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

Salon D Meeting Room
Adams Pointe Conference Center
and Courtyard by Marriott
1400 NE Coronado Drive
Blue Springs, Missouri
July 30 and 31, 2018

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects was called to order at 7:25 a.m. on Monday, July 30, 2018 in the Salon D Meeting Room of the Adams Pointe Conference Center and Courtyard by Marriott located at 1400 NE Coronado Drive, Blue Springs, 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
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

Others Present

Judy Kempker, Executive Director
Sandra Robinson, Licensing Technician Supervisor
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.

**Report from Safety Committee regarding a “Safety and Evacuation Plan” for this meeting**

Mr. Davis provided a report from the Safety Committee regarding the “Safety and Evacuation Plan” for the Board’s July 30 and 31, 2018 meeting at the Adams Pointe Conference Center and Courtyard by Marriott in Blue Springs, Missouri. Mr. Davis directed the Board Members’ attention to the Board’s July 30 and 31, 2018 Open Agenda, Item #4, where all Safety and Evacuation Plan information was provided. Mr. Davis announced that beginning with this meeting, the Board will have a “Safety and Evacuation Plan” for all future meetings, which will be discussed at the beginning of the first day of the meeting. Mr. Davis then stated that the Board needed to appoint primary and secondary contact persons in case of an emergency. Upon discussion, the Board appointed Ms. Kempker to be the Primary Contact Person when there is an emergency. Ms. Kempker then appointed Ms. Robinson as the Secondary Contact Person.

Please note that at approximately 7:35 a.m., Board Member Craig Lucas joined the meeting.

**Motion to go into closed session**

At approximately 7:40 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 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, 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. Adewale 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 8:02 a.m., the Board reconvened its open meeting for the purpose of recessing until later in the day.

Recess

At approximately 8:02 a.m., the Board recessed its open meeting until later in the day.

Monday, July 30, 2018 at 3:00 P.M.

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects reconvened at 3:00 p.m. on Monday, July 30, 2018 in the Salon D Meeting Room of the Adams Pointe Conference Center and Courtyard by Marriott located at 1400 NE Coronado Drive, Blue Springs, 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
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
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

A motion was made by Mr. Skibiski to approve the minutes for the April 23 and 24, 2018 Open Board Meeting as submitted. The motion was seconded by Mr. Popp and carried with Ms. John abstaining from voting since she was not present at that meeting.

Mr. Popp made a motion to approve the minutes for the May 14, 2018 Open Safety Committee of the Board Conference Call as submitted. The motion was seconded by Mr. Davis and it unanimously carried with Committee Members Eric Davis, Mike Popp and Mike Freeman all voting in favor of the motion.

A motion was made by Mr. Skibiski to approve the open minutes for the July 24, 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.

Report from Ad Hoc Committee Members Eric Davis (Chair), Mike Popp, Mike Freeman, and Dawn Wilde regarding a “Safety and Evacuation Plan” for scheduled Board Meetings

Mr. Davis provided an updated report from the Ad Hoc Committee regarding a “Safety and Evacuation Plan” for scheduled Board Meetings. At this time, the Board discussed start times for future Board Meeting Agendas such as when to discuss future “Safety and Evacuation Plans” and when to hold future Open Houses with area licensees and Code Enforcement Officials. Upon discussion, the Board directed Ms.
Kempker to place “Discussion Regarding ‘Safety and Evacuation Plans” at 8:00 a.m. on the first day of the Board’s quarterly meeting. The Board then directed Ms. Kempker to place the Divisions’ “Open House” meetings at 8:00 a.m. on the second day of meetings followed by an “Open House” of Code Officials and Fire Protection District Officials at 9:00 a.m. on the second day of the Board meeting.

**Update on the Board’s Strategic Plan**

A. **Key Objective 1, Improving/updating website/making it user-friendly** – Martha John reported that most of her suggested changes have been implemented but she had a few more tweaks she discussed with Ms. Kempker, which should be implemented in the near future.

**Update regarding 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 announced that the Seals Brochure has been updated. Ms. Kempker then passed out copies of the updated version of the Seal Brochure for each Board Member to have on hand. The Board Members agreed that the updated Seals Brochure looked good.

