OPEN MINUTES
Committee of the Chairs within the
Missouri Board for Architects, Professional Engineers,
Professional Land Surveyors
and Professional Landscape Architects

April 6, 2017

A Committee of the Chairs within the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects met via telephone conference call and was called to order by Chairman Robert N. Hartnett at 9:00 a.m. on Wednesday, April 6, 2017. A quorum was present. Chairman Hartnett then declared the conference call meeting open for business.

Members Present

Robert N. Hartnett, Board Chair
James C. “JC” Rearden, Chair of the Architectural Division and Member of the Committee
Kevin C. Skibiski, Chair of the Professional Engineering Division and Member of the Committee
Michael C. Freeman, Chair of the Professional Land Surveying Division and Member of the Committee
Robert S. Shotts, Chair of the Professional Landscape Architectural Division and Member of the Committee

Others Present

Judy Kempker, Executive Director
Sandra Robinson, Processing Technician Supervisor
Curtis Thompson, General Counsel
Edwin Frownfelter, Litigation Counsel

Review of the Board’s April 24 and 25, 2017 Open Session Agenda

The Board Chair and Division Chairs reviewed and discussed the Board’s April 24 and 25, 2017 Open Agenda. As to Board Open Agenda Item #5, In compliance with Executive Order 17-03, the Board will hold a public hearing at 3:15 p.m. on Monday, April 24, 2017 to receive comments from the public regarding a list of proposed rules and/or amendments – The Chairs discussed a time limit on any comments on each of the proposed rule changes and/or amendments. The Chairs decided to limit public comments to 3 minutes per person.
Item #6, **Update on the Board’s Strategic Plan** – Chairman Harrett directed Ms. Kempker to send an email reminder to each person listed asking them to be prepared to provide a report to the Board at its meeting on Monday, April 24th.

Item #8, **Discussion of the difference between a “technology” drawing and an “engineering” drawing** – Chairman Hartnett asked if this item should be removed from the Board’s April 2017 agenda and placed back on the Board’s August 2017 agenda since Ms. Cramm will not be able to attend the Board’s April 2017 meeting. Upon discussion, Ms. Kempker was directed to send an email inquiry of Ms. Cramm asking if she would submit a report to be presented at the Board’s April 2017 meeting.

Item #14, **Discussion regarding the renewal of Curt Thompson’s contract for general counsel services** – Chairman Hartnett questioned whether this topic should be discussed in Open session. Upon discussion, Chairman Hartnett directed Ms. Kempker to place this agenda item on the Board’s Closed Agenda and remove it from the Board’s Open Agenda.

**Open Session Hot Topics**

Chairman Hartnett asked Ms. Kempker to provide the Division Chairs with an overview of her meeting with Senator Dan Brown. Ms. Kempker reported that on April 5, 2017, she met with Senator Brown along with the Executive Directors for the Boards for Pharmacy, Dental and Veterinary Medical, to discuss a proposal for these boards to voluntarily give money (via scholarships) to partially fund state university programs. Ms. Kempker stated that the Missouri Board of Registration for the Healing Arts is included in this group. However, the Executive Director for the Healing Arts Board was not present at this meeting. Senator Brown wanted to take 5 million from the Healing Arts Board; 2 million from the Pharmacy Board; 1 million from the Dental Board; 1 million from the APEPLSPLA Board; and, 75% of the Veterinary Medical Board’s fund, which is approximately $500,000. The 1 million from the APEPLSPLA Board was to go toward the curriculum of the Missouri University of Science and Technology program that is offered to students at Missouri State University in Springfield, Missouri. Ms. Kempker stated that Senator Brown also mentioned a program or project in Clay County, but she did not have the details on that program/project. Senator Brown plans for the boards to voluntarily transfer this money and receive credit for giving back to their professions instead of the money being swept into General Revenue and being used for Medicaid. He described such a transfer as a “friendly sweep.” Senator Brown stated he needs a total of 12 million dollars and was hoping to get the majority of that money from these boards. Senator Brown then said if the boards didn’t agree to his “friendly sweep,” he would get it swept into General Revenue. However, according to the Division of Professional Registrations’ Administration Office, all but two boards within the entire Division are below the amount available for sweep via statute; therefore, Senator Brown would only be able to sweep a very small amount from the two boards that are barely over their sweep limit. Currently, the statute requires any funds in excess of 3 times the
Board’s appropriation, be swept into General Revenue. Therefore, if Senator Brown wants to sweep any of the Board’s funds in General Revenue, he would have to amend the statute to lower the “3 times the appropriation” to “2 times the appropriation” which has been tried a number of times before and always failed once the professional associations were made aware of the situation. Also, if Senator Brown amends the language in the statute to lower the sweep language from 3 times to 2 times it will affect ALL Professional Registration Boards and not just the five listed above. Upon discussion, the Chairs pointed out the following concerns with this sweep:

