OPEN MINUTES
Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects

Conference Room F
DoubleTree by Hilton St. Louis-Chesterfield
16625 Swingley Ridge Road
Chesterfield, Missouri
April 23 and 24, 2018

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects was called to order at 1:10 p.m. on Monday, April 23, 2018 in the Conference Room F of the DoubleTree by Hilton St. Louis-Chesterfield, 16625 Swingley Ridge Road, Chesterfield, 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
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
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 T. Fehr, Member of the Professional Landscape Architectural Division
Eric D. Davis, Member of the Professional Landscape Architectural Division
Sherry L. Cooper, Public Member

Member Absent

Martha K. John, Member of the Architectural Division

Others Present

Judy Kempker, Executive Director
Sandra Robinson, Licensing Technician Supervisor
Chelsie Bartley, Board Staff
Dawn Wilde, Board Investigator
Curtis F. Thompson, General Counsel
Edwin R. Frownfelter, Litigation 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**

Mr. Flowers made a motion to approve the minutes for the January 24, 2018 Open Seals Brochure Committee of the Board Conference Call as submitted. The motion was seconded by Mr. Fehr and it unanimously carried.

A motion was made by Mr. Govero to approve the minutes for the January 29 and 30, 2018 Open Board Meeting as submitted. The motion was seconded by Mr. Skibiski and carried with Mr. Flowers abstaining from voting since he was not present at that meeting.

Mr. Skibiski made a motion to approve the minutes for the February 22, 2018 Open Committee of the Chairs and Public Member of the Board Conference Call as submitted. The motion was seconded by Mr. Shotts and it unanimously carried with Committee Members JC Rearden, Kevin Skibiski, Mike Freeman, Bob Shotts and Sherry Cooper all voting in favor of the motion.

A motion was made by Mr. Skibiski to approve the open minutes for the April 17, 2018 Open Committee of the Chairs and Public Member of the Board Conference call as submitted. The motion was seconded by Mr. Shotts and it unanimously carried with Committee Members JC Rearden, Kevin Skibiski, Mike Freeman, Bob Shotts, and Sherry Cooper all voting in favor of the motion.

**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**

A. **Key Objective 1, Improving/updating website/making it user-friendly** – Ms. Kempker provided the report since Martha John was not present at the meeting. Ms. Kempker stated that the Professional Registration’s IT Department is still working on a few suggested changes. However, currently the IT Department is working on a new licensure renewal system so that is taking precedence over any other requested
changes. The IT Department thinks it will be able to get back with the Board’s changes sometime after May 1st.

Update from Ad Hoc Committee Members Noel Fehr (Chair), Martha John, Mike Flowers, Mike Freeman, and Abe Adewale regarding the review and potential changes to the seals brochure

Mr. Fehr presented the most recent revisions prepared by the Seals Brochure Ad Hoc Committee. Mr. Fehr asked if anyone had any questions regarding these changes. Mr. Adewale had a question regarding item #7 on the list of revisions, "A. The practice of landscape architecture includes the production of site plans, landscape grading and landscape drainage plans, irrigation plans, planting plans, and construction details. (as defined in Section 327.600, RSMo.)" Mr. Adewale asked the difference between "landscape drainage plans" and "drainage plans". Mr. Fehr said that response came directly from Section 327.600(2). After much discussion, Mr. Flowers made a motion to approve the suggested revisions as submitted and move forward with updating the Seals Brochure. The motion was seconded by Mr. Fehr and it unanimously carried.

Update regarding contact with Dean Richard Wlezien encouraging him and other professors at Missouri University of Science and Technology to become licensed as well as general discussion pertaining to the licensing of University faculty

Mr. Skibiski reported that he had not been able to get in touch with Dean Wlezien. However, Mr. Skibiski did learn that Dean Wlezien’s primary interest is in research and bringing in money to Missouri University of Science and Technology to support that research. Mr. Skibiski reported that he had visited with Chancellor Chris Maples, Ph.D., and found that he is receptive to the idea of licensure. Mr. Skibiski stated that he plans to set up a meeting with Dr. Maples and Dr. Wlezien prior to the Board’s July 2018 meeting and remind them that unlicensed individuals cannot use PE behind their name in Missouri. In addition, Mr. Skibiski stated he plans to write a newsletter article regarding licensure of University faculty.

Ms. Kempker stated that Section 327.181, RSMo, includes teaching of advanced engineering subjects in its definition; none of the other professions do however it does count as Board experience for all professions in Section 327.031, RSMo, in order to become a Board Member. Ms. Kempker then wondered if the Board pushed for licensing of University Professional Engineering faculty, if it would peak interest of the Legislature and result in the definition being amended by the Legislature to take teaching of engineering out of its definition in Section 327.181, RSMo, since it is not in any of the other professions definitions. Ms. Kempker then advised that she researched this matter and found that some university faculty members in the state of
Missouri were licensed and some were not. At this point, Ms. Kempker provided the Board with a copy of a chart of her findings.