**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 a meeting with Dr. Chris Maples, Chancellor for the Missouri University of Science and Technology to continue their conversation regarding licensure of professors teaching advanced engineering courses. Mr. Skibiski stated that Dr. Maples is receptive to the idea of licensure and will continue his efforts with the faculty at Missouri University of Science and Technology to work toward licensure. Chairman Skibiski said the Board also needs to work with the University of Missouri at Columbia as well as the University of Missouri – Kansas City to stress the importance of licensure for their faculty. Ms. Kempker stated that former Board Member Josephine Emerick might be willing to join Mr. Skibiski when he speaks with the faculty of the University of Missouri – Columbia, since the University of Missouri – Columbia is her alma mater. Chairman Hartnett then volunteered to go along with Mr. Skibiski to discuss licensure with the faculty of the University of Missouri – Kansas City.

**Discussion regarding webinars on signing and sealing requirements**
Mr. Lucas advised Board Members that he is licensed in the state of Florida. While looking at the Florida Board’s website, he noticed they had signing and sealing webinars on their website. He thought it was a great idea and asked if the Missouri Board would be interested in making a webinar to be added to its website. Upon discussion, Mr. Lucas volunteered to chair an Ad Hoc Committee of the Board for Electronic Outreach to put topics together for webinars to be placed on the Board’s website. Chairman Hartnett, JC Rearden, Kevin Skibiski, Abe Adewale, Bob Shotts and Edwin Frownfelter also volunteered to serve on the committee.

**Discussion of the Mississippi LS Board’s Opinion on Plotting Descriptions and Satellite Photography requiring a Land Surveyor**

Mike Flowers advised the Board that he came across an article on techspot.com’s website entitled, “Mississippi licensing board says plotting lines on a satellite photo requires a surveyor’s license.” He found it interesting that the Mississippi Board was suing the app developer, Vizaline, LLC for practicing “unlicensed surveying.” Mr. Flowers stated the article quoted the Institute for Justice’s attorney who said, “Using public data to draw lines on satellite photos is not surveying, it’s free speech.” He further stated, “You don’t need the government’s permission to use existing information to create new information and sell it to willing customers.” The article continued by stating the Mississippi Board contends that since Viza-Plat is capable of creating survey maps from public information, Vizaline needs a survey license to operate. It further demands that the company and its founders “immediately disgorge themselves” of any revenue they earned in Mississippi and return collected fees to its customers. Mr. Govero then volunteered to pass this information along to the Missouri Society of Professional Surveyors (MSPS) to see how they wish to proceed with this matter. After much discussion, the Board decided to wait and see if the Mississippi Board wins or not and in the meantime directed Ms. Kempker to place this matter back on the Board’s November 2018 quarterly meeting agenda for an update from Mr. Govero and for further discussion on how to approach this issue by taking care of the health, safety and welfare of the public, as well as to determine if the article should be passed along to the Design Alliance.

**Update on the Board’s 1 minute survey that was sent via Gov Delivery to all its licensees in an effort to assist the Board with its budget performance measures**

Ms. Kempker advised the Board sent a 1 minute survey out to its licensees via Gov Delivery in an effort to assist the Board with its budget performance measures. Ms. Kempker was pleased to report that 97% of the Board’s licensees were either “Highly Satisfied” or “Satisfied” with the Board and/or staff. This information is also being reported to the Department and the Division of Professional Registration.
Review and discussion of 2018 Truly Agreed and Finally Passed Legislative Bills

Ms. Kempker gave an update on the status of the 2018 Truly Agreed to and Finally Passed Legislative Bills. She advised that she and Mr. Frownfelter had reviewed all the 2018 Truly Agreed to and Finally Passed Legislative Bills and as a result of that review, prepared an in-depth report of the legislation that had passed and what effect it will have on Chapter 327, RSMo, as well as Chapter 324, RSMo. The following information is some notable changes found:

House Bill 007: This is the Board’s budget bill. The Board was appropriated a total of $703,496 of which $402,099 was appropriated to the Board’s Personal Service fund which is an increase of $3,500 from last year. This increase will cover the $650 cost of living raises given to each full time staff member. The Board was also appropriated $301,397 to its Expense and Equipment fund which is the same as last year.

Senate Bill 840: This bill adds a new Section. Section 324.009, RSMo, directs certain changes in licensing of applicants who are licensed in other jurisdictions for licensing agencies in the Division of Professional Registration. However, the Board, along with a few other boards, is specifically excluded from this definition of “oversight body” in the definitions section of the new measure, and thus is not affected by the change.

