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

Arkansas Meeting Room
University Plaza Hotel and Convention Center
333 John Q. Hammons Parkway
Springfield, Missouri
November 8 and 9, 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 Thursday, November 8, 2018 in the Arkansas Meeting Room of the University Plaza Hotel and Convention Center located at 333 John Q. Hammons Parkway in Springfield, Missouri. The Board met in both open and closed sessions during the meeting as reflected in the minutes. Chairman Hartnett declared the meeting 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
Jerrod L. Hogan, 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
Michael J. Armstrong, NCARB Chief Executive Officer
Joshua Batkin, NCARB Director of Council Relations
Harry Falconer, NCARB Director Experience and Examination
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.

Chairman Hartnett welcomed the Board’s newest member, Jerrod L. Hogan, PLS and asked him to tell those in attendance a little information about himself. Chairman Hartnett then welcomed Messrs. Armstrong, Batkin and Falconer to the meeting. Board Members will be holding a discussion with Messrs. Armstrong, Batkin and Falconer later in the day.

**Overview of Safety and Evacuation Plans**

Mr. Davis provided a report regarding the “Safety and Evacuation Plan” for the Board’s November 8 and 9, 2018 meeting at the University Plaza Hotel and Conference Center in Springfield, Missouri. Mr. Davis directed the Board Members’ attention to the Board’s November 8 and 9, 2018 Open Agenda, Item #3, where all Safety and Evacuation Plan information was provided. Mr. Davis reminded the Board Members that during the Board's July 2018 meeting, Ms. Kempker was appointed the Primary Contact Person when there is an emergency. Ms. Kempker then appointed Ms. Robinson as the Secondary Contact Person.

**Motion to go into closed session**

At approximately 8:15 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; 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. Upon the departure of Messrs. Armstrong, Batkin and Falconer, Chairman Hartnett declared the meeting closed to the general public.
Return to Open Session

At 8:55 a.m., the Board reconvened its open meeting for the purpose of recessing until later in the day.

Recess

At approximately 8:55 a.m., the Board recessed its open meeting until later in the day.

Thursday, November 8, 2018 at 2:55 P.M.

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects reconvened at 2:55 p.m. on Thursday, November 8, 2018 in the Arkansas Meeting Room of the University Plaza Hotel and Convention Center located at 333 John Q. Hammons Parkway in Springfield, Missouri. The Board met in both open and closed sessions during the meeting as reflected in the minutes. Chairman Hartnett declared the meeting 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  
Jerrod L. Hogan, 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
Nichole Morris, 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.

Chairman Hartnett reported that former Board Member, Stuart S. Scroggs, passed away on October 24, 2018. Chairman Hartnett stated that Mr. Scroggs, an architect from Columbia, Missouri, was appointed to the Board by Governor Carnahan on February 27, 1998 and he served until April 30, 2003. Chairman Hartnett asked the Board to have a moment of silence in memory of Mr. Scroggs.

**Approval of Minutes**

A motion was made by Mr. Skibiski to approve the minutes for the July 30 and 31, 2018 Open Board Meeting as submitted. The motion was seconded by Mr. Adewale and carried with Mr. Hogan abstaining from voting since he was not present at that meeting.

Mr. Skibiski made a motion to approve the minutes for the September 18, 2018 “Who May Seal” Chart Committee of the Board Conference Call as submitted. The motion was seconded by Mr. Rearden and carried with Committee Members JC Rearden and Kevin Skibiski all voting in favor of the motion.

A motion was made by Mr. Skibiski to approve the open minutes for the October 16, 2018 Electronic Outreach Committee of the Board Open Conference Call as submitted. The motion was seconded by Mr. Adewale and carried with Committee Members Craig Lucas, JC Rearden, Kevin Skibiski, Abe Adewale, and Bob Shotts all voting in favor of the motion.

Mr. Skibiski made a motion to approve the minutes for the October 30, 2018 Open Pre Board Meeting Conference Call of the Committee of the Chairs and Public Member as submitted. The motion was seconded by Mr. Shotts and carried with Committee Members JC Rearden, Kevin Skibiski, Mike Freeman, Bob Shotts, Sherry Cooper and Jerrod Hogan 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** – Martha John reported that most of her suggested changes have been implemented but she had a few more tweaks she discussed with Ms. Kempker and IT staff member Dan Stevenson, which should be implemented in the near future.

Please note that at approximately 3:10 p.m., Mike Armstrong, Josh Batkin, David Hoffman, Terry Allers, and Harry Falconer joined the meeting.

**Review the Board’s revised Title Block sample that appears on its website**

At the Board’s July 2018 meeting, the Board directed Ms. Kempker to review the Title Block information on the Board’s website and make any corrections or updates as deemed necessary and report those changes back to the Board at its November 2018 meeting. The Board Members reviewed and discussed the revised title block and were satisfied with the changes.