**Update regarding 2018 NCARB Resolutions for debate and voting at the Annual Business Meeting in June in Detroit, Michigan**

Mr. Rearden reported that he along with Ms. John, Mr. Popp, Ms. Cooper, and Ms. Kempker will be attending the 2018 NCARB annual meeting in Detroit, Michigan on June 27, 28, 29 and 30, 2018. Mr. Rearden stated there are 4 resolutions to be discussed at this meeting. They are as follows:

**Resolution 2018-A, NCARB Legislative Guideline and Model Law/Model Regulations Amendment – Health, Safety and Welfare (HSW) Category Realignment:** Mr. Rearden reported that as a member of the Education Committee, he along with the rest of the committee members have been working on tightening up HSW.

**Resolution 2018-B, Certification Guidelines Amendment – Revision to the EESA Requirement for the Education Alternative to Certification:** Mr. Rearden reported this is simple clean-up language.

**Resolution 2018-C, Amendment and Restatement of the NCARB Model Rules of Conduct:** Mr. Rearden stated this is another clean-up of language that is out-of-date. NCARB is trying to get supervisors to sign off on Architect Intern forms and to inquire what the Architect Interns have learned from their experience in working as an Architect Intern.

**Resolution 2018-D, Amendment and Restatement of the NCARB Bylaws:** Mr. Rearden advised the Board that this was an update of definitions and terms.

Mr. Rearden then stated that the Architectural Division of the Board will vote in favor of all of these Resolutions at the NCARB Annual Meeting.

**Discussion regarding invitation for Board to present a seminar at the Missouri Association of Building and Fire Officials (MABFO) 2018 Mega Conference on Friday, September 14, 2018 at Tan-Tar-A**

Mr. Rearden reported that Mike Popp and Kevin Skibiski will be attending this meeting and presenting information during a two-hour session. Mr. Rearden asked Ms. Kempker to update the Seals Brochure for Messrs. Popp and Skibiski to take to this meeting for distribution.

**Review and discussion of 2018 Legislative Bills of Interest**
Ms. Kempker gave an update on the status of the following bills of interest to the Board.

**HB 7, Fitzpatrick** – Appropriates money for the Department of Insurance, Financial Regulations and Professional Registration. Last action: January 3, 2018 – Message Received from the Governor, pursuant to Article IV, Section 27.

Ms. Kempker reported that HB 2007 is the Board’s Budget Bill. It was introduced proposing to increase our Personal Service fund from $398,599 to $404,449 but while in Committee it got amended to reflect $405,599 which is how it also appears in the Perfected version. This is $7,000 more than what was previously appropriated to our Personal Service fund. This amount will cover the proposed pay raise of $650/year to all employees who make less than $50,000/year. Our new Personal Service amount will be increased to $405,599; our Expense and Equipment amount will remain the same at $301,397 making our total appropriation $706,996. This bill also has traction and is moving.

**HB 1261, Schroer** – This bill requires all state and local licensing boards or entities to waive any fees charged to obtain or renew occupational licenses for military families, low-income individuals, and individuals between the ages of 18 and 25. Last action: May 3, 2018, Executive Session Held (S)

Ms. Kempker reported that HB 1261 is related to Professional Registration because it is for waivers of occupational fees for certain individuals:

- This bill requires all state and local licensing boards or entities to waive, for a two-year period, any fees charged to obtain or renew occupational licenses for military families and low-income individuals who request such a waiver.
- The bill prevents any political subdivision from imposing any licensing requirements for an occupation or profession already regulated by the state. The bill prevents state licensing authorities from hiring lobbyists. However, it does allow state employees to act as legislative liaisons.

The bill also requires all licensing authorities to publish a list of criminal offenses for which the authority would deny licensure. To be included, a criminal offense must directly relate to the duties and responsibilities of the licensed occupation or profession. This bill has traction and is one to keep watching. On 4/17/18 it was third read and passed (Vote: Y:87/N:43)
HB 1552, Neely – This bill specifies that military spouses will be given first priority during the processing of all applications for professional licenses. Last Action: March 29, 2018 – Executive Session Held (S) – Voted do pass. Ms. Kempker reported that this bill appears to no longer be moving and has been dropped from the House calendar.


HB 1587, Helms – This bill prevents any political subdivision from adopting any new occupational fees or licensing requirements. A political subdivision cannot collect more than $25 from one individual under any existing occupational fee requirement. The bill also prevents any political subdivision from imposing any licensing requirements for an occupation or profession already regulated by the state. Last Action: January 30, 2018 – Referred: Rules – Administrative Oversight (H) (was amended to HB 1261).

HB 1644, Sommer – To amend chapter 26, RSMo, by adding thereto one new section relating to state agency requirements. Last Action: March 6, 2018 – Referred: Rules – Legislative Oversight (H).

HB 1632, Bart Korman – This bill pertains to identifying authors of legal descriptions. It is still in committee and MSPS is having trouble getting it moving.

HB 1710, Grier – To amend chapter 324, RSMo, by adding thereto one new section relating to professional registration. Last Action: May 8, 2018, Placed on Informal Calendar.

Ms. Kempker reported on HB 1710, Reciprocity of Licenses, changes the law relating to recognizing licensees to practice occupations or professions issued by other states is also currently on the Senate Calendar for Perfection. This bill gives oversight to the various boards and commission including this Board. It requires all state boards, departments, or agencies that issue professional licenses to grant a Missouri license to an applicant who holds a current, valid license issued by another state, if that state's licensure requirements are substantially similar to those of Missouri; except if the applicant is currently under disciplinary action in the other state, or if the board, department, or agency determines that it would
endanger the public health, safety, or welfare. This bill has been Perfected with Amendments and is one to watch.