Senate Bill 843: This bill adds a new Section. Section 324.015, RSMo, requires licensing agencies to waive license fees for certain low-income individuals and members of military families. It does apply to this Board. It also amends Sections 327.313 and 327, 321 to eliminate requirement of three letters of reference for Professional Land Surveyors and Land Surveyors-in-training applicants.

Senate Bills 975 and 1024: This contains a small editorial amendment to Section 327.451, RSMo, correcting the omission of Professional Landscape Architects from the last sentence of the section.

House Bill 1500: This measure enacts a new Section. Section 324.047, RSMo, imposes rigorous standards for regulation of new professions/occupations not currently requiring licensure. However, it should not affect the Board’s operations as it is unlikely any new professions will come under the Board’s purview.

House Bill 1719: This bill amends Sections 327.221, 327.312, 327.313, and 327.321, RSMo, to eliminate the requirement of over 21 for Professional Engineers and Land Surveyors-in-training applicants, and to eliminate the requirement of letters of reference for Land Surveyor-in-training and Professional Land Surveyor applicants.

Discussion of future legislative priorities
Chairman Hartnett asked Board Members if they knew of any legislative priorities for the 2019 legislative session. Mr. Rearden stated that if Chapter 327, RSMo, is opened, he would like to have a change made to Section 327.091, RSMo, to include "construction observation, inspections and design surveys;" basically the language that was taken out of SB 209 in 2014. Mr. Freeman stated that since the Board’s Surveying Standard Rules have been amended, the Professional Land Surveying Division noticed one paragraph from Board Rule 20 CSR 2030-16.020(8) needs to be further amended so they will check with the Missouri Department of Agriculture (MDA) and the Missouri Society of Professional Surveyor’s (MSPS) Review Committee on pursuing that amendment. Mr. Skibiski suggested the Board offer a retired status to its licensees and therefore agreed to draft statutory language to accomplish such. After much discussion, Chairman Hartnett directed the Board Members to draft language for any Rule/Statute changes they deem necessary and provide the drafts to Ms. Kempker to be placed back on the Board’s November 2018 agenda for review and discussion.

Mr. Skibiski then announced to the Board that Bruce Wylie was no longer the Executive Director for the Missouri Society of Professional Engineers (MSPE). He continues to be the Executive Director for the American Council of Engineering Companies (ACECMo). The Board Members were surprised to hear this news since Mr. Wylie and his staff were an integral part of the Design Alliance. Ms. Kempker stated that she had been in contact with the new Executive Director for MSPE, Travis Lowe and told him the importance of the Design Alliance at which time said he will work with Bruce Wylie in getting the Design Alliance meeting set up for January 2019. Ms. Kempker then reported that she will continue to use Mr. Wylie as her main point of contact.

Mr. Shotts reported that during the Professional Landscape Architectural Division meeting, the Division Members discussed Chapter 327, RSMo, and how it currently allows either an Architect, a Professional Engineer, or a Professional Land Surveyor to be listed as the Managing Agent for a Landscape Architectural firm. Upon discussion, the members requested a listing of all Landscape Architectural Corporations that are licensed and have someone other than a Professional Landscape Architect listed as its Managing Agent. Ms. Kempker stated she would provide the Professional Landscape Architectural Division the requested listing. She did say that PROMO is currently showing only 115 active landscape architectural Certificates of Authority. Ms. Kempker also stated that she is sure that most of the corporations have a Professional Landscape Architect designated as their Managing Agent; however, she also knows some have Architects and Professional Engineers listed as their Managing Agents. Mr. Shotts also reported that the Professional Landscape Architectural Division decided to change the approval process with regard to the landscape architectural Certificate of Authority applications so that they can monitor how many applications are being submitted by corporations listing a non-Professional Landscape Architect as its managing agent. Therefore, commencing immediately, Board staff will process all Professional Landscape Architectural
“Corporate” Applications and then scan and send them to the Professional Landscape Architectural Division Members for review and approval instead of the applications being approved in-house by the Board’s Executive Director.

Mr. Fehr stated that the Professional Landscape Architectural Division had discussed possible changes to Section 327.603, RSMo. The Division would like to have this statute changed so that only licensed Professional Landscape Architects are the managing agents for Professional Landscape Architectural firms. Some Board Members remarked they were not sure there are enough licensed Professional Landscape Architects to serve as managing agents for Professional Landscape Architectural firms. Upon discussion, Mr. Fehr volunteered to draft language for a Proposed Amendment to Section 327.603, RSMo, which would allow only a licensed Professional Landscape Architect to serve as the managing agent for a Professional Landscape Architectural firm. The Board then directed Ms. Kempker to place this item back on the Board’s November 2018 agenda for further discussion and/or review of the Proposed Amendment to Section 327.603, RSMo.