- Once the money is given to schools for scholarship funding, will they start to expect money each and every year?
- The Board’s licensees pay a fee and not a tax. That fee, by statute, is to pay for the operation of the four professions of the Board; therefore, according to legal counsel, cannot be used to fund university programs.
- Objection was raised with regard to the money going to serve only one profession when the Board regulates and collects fees from four professions.
- The Board is already using its reserve to offset its reduced fees. If one million dollars is transferred now, a fee increase will be required much sooner than if the Board retains that million dollars. With the atmosphere of the current legislature to deregulate and reduce the obstacles and/or burdens placed on licensees, it could be perceived that if the Board took action which would require a fee increase of its licensees sooner rather than later that it is then placing an unnecessary financial burden on those licensees that could have been avoided or delayed for a much longer period of time.
- A disaster such as the Hyatt Regency walkway collapse was discussed. The Chairs felt that the Board needs to keep a comfortable reserve in its fund in the event it would ever experience a similar disaster in the future. At the time of the Hyatt collapse, the Board did not have a healthy reserve and therefore had to do an emergency rule to increase the fees paid by its licensees to cover the costs to litigate that case.
- The Board and its staff have been fiscally responsible which is why the APEPLSPLA Board has a healthy reserve and therefore should not be penalized for it.

Based on the concerns aforementioned, the Chairs were of the opinion that the APEPLSPLA Board would not support the voluntary transfer of one million dollars to a state university and would rather take the chances of any excess funds being swept into General Revenue since this can only be accomplished if the statute is changed which would affect all boards at the Division of Professional Registration. At this time, Chairman Hartnett directed the Division Chairs to contact their
associations to let them know that they should be on the lookout for an amendment to change the sweep authority. Ms. Kempker stated that she will provide the Board with updates as soon as she is made aware of any. Also, Chairman Hartnett directed Ms. Kempker to place this matter on the Board’s April 24 and 25, 2017 agenda for further discussion with the full Board.

Motion to Close

At 9:44 a.m., Chairman Hartnett called for a motion to close the meeting to the general public 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. Mr. Skibiski made a motion that the meeting be closed to the general public pursuant to the provisions of Sections 610.021(1) and (14), and 324.001.8, RSMo, for the purpose discussing general legal action, causes of action or litigation and any confidential or privileged communication between this agency and its attorney. The motion was seconded by Mr. Rearden. A roll call vote was taken and unanimously carried. Chairman Hartnett asked that all visitors disconnect from the call. There being none, Chairman Hartnett declared the conference call meeting closed to the general public.

Reconvene

At 10:01 a.m., the Members of the Committee reconvened its open session for the purpose of adjourning.

Adjournment

There being no further business, on motion of Mr. Rearden seconded by Mr. Freeman and unanimously carried, the meeting was adjourned at 10:01 a.m. on April 6, 2017.

ATTEST:

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Executive Director

Approved on: ______________________