HB 1719, Grier – Specifies that an oversight body shall not deny a person eighteen years of age or older a license on the basis of age. Last Action: May 18, 2018, Truly Agreed To and Finally Passed.

Ms. Kempker reported that HB 1719 proposes to take out the “over the age of 21” requirement for licensure as a PE out of Section 327.221 and out of Section 327.312 for enrollment as an LSIT. However, it does not propose to take the age requirement out of Section 327.131 for Architects or out of Section 327.612 for Landscape Architects. Since there is no way someone can get licensed as a PE due to the degree and experience requirement, it won’t affect them. However, it may affect the LSIT applicants. This bill has been perfected and had a public hearing on April 17th.

HB 1729, Justus – Repeals provisions relating to prevailing wages on public works. Last Action: May 18, 2018, Truly Agreed To and Finally Passed.

HB 1769, Mathews – Pertaining to filing a false document is currently on the Senate Calendar for perfection. MSPS’ legal description language was taken off in committee but they are trying to get it put back on the Senate floor. Ms. Kempker stated that this Bill had been placed on informal calendar and therefore does not appear to be moving.

HB 1817, Mitten – This bill prohibits members and staff of public governmental bodies from downloading or using software designed to send encrypted messages by electronic means that automatically self-destruct on communication devices purchased with public money. The bill also requires members and staff of public governmental bodies to transmit messages relating to public business to proper custodian of records, and it prohibits the use of the aforementioned software by members and staff of public governmental bodies on their personal electronic devices to destroy messages relating to public business. Last Action: May 18, 2018, Referred: Elections and Elected Officials.

HB 1894, Cornejo – Prohibits state and political subdivisions licensing authorities from compensating lobbyists to lobby on
their behalf. Last Action: May 18, 2018, Referred: Elections and Elected Officials.

**HB 1928, Ross** – Changes the laws relating to professional registration. Last Action: April 17, 2018, Executive Session Held (S).

Ms. Kempker reported that HB 1928, Professional Registration: modifies provisions relating to previously unregulated professions. This bill states it will establish guidelines for the future regulation of occupations and professions within the State of Missouri. The bill specifies that the state may not impose a substantial burden on an individual's pursuit of his or her occupation or profession unless there is reasonable interest for the state to protect the general welfare. If an interest exists, the regulation adopted by the state must be the least restrictive type of occupational regulation consistent with the public interest to be protected. This bill states that all bills introduced in the General Assembly to regulate an occupation or profession should be reviewed according to specified criteria. This bill requires regulatory entities and the Department of Insurance, Financial Institutions and Professional Registration to report and submit certain information to the legislature when any bill is filed that proposes new or additional regulation of a profession or occupation. This bill has been Perfected, has movement and is one to watch.

**HB 2059, Ellebracht** – This bill amends the definition of public record to include social media pages so that the information contained in such pages is subject to sunshine law request. The bill also clarifies that electronic mail, text messaging, direct or private messaging through social media accounts or other application or platforms are messages transmitted by electronic means and under certain circumstances are public records and must be preserved for the purpose of sunshine law requests. Last Action: May 18, 2018 Referred: General Laws.

**HB 2107, Cornejo** – To repeal section 621.045, RSMo, and to enact in lieu thereof fourteen new sections relating to the registering of roofing contractors, with penalty provisions. Last Action: April 25, 2018 Public Hearing Completed (H).

**HB 2114, Korman** – To amend chapter 106, RSMo, by adding thereto one new section relating to employment of certain public officials. Last Action: May 18, 2018 Referred: Special Committee on Government Oversight.
HB 2160, Hurst – This bill specifies that the doctrine of adverse possession for acquiring land does not apply in the state. Last Action: May 18, 2018 Referred: Judiciary.

HB 2211, Kidd – Requires the Office of Administration to post all public meeting times for state boards, commissions, committees and councils on the accountability portal. Last Action: May 17, 2018 Dropped from Calendar – Pursuant to House Rules (H).

HB 2231, Ross – Removes the requirement that land surveyors submit letters of reference in order to be licensed. Last Action: April 25, 2018 Executive Session Held (S).

Ms. Kempker reported that HB 2231, Robert Ross’s bill, removes the requirement to submit three letters of reference. This bill is #3 on the House Perfection calendar. It would amend Section 327.313, RSMo, and Section 327.321, RSMo. Since this bill has been perfected, Ms. Kempker is hoping it is passed.


Ms. Kempker reported on HB 2398, another Professional Registration Bill, which would enact the Interstate Compact for the Temporary Licensure of Professionals. She stated no action has been taken since February 21, 2018; therefore it looks as if this Bill is not going anywhere.


Ms. Kempker reported that HB 2621 creates the State Agency Efficiency Fund. Ms. Kempker reported she has learned that this is not a sweep bill and does not include dedicated funds within boards and commissions. It is currently on the House calendar for perfection BUT it was amended to exempt all PR boards. The exemption reads: The fund only shall include moneys appropriated to a state agency from general revenue and shall not include other moneys collected by a state agency including, but not limited to, professional registration and licensing fees.