Update from Chairs of the Architectural and Professional Engineering Divisions of Annual and Central Zone Meetings and report on actions taken:

A. NCEES Central Zone meeting held on May 2, 3, 4 and 5, 2018 in Rapid City, South Dakota – Mr. Skibiski announced that Abe Adewale was unanimously elected Assistant Vice President for the Central Zone. All Board Members congratulated Mr. Adewale. Both Messrs. Skibiski and Freeman stated discussion of Resolutions was heard so that the Member Boards can be more informed before casting their votes at the annual meeting in August.

B. NCARB Annual Meeting held on June 27, 28, 29 & 30, 2018 in Detroit, Michigan – Ms. John stated that there were good workshops and interesting guest speakers at the annual meeting for NCARB. She did advise that there were some “fireworks” over the issue of the Boards not having access to information pertaining to licensure applications. The boards believe they should have access to all information but NCARB thinks that boards should trust NCARB and take their word if they advise boards that a candidate for licensure is qualified. Ms. John stated that she is now serving on the “Certification Review Team.” Ms. Cooper also attended NCARB’s annual meeting and felt that NCARB was out of line and should share all information with licensing boards especially when it comes to licensure. After much discussion, Mr. Rearden made a motion directing a Board letter be sent to NCARB’s current president, David L. Hoffman, inviting him and any other
representative of NCARB that he chooses, to meet with the Board at 3:30 p.m. on Thursday, November 8, 2018 in Springfield, Missouri, for the purpose of holding a face-to-face meeting with dialogue regarding NCARB programs utilized by the Missouri Board, which would greatly benefit the Board at this time. The letter is to be signed by Board Chair, Robert Hartnett. The motion was seconded by Mr. Shotts and unanimously carried.

**Recess**

At approximately 5:11 p.m., the Board recessed its open meeting until Tuesday, July 31, 2018 at 8:00 a.m.

**Tuesday, July 31, 2018 at 8:00 A.M.**

**Meeting with Area Code Officials and Fire Protection Officials**

At approximately 8:00 a.m. on Tuesday, July 31, 2018 in the Board Room of the Adams Pointe Conference Center and Courtyard by Marriott located at 1400 NE Coronado Drive, Blue Springs, Missouri, a committee of the Board met with area Building Code officials and Fire Protection District officials. Board Members present were: Robert N. Hartnett, Board Chair; J.C. Rearden, Chair of the Architectural Division; Kevin Skibiski, Chair of the Professional Engineering Division; Robert Shotts; Chair of the Professional Landscape Architectural Division; and Sherry Cooper, Public Member. Also attending were: Judy Kempker, Executive Director; Dawn Wilde, Board Investigator; and, Sandy Robinson, Board Staff. Mr. Tom Krahenbuhl, Community Development Director for the City of Pleasant Hill, Missouri, was also in attendance. Chairman Hartnett welcomed Mr. Krahenbuhl. The Board Members in attendance discussed items of common interest relating to regulation of architecture, engineering 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 presented to Mr. Krahenbuhl and Board Members stressed to Mr. Krahenbuhl that they were here to assist with any matters and answer any of their questions. At approximately 8:55 a.m., Mr. Krahenbuhl departed the meeting.

**Tuesday, July 31, 2018 at 9:00 A.M.**
The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects was called back to order at 9:00 a.m. on Tuesday, July 31, 2018 in the Salon D Meeting Room of the Adams Pointe Conference Center and Courtyard by Marriott located at 1400 NE Coronado Drive, Blue Springs, 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
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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

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

Report from Architectural Division

Mr. Rearden reported that there were 3 area architects at the Architectural Division Open House on Monday. The Architectural Division thought the Open House went very well and it rendered good discussion.

Report from Professional Engineering Division
Mr. Skibiski reported that the Professional Engineering Division Open House was attended by 19 area licensees and the meeting rendered good discussion.

