OPEN MINUTES
Architectural Division of the
Missouri Board for Architects, Professional Engineers,
Professional Land Surveyors and Professional Landscape Architects

Monday, April 24, 2017, 8:00 A.M.

Windsor I Meeting Room
Embassy Suites by Hilton St. Louis/St. Charles
Two Convention Center Plaza
St. Charles, Missouri

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 April 24, 2017. 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
Curt Thompson, Board Counsel
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.

Open House with area licensees to discuss any items of common interest relative to licensure, enforcement, and regulation of architecture in the State of Missouri as set forth in Chapter 327, RSMo.

Nine area licensees; Robert Dethloff, James Pinter, Jacob Moss, Scott Fehl, Thomas Yanko, Joseph P. Pyatek, Marion T. Hall, Alan Mueller, and Laurent J. Torno Jr. joined the Division members to discuss items of common interest. Board Legal Counsel Curt Thompson spoke to the area licensees about the Board’s Title Block requirements. The Licensees were provided an example of a proper title block as well as a copy of the Boards rules on what information a title block is required to contain. Mr. Thompson stressed to the attendees how important a proper title block is and advised that the Board often sees complaints that were filed based on improper title block dictation.

At approximately 8:06 a.m. Curt Thompson exited the room.
Chairman JC Rearden allowed the licensees to ask the Division Members any questions they felt needed to be discussed. One of the area licensees inquired to if there is a definition of incidental practice written anywhere. Mr. Rearden advised the attendees that, yes, there is a definition of incidental practice that can be found in the Board’s Statute.

There being no further questions at the time the Division members moved forward with the discussion of the Board’s open agenda items.

Approval of Minutes

Michael Popp made a motion to approve the minutes of the January 22 and 23, 2017 Architectural Division Open Meeting. The motion was seconded by Martha John and unanimously carried.

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

Mr. Rearden advised the licensees of the changes that the Board has proposed to help bring Missouri’s signing and sealing requirements up to date with current technology, but advised that due to the freeze on rule changes by Governor Greitens, the progress is currently on hold. Mr. Rearden advised that the Board will continue to work to have the rule changed once the freeze has been lifted. Mr. Rearden advised the licensees that when signing and sealing they should be doing the following: signing and sealing in the traditional form; use a digitally secure seal on electronically transferred documents and auto-cad files; and, when using a pdf to make sure that their signature is legible.

Mr. Rearden also brought to the attendees’ attention the fact that individual Municipalities in the state have the authority to set stricter requirements of licensees when planning and building within their jurisdictions, but they cannot require less of the licensee’s than what has been laid out by the state in its rules and statutes.

Review and discussion of Open Items on the full Board's April 24 and 25, 2017 agenda

Division members reviewed and discussed Full Board Open Agenda Item #6, Tab A, Key Objective 1, Improving/updating website/making it user-friendly. Ms. John advised of the improvements that she and Executive Director Judy Kempker were currently working on to make the website more user friendly. Improvements are to include drop down menus as well as placing links to answers of frequently asked questions the Board staff receives phone calls on in more than one place on the website, so that they will be located easier by the licensees. This is in hope that licensees are able to quickly find the answers to any questions that they may have.
Division members reviewed and discussed Full Board Open Agenda Item #6, Tab C, Key Objective 3, More effective use/training of technology, establish technology subcommittee. Mr. Popp discussed how the Division of Professional Registration is working to improve the licensure system and how eventually parts of the system should be available to the licensees and the applicants.

Division members reviewed and discussed Full Board Open Agenda Item #7, Update from Architectural Division on the NCARB Regional Meeting held in Jersey City, New Jersey on March 9, 10 and 11, 2017. Mr. Popp reported that it is in his opinion that things at NCARB are beginning to settle down after the recent changes they have implemented in the effort to make the licensing process easier for new licensees. Mr. Rearden advised the licensees of the Board’s recent withdrawal of the letter of undertaking that they had signed for NCARB. Mr. Rearden explained to the licensees in attendance what the letter of undertaking is and that it would have forced the Board to automatically license applicants from New Zealand and Australia. Mr. Rearden explained that the Division did not realize when signing the letter that it would require them to automatically grant licensure to these individuals even if they do not meet Missouri licensure requirements. Mr. Rearden explained that the Board has since decided that they do not have the authority to enter into such an agreement because it would require a change in statute and therefore withdrew from the arrangement and rescinded its Letter of Undertaking dated August 9, 2016.

Division members discussed full Board Open Agenda Item #18, tab 2, Senator Brown’s proposal as it relates to the Board’s fund balance. Mr. Rearden advised the attendees that Senator Brown is currently trying to find a way to take one million dollars of the Board’s funds to give to Missouri S&T’s Springfield campus. Mr. Rearden explained the Board needs to keep the money in its reserve for emergencies such as the Hyatt collapse, as well as to keep licensees’ fees low. Mr. Rearden encouraged the licensees to contact their senators to voice concern for the potential sweep.

Please note that at approximately 8:35 a.m. Chairman Hartnett, Public Member Sherry Cooper, and Executive Director Judy Kempker entered the room.

Please note that at approximately 8:47 a.m. Board General Counsel Curt Thompson entered the room.

Additional Agenda Items

There being no additional agenda items, Chairman Rearden again opened the floor to the licensees to ask questions. One of the licensees in attendance explained that the State of Tennessee has recently imposed a tax on licensed professionals on top of their renewal fees and inquired if any of the Division members had heard talk of a similar tax being imposed on Missouri’s professional licensees. Mr. Rearden reported that to his knowledge there has been no talk in the State of Missouri of imposing such a tax.
A different licensee in attendance voiced his opinion that he believes NCARB’s recent change of no longer requiring a three year internship before an individual can be licensed is not right and that new licensees need the internship to truly understand how to build a building. The licensee expressed his concern that new licensees are not prepared for the work force under the current NCARB requirements. Mr. Rearden assured the licensee that the members of the Architectural Division share the same opinion in that they believe the 3 year internship requirement should not have been removed. Mr. Rearden advised the licensee that at the time NCARB was talking about the change the Division wrote a letter to NCARB opposing the change, to which they received a letter in reply stating that Missouri was in the minority with their opposition to the change and therefore with the majority of states agreeing with the proposed change, NCARB did away with the three year internship requirement. Ms. John advised that NCARB’s justification is that they are requiring more education out of new licensees than in the past.

Please note that at approximately 8:45 Chairman Hartnett and Ms. Kempker left the room.

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

At 8:50 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. At this time Robert Dethloff, James Pinter, Jacob Moss, Scott Fehl, Thomas Yanko, Joseph P. Pyatek, Marion T. Hall, Alan Mueller and Laurent J. Torno Jr. exited the room. Mr. Rearden then declared the meeting was closed to the general public.

Reconvene in Open Session

At approximately 2:30 p.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 2:30 p.m.

ATTEST:

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Executive Director

Date Approved: __________________