HB 2673, Mathews – Creates a statewide license for mechanical contractors. Last Action: May 8, 2018, Reported Do Pass (H).
HB 2692, Ellebracht – Closed Meetings: Modifies provision for closed meetings of governmental bodies. Ms. Kempker reported that this bill has had very little activity and is not moving.

HB 2708, Lavender – Changes the law regarding the balance of certain state funds by changing the amount of such funds that is required to revert to general revenue at the end of each biennium. Last Action: May 16, 2018 Reported Do Pass (H).

Ms. Kempker reported that HB 2708 contains Sweep Language. This bill is a sweep bill which changes the law regarding the balance of certain state funds by changing the amount of such funds that is required to revert to general revenue at the end of each biennium. Ms. Kempker reported there has been no movement on this bill.

Senate Joint Resolution (SJR) 33, Eigel – Prohibits implementation of any program providing a public benefit without an appropriation. Last Action: February 20, 2018 – Hearing Conducted S Ways and Means Committee.

SB 742, Chappelle-Nadal – Creates a process by which courts may issue a certificate of exemplary conduct and good moral character to certain offenders. Last Action: January 16, 2018 – Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee.

SB 790, Cierpiot – Creates provisions relating to the registering of roofing contractors. Last Action: May 18, 2018 – Formal Calendar S Bills for Perfections—SB790-Cierpiot, with SCS.


Ms. Kempker reported on SB 794 Gubernatorial Appointments: Modifies provisions relating to gubernatorial appointments. Ms. Kempker stated that this Bill has had no movement.

SB 835, Rowden – Establishes legislative procedures for regulating previously unregulated professions. Last Action: March 5, 2018 – SCS Voted Do Pass S Professional Registration Committee.

SB 843, Riddle – Modifies the composition, duties or repeals outright certain administrative boards, commissions, and
councils. Last Action: May 18, 2018 – Truly Agreed To and Finally Passed.

**SB 844, Riddle** – Transfers certain appointment powers to the Director of the Division of Professional Registration. Last Action: March 1, 2018 – Voted Do Pass S Professional Registration Committee.

**SB 862, Schatz** – Modifies provisions relating to electrical contractors. Last Action: May 2, 2018 – Truly Agreed To and Finally Passed.

**SB 988, Rowden** – Creates provisions relating to professional registration and licensing. Last Action: May 18, 2018 – Formal Calendar S Bills for Perfection – SB 9880 Rowden, with SCS.

Ms. Kempker reported on SB 988, Occupational Fee Waiver: Requires a waiver of occupational fees for certain individuals. Ms. Kempker advised that this bill is not moving but is a companion bill to HB 1261, which is moving.

**SB 1039, Hegeman** – Modifies the process for promulgation of an emergency rule by a state agency. Last Action: March 26, 2018 – Voted Do Pass S Professional Registration Committee.

**Discussion regarding the renewal of Curt Thompson’s contract for general counsel services and Edwin Frownfelter’s contract for litigation services**

The Board Members discussed the renewal of Curt Thompson’s contract for general counsel services and Edwin Frownfelter’s contract for litigation services. Both Messrs. Thompson and Frownfelter stated that nothing had changed in the contract from the previous year. Ms. Kempker stated she thought it was working out for the Board and herself to have both a General Counsel and a Litigation Counsel. Mr. Frownfelter stated that he was working about 890 hours per year for the Board which is right on track to be less than 1,000 hours. Mr. Frownfelter also stated that he still has contacts at the Attorney General’s Office which helps with communication between the Board and the Attorney General’s Office. Upon discussion, Mr. Shotts made a motion to approve Curt Thompson’s contract as written and authorize Ms. Kempker to sign the contract for Mr. Thompson’s general counsel services to the Board. The motion was seconded by Mr. Govero and unanimously carried. A motion was then made by Mr. Govero to approve Edwin Frownfelter’s contract as written and authorize Ms. Kempker to sign the contract for Mr. Frownfelter’s litigation counsel services to the Board. The motion was seconded by Mr. Shotts and unanimously carried.
**Discussion of potential budget item requests, if any**

Ms. Kempker stated that she did not have any suggested changes to the Board’s Budget. She then asked if the Board Members had any questions or comments regarding the Board’s Budget. Since no one had any questions or comments, no further action was necessary.

**Update from Architectural Division of the NCARB Regional Summit held in Wichita, Kansas on March 8, 9 and 10, 2018**

Mr. Popp advised the Board that he along with Ms. John and Ms. Kempker attended the NCARB Regional Summit in Wichita, Kansas on March 8, 9 and 10, 2018. He stated that there were no controversial items of discussion. Mr. Popp thought there was a good turnout and was in general, a good meeting.

**Report from Architectural Division**

Mr. Rearden reported that the NCARB Annual meeting will be held in Detroit, Michigan on June 27, 28, 29 and 30, 2018. He advised that Mike Popp, Martha John, Sherry Cooper and Judy Kempker will be attending that meeting.