Chairman Skibiski stated that during the Open House, the Professional Engineering Division Members discussed “Decoupling” the professional engineering examination with the area licensees. Most of those present were in favor of “decoupling” the PE exam. Chairman Skibiski reported that Ms. Kempker was present and had explained the process. Ms. Kempker then explained to the Board that in order for an applicant to apply for licensure as a professional engineer by examination, they must meet the Board’s educational requirements, take and pass the NCEES Fundamentals of Engineering Examination (FE), be enrolled as an Engineer Intern, take and pass the Professional Engineering Examination (PE), and have four (4) years of satisfactory engineering experience after graduating and receiving the required engineering degree. Upon receipt of an application it would be processed by Board staff, forwarded to the Professional Engineering Division for their review and upon approval, would be licensed as a Professional Engineer by examination. Processing, reviewing, and licensing should all be done in a timelier manner. When individuals apply for a Council Record, NCEES staff will review their file to determine if it meets the Model Law criteria. The applicant does not have to request this. If they qualify, their record will include the appropriate designation. At the August 2014 annual meeting, NCEES approved a change to its Model Law to decouple experience and timing of the PE exam; therefore, those qualifying individuals who took the exam in another state under the decoupling rule and then made application to NCEES for a Council Record were automatically given Model Law Engineer status once they acquired their four years of engineering experience. The Board previously directed Ms. Kempker to approve all Model Law Engineer applications in-house even if the applicants acquired their four years of engineering experience prior to taking the exam. Therefore, if the Missouri Board allowed decoupling, it would be no different than what the Board is currently doing by approving Model Law Engineer applicants for licensure. Mr. Skibiski then stated that the Professional Engineering Division has decided to move forward in the direction of decoupling the Professional Engineering exam but wanted to wait until they first had an opportunity to hear more discussion at the NCEES Annual Meeting in August. Therefore, Ms. Kempker was directed to add this to the Board’s November 2018 Agenda for further discussion.

**Report from Professional Land Surveying Division**

Mr. Freeman reported that 6 area licensees attended their Professional Land Surveying Division Open House on Monday and they too had a very good discussion.

**Report from Professional Landscape Architectural Division**
Mr. Shotts reported that they did not have any area licensees to attend their Open House.

**Motion to go back into Closed Session**

At approximately 9:13 a.m. Chairman Hartnett called for a motion to go back into closed session in order 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. Ms. John 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 10:35 a.m., the Board reconvened its open meeting for the purpose of continuing its discussion of the Open Agenda Items.

**Executive Director’s Report**

Ms. Kempker presented the most recent information regarding the Board’s Financial Report. She advised the Board that as of July 27, 2018, the financial balances were as follows:

- **Personal Service Balance** was $378,037. Originated with $398,599. In FY2018, the Board lapsed $96,728 in this fund.
- **E&E (Expense & Equipment) Balance** was $291,424. Originated with $301,397. In FY2018, the Board lapsed only $27,551 in this fund which cut it close but still had some cushion.

The Board’s current Fund Balance is $3,118,556. Per Section 327.081, in order to avoid a sweep of the Board’s fund, the balance needs to be kept under $3,843,359 or 3 times the Board’s appropriation (3 x $1,281,119). Based on current statute, the Board needs to keep its funds below $3,843,359 but if the statute is changed to two times the appropriation the Board will then need to keep it under $2,562,238. If this were to happen, based on the Board’s current fund balance, it would be (at the present time) over the sweep amount by $584,960. Ms. Kempker stated that she averaged the decrease in the Board/s fund balance over the last five years and came up with an average of $125,432 each year. From 2013 to 2014, it decreased $111,338; from 2014 to 2015, it decreased $220,907 (this was
the year the Board did the mass mailing of rule/statute books); from 2015 to 2016 it decreased $96,916; from 2016 to 2017, it decreased $123,000; and, from 2017 to 2018, it decreased $75,000. Ms. Kempker stated that if the Board continues at this rate, it will be below the two times its appropriation in about 4 ½ years. Ms. Kempker advised that she thinks this is important information for the legislators to know so they will realize a sweep of the Board’s fund is not necessary since it is steadily using its reserve to keep renewal fees the lowest in the country.

Ms. Kempker advised that she has made no request for changes in the Board’s FY 2019 appropriation which is determined by House Bill 7.

For FY 2018, the Board was appropriated a total of $703,496 for Expense and Equipment and Personal Service ($301,397 was appropriated for E&E and $402,099 for PS which reflects an increase of $3,500 for cost of living increases).

