural definition. The remainder of the Division felt the same as Mr. Rearden and it was decided to propose the change to the Full Board.

Mr. Rearden brought up that NCARB is in the process of changing the age for emeritus status of licensure from 75 to 65. After discussion of the change the Division decided to recommend to the Full Board that it change its statutes to be consistent with NCARB and allow a licensee to be eligible for an emeritus status of licensure at the age of 65.

Mr. Rearden gave a report on the Signing and Sealing Committee Meeting. He stated he would provide a full report during the Board’s Open Meeting later in the day.

**Review and discussion of Open Items on the full Board’s August 8 and 9, 2016 agenda**

Division members reviewed and discussed Item #9, Discussion of Letter of Undertaking in respect of the Mutual Recognition Agreement between NCARB, the Architects Accreditation Council of Australia and the New Zealand Registration. The Division Members decided to present the support for signing the letter of undertaking to the Full Board and to ask the Board’s opinion on who should be the one to sign the Letter.

Division members reviewed and discussed Item #5, tab C, Key Objective 1, Expand FAQ to municipalities and school boards and other organizations. Mr. Rearden reported that Mr. Craig Lucas, Engineering Division Member, and he are prepared to present their suggestions, based on their research, to the Board on how they believe the Board can grab the attention of the schools. Ms. John reported that she has nothing to report regarding tab A, of Item #5, Key Objective 1, Improving/ updating website/making it user-friendly.

Division members reviewed and discussed Item #7, tab B, NCARB Annual meeting held on June 15, 16, 17 & 18, 2016 in Seattle, Washington. Mr. Rearden reported that they received a letter of response from NCARBs president stating they will pay closer attention to the legislation they write. The letter was in response to the Western
District wanting all states to vote on important issues and not just executive counsel.

Curtis Thompson, Board Legal Counsel, entered the room.

Division members reviewed and discussed Item #13, Consideration of possible revisions to Board Rule 20 CSR 2030-10.010(2), in regards to tightening the definition of a managing agent. Mr. Thompson reported to the Division that Assistant Attorney General Edwin Frownfelter brought it to Ms. Kempker and his attention the possibility for misinterpretation with the way the rule is currently written. Mr. Frownfelter had pointed out that the way the rule is currently written, it could give the impression that a managing agent only has to be a full time employee, or officer for any corporation, and that the Board should consider clarifying this rule to make sure licensees know the managing agent must be a full time employee or officer of the corporation they are agreeing to be the managing agent for. The division members reported that they are all in favor of tightening the meaning and definition of a managing agent.

Division members reviewed and discussed Item #15, as it regards to Board Rule 20 CSR 2030-3.060 and a Licensee’s seal as it relates to Digital Signatures and the discussion of revisions to the brochure entitled “State of Missouri Requirements Regarding Use of Professional Seals and the Practice of Architecture, Professional Engineering, Professional Land Surveying, and Professional Landscape Architecture”. Mr. Rearden discussed the possible issues that he is still finding in the language of the rules. Mr. Rearden also discussed the issues with transferring drawings that are unfinished and stated that AIA seems to think it is perfectly fine to transfer unfinished pdfs for bids, code authorities, etc. Mr. Popp also added that KCMO encourages the submission of pdfs for projects with them. Mr. Rearden advised that he plans to bring it to a vote during the Full Board meeting on whether or not to allow the transfer of these documents.

Division members reviewed and discussed Item #17, Review Expert Witness List and make revisions, if necessary. The Division members discussed the expert witness list. Mr. Rearden suggested that the Board utilize former Board members as expert witnesses. Specifically Randy Miltenberger, Vicki Noteis, and Charles Hill were mentioned as individuals the members would like to have added to the Architectural Division expert witness list. Division members also expressed that they would like to remove Stuart Scroggs and Vernon Reed from the expert witness list. Mr. Rearden also stated that he would like to have the experts quizzed on statutes and rules before they are assigned as an expert on any complaints.

Division members reviewed and discussed Item #18, Discussion regarding the Board giving financial support (in the amount of $3,000) to Dick Elgin for a grant to write a book that covers riparian law in Missouri. The Division members decided to see how the rest of the Board felt and that if the majority of the Board members are in support of the grant then they as well will support the grant.
Division members reviewed and discussed Item #19, Discussion of email from Jason Carver inquiring if Chapter 327, RSMo, requires Electric Cooperatives who are operating in the state of Missouri to have a corporate certificate of authority. Mr. Thompson advised division members at this time that this item needed to be discussed during closed session at the full Board meeting. Please note that Mr. Thompson exited the room at this time.

Division members reviewed and discussed Item #28, Selection of Date and Location of August 2017 Board Meeting. Ms. John advised that she plans to suggest to the Full Board that they set next year’s meeting for July 24-25, 2017.

Division members reviewed and discussed Item #32, Open houses that were set for the following morning. The Division members decided to give an update on what is going on currently with the Board and to allow time for licensees to ask questions.

Motion to Close Meeting pursuant to Sections 610.021(1) and (14) and 620.010.14(7) RSMo

At 9:05 a.m., Chairman JC Rearden 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. Martha John made a motion that the meeting be closed to the general public pursuant to Chapter 610.02(1) subsection (14), 324.001.8, RSMo, for the purpose of discussing investigative reports, complaints, audits and/or other information pertaining to licensees or applicants; Chapter 610.021 subsection (1) RSMo, for the purpose of discussing general legal action, causes of action or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under Chapter 610.021 RSMo, which authorizes this agency to go into closed session during those meetings. The motion was seconded by Michael Popp. A roll call vote was taken and unanimously carried. Mr. Rearden asked for any visitors to leave the room. There being none, Mr. Rearden declared the meeting was closed to the general public.

Reconvene in Open Session

At approximately 10:58 a.m., Michael Popp made a motion to go back into open session. Motion was seconded by Martha John and unanimously carried.
Adjournment

There being no further business, on motion of Michael Popp, seconded by Martha John, and unanimously carried, the meeting adjourned at 10:58 a.m.

ATTEST:

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Executive Director

Date Approved: ___________________