Mr. Rearden reported that there were 11 area architects at the Architectural Division Open House earlier in the day. He reported there were several questions regarding digital seals. Mr. Rearden reported that he advised the attendees that a new Seals Brochure will be coming out soon and to continue checking the Board’s website for that information. In addition, Mr. Rearden advised that there were questions about a “Sweep Bill”. Mr. Rearden told the area licensees that the Board keeps a “watchful” eye on legislation of this nature.

**Report from Professional Engineering Division**

Mr. Skibiski reported that the Professional Engineering Division Open House was attended by 67 area licensees and the meeting rendered good discussion.

Mr. Skibiski then reported that all three Professional Engineering Division Members along with Professional Land Surveying Division Chair, Mike Freeman, and the Board’s Executive Director, Judy Kempker, will be attending the NCEES Central Zone meeting in Rapid City, South Dakota on May 2, 3, 4 and 5, 2018. Mr. Skibiski also advised the Board Members that Abe Adewale is running for Assistant Zone Vice President.
Report from Professional Land Surveying Division

Mr. Freeman reported that 4 area licensees attended their Professional Land Surveying Division Open House earlier in the day and they too had a very good discussion. Mr. Freeman said that most questions were regarding education requirements and the number of people applying for licensure as a Professional Land Surveyor.

Report from Professional Landscape Architectural Division

Mr. Shotts reported that they had 5 area licensees attend their Open House and they had a very good discussion about a variety of topics.

Mr. Shotts then reported that Mr. Davis asked the Professional Landscape Architectural Division Members if the Board had a safety plan for each Board meeting. He then turned the discussion over to Mr. Davis. Mr. Davis asked if the Board had a safety plan in place when and where the Board meets. Mr. Davis said his office had a safety plan in place and he has staff who knows Cardio Pulmonary Resuscitation (CPR). Mr. Davis asked if any of the Board Members or staff were certified for CPR. Mr. Davis said his office’s safety plan included such items as: 1) an evacuation plan in case of fire; 2) an evacuation plan or safety plan in case of tornado; 3) everyone knew the location of the Automated External Defibrillator (AED); 4) everyone knew the location of first aid kit; 5) everyone in his office knew where the land lines were located; and 6) everyone knows where the fire extinguishers are located. Mr. Davis asked if the hotels advised the Board’s staff of any of these items. After much discussion, Chairman Hartnett appointed Mr. Davis to chair an Ad Hoc Safety Committee and Messrs. Popp and Freeman and Ms. Wilde to serve as committee members. Mr. Davis then asked Ms. Kempker to set up a conference call prior to the Board’s July 30 and 31, 2018 meeting so a safety plan can be prepared prior to the July 2018 quarterly meeting.

Additional Agenda Item

Discussion regarding whether the continuing education units earned for attending the Division Open House meetings qualify for Health, Safety and Welfare or non-Health, Safety and Welfare credit

The Board discussed whether the continuing education units earned for attending the Division Open House meetings would qualify for Health, Safety and Welfare (HSW) or non-Health, Safety and Welfare credit. The Board agreed that sometimes topics discussed during these Open House meetings could be
considered HSW. However, since only the Architectural and Professional Landscape Architectural Divisions require HSW when obtaining Continuing Education Units (CEUs), the Board Members decided that only Continuing Education Certificates for the Architectural and Professional Landscape Architectural Divisions would qualify for HSW and would indicate such on those CEU Certificates.

**Executive Director’s Report**

Ms. Kempker presented the most recent information regarding the Board’s Financial Report. She advised the Board that as of April 16, 2018, the financial balances were as follows:

- Personal Service Balance was $163,287. Originated with $398,599.
- E&E (Expense & Equipment) Balance was $112,364. Originated with $301,397.

The Board’s current Fund Balance is $3,302,541. Per Section 327.081, in order to avoid a sweep of the Board’s fund, the balance needs to be kept under $3,839,859 or 3 times our appropriation (3 x $1,279,953). Since the Board just completed a renewal period, the fund is at its highest. From this point on, it will slowly dwindle down since the Board is using a portion of its reserves to operate. When the Legislature is in session, the fund balance paints an unrealistic picture, since it is always at its peak at this time of the year.

Based on current statute, the Board needs to keep its fund below $3,839,859 but if the statute is changed to two times its appropriation the Board will then need to keep its funds under $2,559,906. If this were to happen, based on the current fund balance, the Board would be (at the present time) over the sweep amount by $742,635.

Ms. Kempker announced that she requested no changes in the Board’s FY 2019 appropriation which is determined by House Bill (HB) 7.

Next, Ms. Kempker reported on Board Appointments. Mr. Fehr’s appointment just expired on April 16, 2018 so the Board currently has 11 of its 15 members serving in expired terms; and, one vacancy on the Professional Engineering Division due to Kelley Cramm’s resignation. The only members who are not serving on expired terms are Chairman Hartnett, Eric Davis and Sherry Cooper. Chairman Hartnett has been staying in contact with Drew Hogan, Deputy Director of Boards and Commissions. Chairman Hartnett reported it is possible that a new PE Division Member could be appointed to the Board soon. Mr. Skibiski mentioned that during the Open House earlier in the day, Kevin Griesemer talked with the PE Division Members about the time commitment of being a Board Member. Chairman Hartnett then stated that whenever a new Board Member is appointed he (as
Board Chair) will call that member to welcome him/her and also to remind him/her of the importance of doing a thorough review of the Friday packets and responding to Board matters in a timely manner; especially, with the review and approval of applications. He suggested the Division Chairs do the same to set the tone early on that a quick turn around on Board matters is extremely important and not to be taken lightly.