Ms. Kempker announced that Noel Fehr’s appointment just expired on April 16, 2018 making 11 of the Board’s 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. Ms. Kempker reported that Kyle Aubuchon, Deputy Director of Boards and Commissions, has been tapped to work with Jill Irvin on boards and commissions appointments. Mr. Aubuchon worked previously in the Missouri Senate for Senator Libla and was most recently the field director for Congressman Smith. Ms. Kempker stated that Chairman Hartnett has been staying in contact with Mr. Aubuchon. Chairman Hartnett then said he had visited with Mr. Aubuchon and told him the Board had one vacancy and several members serving on expired terms. Mr. Aubuchon stated that they will be starting all over with the appointment process. Chairman Hartnett then suggested each Board Member contact their societies asking them to resubmit their list of names of individuals qualified and willing to serve as potential Board Members. Ms. Kempker then provided the Board Members with the new names of the Director and Deputy Director of Boards and Commission at the Governor’s office, which are:

- Jill Irvin – Jill.Irvin@governor.mo.gov - Director of Boards and Commissions - Phone: (573) 751-3222

- Kyle Aubuchon – Kyle.Aubuchon@governor.mo.gov – Deputy Director of Boards and Commissions - Phone: (573) 526-8343

Ms. Kempker announced that the last newsletter went out the first part of May as planned. The next newsletter is scheduled to go out around the first part of November so she will need all articles to be submitted to her by no later than October 1st. Ms. Kempker stated that the Board received praise and recognition over several articles in the last newsletter and asked Board Members to keep up the good work!
Pursuant to Executive Order 17-03, Ms. Kempker reported that the Board's 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. These proposed changes have also been updated on the Board's web page for the public’s ongoing viewing and comment. Since the Board had 51 rule changes submitted, instead of going through the status of each one, Ms. Kempker handed out a status chart for the Board to review. Ms. Kempker asked Board Members to note that they have had 9 rules not approved since the changes were based solely on the removal of restrictive language without removal of the actual restriction. The Board has 23 rule changes going into effect on September 30th and the remaining 19 are open for public comment until August 1st.

Ms. Kempker stated that she has reported in the past, that Office of Administration's IT staff is still working on the enhancements to PROMO and at the same time consideration is being given to totally scrap PROMO and have them build the Professional Registration boards a brand new system. Ms. Kempker stated she has not heard any more information on this matter.

Ms. Kempker reported that she will continue to schedule future Open Houses in the area of the upcoming Board Meetings until the Board directs her otherwise. She will also continue to schedule an Open House on the morning of the full Board Meeting for Building Code officials and Fire Protection District officials. As previously discussed, Ms. Kempker is to place “Discussion Regarding ‘Safety and Evacuation Plans’ at 8:00 a.m. on the first day of the Board’s quarterly meeting. The Board will then recess the meeting until later in the day (at approximately 1:00 p.m.) to continue discussing the remaining open agenda items. Then Ms. Kempker is to place the Divisions’ “Open House” meetings at 8:00 a.m. on the second day of meetings followed by an “Open House” of Code Officials and Fire Protection District Officials at 9:00 a.m. on the second day of the Board meeting.

Ms. Kempker reported that Messrs. Skibiski, Adewale, Lucas and Freeman have all been approved to attend the NCEES Annual Meeting in Scottsdale, Arizona on August 15, 16, 17 and 18, 2018. Messrs. Skibiski, Adewale and Freeman are all attending as funded delegates and Mr. Lucas will be attending at the Board’s expense.

Ms. Kempker announced that she along with Chairman Hartnett, Bob Shotts, and Noel Fehr have all been approved to attend the CLARB Annual Meeting in Toronto, Ontario, Canada in September. CLARB Participation credits of $2,750 were applied to the registration fee of all attendees. The Board will be picking up the remaining expense.

Ms. Kempker reminded all Board Members that when they book their airline ticket, if they notice it is higher than the cost Professional Registration Administration (PR Admin) projected on their expense sheet, which is sent to them by Nichole Morris.
to use as a guide for travel expenses, to please send Ms. Kempker an email so she can in turn send an email to PR Administration letting them know so they can then change their projections. Ms. Kempker advised the Board Members that she was told this change was necessary for audit purposes.