Ms. Kempker announced that the next newsletter is scheduled to go out around the first part of May and it appears to be right on target for meeting that date. Ms. Kempker stated that all articles were timely submitted and that she had received a “draft” of the newsletter from PR Administration on April 18th.

Next, Ms. Kempker provided a report on Board Rules. Ms. Kempker reminded the Board that it conducted two hearings on its rules in accordance with Executive Order 17-03 at its April and July/August 2017 meetings. Since then, Ms. Kempker has submitted the rules to PR Administration for promulgation including all changes dating back to 2014 to the present that the Board had previously voted on and approved but were never promulgated as well as the recent changes approved including those containing alternate words to be used in place of the word shall, etc. These proposed amendments/rules (51 in total) were submitted to PR Administration on October 27, 2017 along with the fiscal notes and small business statements for each proposed rule change. These proposed changes have also been updated on the Board’s web page for the public’s ongoing viewing and comment. Since the Board submitted 51 rule changes, instead of going through the status of each one, Ms. Kempker then passed out a status chart for the Board to review. Ms. Kempker mentioned four of the Proposed Amendments that have been submitted thus far were not approved by the Governor’s office because although the changes removed the words “shall” or “required,” they do not remove the actual restriction. Those Proposed Amendments are:

- **20 CSR 2030-1.010 (General Organization); paragraph (2)**
  The board *shall* meet at times necessary to adequately perform its statutory obligations.

- **20 CSR 2030-2.050 (Title Block); paragraph (1)**
  An architectural, engineering, land surveying, or landscape architectural entity shall incorporate a title block on all drawings, exhibits, plans, plats, maps, and surveys that are *required* to be signed and sealed by Chapter 327, RSMo, and these regulations.

- **20 CSR 2030-3.010 (Official Seal of Board); paragraph (1)**
  The official seal of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects *shall* consist of the Great Seal of the State of Missouri...; and,

- **20 CSR 2030-4.030 (Deferring Action on Applications);**
  The board, on its own motion, may continue or defer action on any...
pending application and nothing in these regulations [*shall be construed as limiting*] limits the authority of the board in such matters.

Upon return from the Governor’s office, the Division’s legal counsel looked at these four rules and pointed out to Ms. Kempker, that since there was only one restrictive word (shall or required) in each rule; she recommended the Board just let them go and not pursue these changes. Ms. Kempker stated that she told the Division’s legal counsel that would be acceptable.

Ms. Kempker announced that the Division’s IT staff is still working on the enhancements to PROMO. However,Ms. Kempker reported that she just learned in the last month or so, that the Office of Administration (OA) now wants the Division of Professional Registration to totally scrap PROMO and have them build a brand new system. After almost two years of face-to-face meetings advising what functions the PR boards want the enhanced system to be capable of and being told they can enhance PROMO to do any and everything the boards want, OA is now telling the Executive Directors that they need to build a new system. The Executive Directors inquired as to cost and projection date for completion of a newly built system but as of yet, OA has not provided that information. This has been an extremely frustrating experience and dates back to over 5 years ago when Professional Registration first started the process of initiating a new system. Professional Registration Administration is to have more meetings with the Executive Directors regarding this issue. Ms. Kempker stated she will keep the Board apprised of the situation. For now, the staff continues to use PROMO and IT is continuing to enhance PROMO.

Ms. Kempker advised the Board that the Division of Professional Registration has informed her the Board can purchase the program, “Board Papers” to use for the Board’s paperless Agendas instead of the portal and USB drives. However, in order for Board Papers to work each Board Member **must** have an Android laptop, a MAC, Surface Pro, iPad, or Windows 10. Even if all Board Members have one of these devices, a strong internet connection is required which is usually not guaranteed since this Board, unlike most boards, meet in a large banquet room at various hotels. Primarily because of that reason, Ms. Kempker chose to hold off on purchasing the program to see how it is working with other boards. Ms. Kempker then inquired of the Board Members if they had the required devices needed to run Board Papers. Since some Board Members had the required devices and some did not and also due to lack of a strong internet connection, it was decided not to utilize Board Papers at this time.

Ms. Kempker said she will continue scheduling Open House meetings for the Board and the area licensees until the Board directs her otherwise. She also stated that she will continue to schedule an Open House on the morning of the full Board Meeting for Building Code officials and Fire Protection District officials.
Ms. Kempker announced that she along with Board Members Mike Popp, Martha John and Sherry Cooper have been approved to attend the NCARB Annual Meeting in Detroit, Michigan on June 27, 28, 29 and 30, 2018. Since NCARB will fund all travel, no Board funds will be used for this meeting.

Ms. Kempker then announced that the NCEES Central Zone Meeting is coming up on May 3, 4 and 5, 2018 in Rapid City, South Dakota for which NCEES will fund three delegates. Mike Freeman, Kevin Skibiski, and Abe Adewale have been submitted as Missouri’s funded delegates. Board Member Craig Lucas will be attending this meeting as well as Ms. Kempker. Mr. Skibiski, Abe Adewale and Ms. Kempker are all serving on NCEES Committees. In follow up to the Board’s directive at the November meeting, Ms. Kempker announced that she has submitted Abe Adewale’s name to NCEES for nomination to the Assistant Vice President position of the Central Zone. Ms. Kempker stated that so far, Kevin Skibiski, Abe Adewale and Mike Freeman all want to attend the NCEES Annual Meeting on August 15, 16, 17 and 18, 2018 in Scottsdale, Arizona. Ms. Kempker stated that she has already submitted their names as the funded delegates. Ms. Kempker asked if anyone else plans to attend, to please let her know as soon as possible so she can submit his/her name as being funded at the expense of the Board. Ms. Kempker stated she would not be attending this meeting since her son is getting married in California at the same time.

Ms. Kempker stated that as directed by the Board at its November 2017 meeting, she sought permission from the Division and Department for attendance at CLARB’s Annual Meeting in Toronto, Ontario, Canada to be held on September 26, 27, 28 and 29, 2018. Permission was sought early since the CLARB Meeting is scheduled to be held in Canada. Ms. Kempker stated that she requested permission for all three Professional Landscape Architectural Members, Bob Hartnett, as Board Chair and past CLARB Regional Director, and herself to attend this meeting. Although not everyone got approved to attend; most did. The Department felt if Ms. Kempker as the Executive Director, Bob Hartnett as the Board Chair and two out of the three Professional Landscape Architectural members attend, that should be sufficient. Ms. Kempker stated that Mr. Davis graciously bowed out.

Ms. Kempker thanked everyone for timely filing their Personal Financial Disclosure Statements.

Ms. Kempker advised that renewals were mailed out the first part of October 2017 to every licensee who was originally licensed in an odd year. Approximately 91% of the Board’s licensees completed the renewal process and had been approved prior to December 31\textsuperscript{st}. Of those who had renewed, approximately 85% renewed online. Effective March 31\textsuperscript{st}, the Board had 834 individual licenses expire and 165 corporations expire due to failure to renew. Therefore, their licenses officially expired on December 31, 2017. In an effort to be proactive, Ms. Kempker sent a number of reminders via GovDelivery which helped and was very much
appreciated by those licensees. Before sending the last reminder, the Board had approximately 1,200 that had not yet renewed and after sending the reminder, it brought that number down to 834. A breakdown by profession of expired licenses is as follows:

Professional Engineers – 609
Architects – 188
Professional Land Surveyors – 19
Professional Landscape Architects – 18

Engineering Corporations – 98
Architect Corporations – 52
Land Surveying Corporations – 10
Landscape Architect Corporations – 5

Ms. Kempker announced that Board Staff Member Nichole Morris had advised her earlier this week that she decided to withdraw from her classes that she had been signed up to take to work toward obtaining her bachelor’s degree. Therefore, she is no longer seeking reimbursement from the Board.

Ms. Kempker reported that Nancy Plaster will be retiring on May 1st after 37 years of service to the Board. Nancy has been an outstanding employee who always went above and beyond. Her work ethic, quantity and quality of work, and historical knowledge are extremely beneficial to the Board. Therefore, Ms. Kempker held a discussion with Chairman Hartnett and it was decided to retain her as a 1,000 hour employee. Due to Nancy’s retirement, Ms. Kempker was able to promote Karen Payne to the Processing Tech III position (which she is very deserving of); Ms. Kempker then was able to make a lateral move of Shyra Rutherford (at her request) from the front desk position to the position of processing Professional Engineering applications. Ms. Kempker then stated she has now hired a new person, Vanessa Shanks, for the front desk duties. Vanessa is scheduled to start on May 1st. Jan Gilliam who is currently a 1,000 hour employee, will be leaving either sometime this Summer or Fall. Nancy will pick up doing any tasks that Jan left unfinished, she will assist Judy with any special assignments, serve as a floater in the office and (due to the high volume of engineering applications) she will work with Shyra in getting them timely processed.

Ms. Kempker asked the Board Members if they had any questions or comments regarding her report. There being none, Chairman Hartnett thanked her for providing the Board with an extensive report.
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

- **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, 2018 to March 31, 2018. The motion was seconded by Mr. Popp 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 for the January 1, 2018 to March 31, 2018. The motion was seconded by Mr. Adewale and unanimously carried. (Note: There were no Engineer Interns enrollments ratified at this meeting.)

- **Professional Land Surveyors and Land Surveyors-in-Training** – Mr. Freeman made a motion to ratify the corporate licenses, the licenses of Professional Land Surveyors and the enrollments for Land Surveyors-in-Training for the period January 1, 2018 to March 31, 2018. The motion was seconded by Mr. Govero and unanimously carried.

- **Professional Landscape Architects** – Mr. Shotts made a motion to ratify the corporate licenses and licenses of Professional Landscape Architects for the period January 1, 2018 to March 31, 2018. The motion was seconded by Mr. Davis and unanimously carried.

**Date and Location of April/May 2019 Board Meeting**

The Board Members set the April/May 2019 meeting for April 25 and 26, 2019 to be held in St. Louis, Missouri. The Board feels that free Wi-Fi is a valuable tool to be used during all quarterly meetings since there has been numerous occasions where a search of the internet was helpful in deciding on an issue that has come before the Board. Board staff will continue to inform Board Members of the Wi-Fi password at the start of each Board meeting.