In follow-up to earlier discussion, Ms. Kempker advised the Board that she had contacted Cheri Bishop who served as MSPE’s Director of Operations at which time she was informed that MSPE’s Executive Committee was dismayed at the financial picture for MSPE and decided to enter into a contract with the management firm of Gaches, Braden and Associates (GBA) in Topeka, Kansas to take over the operation of the MSPE office. Travis Lowe is the new Executive Director of MSPE. Mr. Lowe called Ms. Kempker on Thursday, at Bruce Wylie’s suggestion, to introduce himself. At that time, Ms. Kempker advised him the Board Chair, Division Chairs and Public Member had just met the day before and discussed concerns about the continuance of the Design Alliance. She then asked him if he talked to Bruce Wylie about the Design Alliance. Mr. Lowe stated that he had talked with Mr. Wylie about the Design Alliance and advised Ms. Kempker that it will definitely continue. Ms. Kempker was relieved to hear this from Mr. Lowe. Ms. Kempker also expressed to Cherie Bishop the importance of continuing the Design Alliance and she agreed it was very important and said if she and Mr. Lowe have an opportunity to discuss it before her transition time ends on August 21st, she too will stress the positive impact it carries. Ms. Kempker asked Mr. Lowe for his email address and gave him her email address. She advised Mr. Lowe that he will be hearing more from her; especially, during the legislative session. Since Mr. Wylie is still the Executive Director of ACECMo, she will also include him (as well as MSPE’s lobbyist Mark Rhoades) in any concerns the Board has with legislation affecting the engineering profession.

**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 and the licenses and relicensures of Architects for the period April 1, 2018 to June 30, 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, the licenses and relicensures of Professional Engineers, and the enrollments for Engineer Interns for the April 1, 2018 to June 30, 2018. The motion was seconded by Mr. Adewale and unanimously carried.

- **Professional Land Surveyors and Land Surveyors-in-Training** – Mr. Freeman made a motion to ratify the licenses of Professional Land Surveyors and the enrollments for Land Surveyors-in-Training for the period
April 1, 2018 to June 30, 2018. The motion was seconded by Mr. Flowers 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 April 1, 2018 to June 30, 2018. The motion was seconded by Mr. Fehr and unanimously carried.

**Date and Location of July/August 2019 Board Meeting**

The Board Members set the July/August 2019 meeting for July 29 and 30, 2019 to be held in Kansas City, 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.

**Additional Agenda Items, if any**

a) **Review and discussion of the Board’s practice of allowing Architects, Professional Engineers, or Professional Land Surveyors to be the Licensed Managing Agent for Professional Landscape Architectural Certificates of Authority** – This Agenda Item was discussed during the Board’s Open Session on Monday, July 30, 2018.

b) **Review and discussion of an email from Mike Hanson, PE-27426 wherein he states he has concerns with the Missouri Board of Private Investigator and Private Fire Examiners who are currently attempting to require anyone who investigates the origin or cause of a fire to be licensed through that board, and as such it appears that the attempts by the Board of Private Fire Investigator Examiners to regulate the practice of engineering is not in compliance with current statutes.** – Upon the discussion of Mr. Hanson’s email, the Board directed Ms. Kempker to send Mr. Hanson an email response stating that on July 23, 2018, she made contact with the Executive Director and Legal Counsel for the Missouri Board of Private Investigators and Private Investigators Examiners inquiring if the law regulating Private Investigators and Private Investigators Examiners allows Professional Engineers (especially those examined in the fire protection discipline via the exam administered by NCEES) to investigate the origin or cause of a fire or if they would be required to obtain a license from their office. Ms. Kempker is to further advise Mr. Hanson that on July 25, 2018, Pam Groose, the Executive Director of the Board for Private
Investigators and Private Investigators Examiners, responded to her July 23rd email stating that they are working on a response and will let her know as soon as they have the information. Ms. Kempker is to advise Mr. Hanson that she will contact him when there is information to report. The Board then decided to table this matter until Ms. Kempker receives a response from the Missouri Board of Private Investigators and Private Investigators Examiners. Ms. Kempker is to place this matter on the Agenda for the Board’s November 8 and 9, 2018 meeting for further discussion.

**Motion to go back into Closed Session**

At approximately 12:45 p.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. 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 2:55 p.m., the Board reconvened its open meeting for the purpose of adjournment.

**Adjournment**

Mr. Shotts made a motion to adjourn the meeting. The motion was seconded by Mr. Govero and unanimously carried. The meeting adjourned at 2:55 p.m. on Tuesday, July 31, 2018.

ATTEST:

________________________________
Executive Director

Approved on: _______________________