**Motion to go into closed session**

At approximately 4:25 p.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 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 Sections 610.021(14) and 324.001.8 and 324.001.9, RSMo, for the purpose of discussing investigative reports, complaints and/or other information pertaining to licensees or applicants or any
deliberations conducted and votes taken in rendering a final decision after a hearing before an agency assigned to the division shall be closed to the parties and the public; Section 610.021(3), RSMo, for the purpose of hiring, firing, disciplining or promoting of particular employees by this agency when personal information about the employees is discussed or recorded; Section 610.021 subsection (1) RSMo, for the purpose of discussing legal actions, 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 Section 610.021 RSMo, which authorizes this agency to go into closed session during those meetings. Mr. Shotts seconded the motion. A roll call vote was taken and it unanimously carried. 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 5:25 p.m., the Board reconvened its open meeting for the purpose of recessing for the day.

Recess

At approximately 5:25 p.m., the Board recessed its open meeting until 8:00 a.m. on Tuesday, April 24, 2018.

Tuesday, April 24, 2018

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 24, 2018, in Conference Room F of the DoubleTree by Hilton St. Louis-Chesterfield, 16625 Swingley Ridge Road, Chesterfield, 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
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
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 T. Fehr, Member of the Professional Landscape Architectural Division  
Eric D. Davis, Member of the Professional Landscape Architectural Division  
Sherry L. Cooper, Public Member

**Member Absent**

Martha K. John, Member of the Architectural Division

**Others Present**

Judy Kempker, Executive Director  
Sandra Robinson, Licensing Technician Supervisor  
Chelsie Bartley, Board Staff  
Dawn Wilde, Board Investigator  
Curtis F. Thompson, General Counsel  
Edwin R. Frownfelter, Litigation Counsel  
David E. Phipps, City Fire Marshal for the City of Town and Country  
Jared Agee, Director of Building & Code Enforcement Division, St. Charles County  
Dr. Ildofonso Gonzalez-Artigas, P.E.

**Open House with Area Building Code Officials and Fire Protection Districts**

At approximately 8:00 a.m. the Board Members were joined by area Building Code officials and Fire Protection District officials. Chairman Hartnett welcomed those in attendance. The Board discussed items of common interest relating to regulation of architecture, engineering, land surveying, and landscape architecture in the State of Missouri as set forth in Chapter 327, RSMo. The *Reference Manual for Building Officials and Fire Protection Districts* was distributed to each attendee and the Board Members stressed to the attendees that they were here to discuss topics of mutual interest and to answer any of their questions. At approximately 8:55 a.m., Dr. Gonzalez-Artigas, Messrs. Phipps and Agee departed the meeting.

**Motion to go back into Closed Session**

At approximately 9:00 a.m. Chairman Hartnett called for a motion to go back into closed session to continue discussing pending litigation and complaint matters as well as any confidential or privileged communication between this agency and its attorney. Mr. Govero made a motion to go back into closed session to continue discussing pending litigation and complaint matters as well as any confidential or privileged communication between this agency and its attorney. Mr. Shotts seconded the
motion. A roll call vote was taken unanimously carried. 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 9:20 a.m., the Board reconvened its open meeting for the purpose of continuing its discussion of the Open Agenda Items.

**Disciplinary Hearing of Martin A. Lucas**

At 9:40 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. Martin A. Lucas. Mr. Lucas personally appeared with legal counsel, David Crader. The Board’s Litigation Counsel, 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. 2017-001900. When the hearing was concluded (at approximately 11:10 a.m.), Messrs. Lucas, Crader and Frownfelter were told that the Board would issue an Order soon after it has completed its deliberations. Messrs. Lucas and Crader then departed.

**Motion to go back into closed session**

At approximately 11:15 a.m. Chairman Hartnett called for a motion to go back into closed session to continue discussing pending litigation and complaint matters as well as any confidential or privileged communication between this agency and its attorney. Mr. Govero made a motion to go back into closed session to continue discussing investigative reports, complaints and/or other information pertaining to licensees or applicants or any deliberations conducted and votes taken in rendering a final decision after a hearing before an agency assigned to the division shall be closed to the parties and the public as well as any confidential or privileged communication between this agency and its attorney. Mr. Adewale seconded the motion. A roll call vote was taken unanimously carried. 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 2:15 p.m., the Board reconvened its open meeting for the purpose of adjournment.

Mr. Shotts reported that former Board Member, Jerry L. Day, PLS-874, passed away on April 10, 2018. Ms. Kempker reported that Mr. Day was appointed on February 19, 1987, as the second Board Member to the newly formed Professional Land Surveying Division of the Board. Mr. Day served on the Board until March 31, 1995. Mr. Shotts asked the Board to have a moment of silence in memory of Mr. Day.

Adjournment

After a moment of silence in Mr. Day's honor, Mr. Govero made a motion to adjourn the meeting. The motion was seconded by Mr. Shotts and unanimously carried. The meeting adjourned at 2:15 p.m. on Tuesday, April 24, 2018.

ATTEST:

______________________________
Executive Director

Approved on: _________________