Ms. Kempker then advised the Board Members that she had received an email inquiry from Scott Moseley, PE, advising that the Title Block Sample and FAQ’s on the Board’s web site has spawned a debate among his colleagues about certificates of authority and legal liability. One group claims that the Board’s sample border shows certificates of authorities for the architect and multiple engineers all on one sheet. Therefore, this group believes they should include all disciplines on all the title blocks within a drawing package. The other group claims that the architect is not legally responsible for engineering sheets (and vice versa), so certificates of authority should only be shown for the specific discipline responsible for the work shown on that specific sheet and stated since one of the Board’s answers talks about “differentiate between the disciplines” their approach supports this side of the debate and would ensure liability for work is properly identified. Mr. Moseley asked for clarification. Ms. Kempker stated she discussed the email with Mr. Frownfelter and they decided to bring the matter before the Board for response. Upon discussion, the Board directed Ms. Kempker to respond to Mr. Moseley by stating, “The rule does not answer your question, so the Board’s view would be that either approach satisfies the rule if all the required information is provided and it would incline to the view that each sheet should bear the information of the person/entity who seals that sheet, perhaps with a cross-reference to the supervising architect, but the other approach is acceptable as long as the information for the sealing person/entity is included.”

**Report from the Electronic Outreach Committee**
Mr. Lucas provided the Board with a report from the Electronic Outreach Committee. The committee decided to develop two major functions: 1) educational presentations to be presented from the website; and 2) electronic means of allowing licensees to view or participate in meetings, open houses, etc. from a distance. Ms. Kempker suggested the Board utilize the Department’s Media group to help keep costs of producing videos at a minimum. The Board directed Ms. Kempker and Mr. Frownfelter to visit with the Department of Insurance, Financial Regulations and Professional Registration’s Media group to ask what is available to the Board in terms of technical assistance in the production of videos and the capabilities for posting and sharing through the website. Ms. Kempker is to then invite representatives of the Media Group from the Department to meet with the Board at its January 2019 meeting in Jefferson City, Missouri, to discuss with the full Board what they are capable of producing for the Board from short videos for YouTube to Podcasts of live Board Meetings.

**Report on the Mississippi Land Surveying Board’s Opinion on Plotting Descriptions and Satellite Photography requiring a Land Surveyor**

The Board Members discussed the Mississippi Land Surveying Board’s Opinion on Plotting Descriptions and Satellite Photography requiring a Land Surveyor. Mr. Freeman said that there was a lot of discussion regarding this case at the NCEES Annual Meeting. Mr. Govero also gave an update and reported that this matter is still in litigation and will be for a long time. He also said MSPS is monitoring it. Therefore, it was the Board’s recommendation that no further action be taken at this time and to remove the topic from future agendas.

**Meet with Members from the National Council of Architectural Registration Boards (NCARB)**

At approximately 3:30 p.m., the Board met with members of the National Counsel of Architectural Registration Boards (NCARB) for the purpose of having a face-to-face dialogue regarding NCARB programs utilized by this Board. Specifically, the Board was interested in discussing Mr. Armstrong’s response to Board representatives during the NCARB Annual Meeting in June 2018 wherein Board representatives raised questions and expressed some concern over the lack of substantive information available to the Board in order that it can be assured of a candidate’s qualifications. The Board representatives were shocked by the response received from Mr. Armstrong, which the representatives thought was both unprofessional and unbecoming to the Council and alarming to the representatives of the Board. Those attending this meeting from NCARB were David L. Hoffman, President of the National Council of Architectural Registration Boards (NCARB); Terry L. Allers, NCARB First Vice President/President Elect; Michael J. Armstrong, NCARB Chief Executive Officer; Joshua Batkin, NCARB Director, Council Relations; and, Harry Falconer,
NCARB Director, Experience + Examination. After much discussion, the NCARB representatives assured the Board they have now revised their policies to allow for Member Boards to request the electronic portfolios used in determining certification eligibility or compliance with the Architectural Experience Program (AXP). The Board thanked Messrs. Hoffman, Allers, Armstrong, Batkin, and Falconer for attending its meeting and for providing interesting and informative discussion regarding services they offer to the Board. At approximately 4:30 p.m., Messrs. Armstrong, Batkin, Falconer, Hoffman, and Allers departed the meeting.

Report from the Committee working on the “Who May Seal” Chart which was designed to provide direction on the signing and sealing of architectural, engineering, and/or landscape architectural plans

The Members of the Committee (Chairman Hartnett and Messrs. Rearden and Skibiski) provided a report from their conference call meeting regarding the “Who May Seal” Chart compiled by Mr. Frownfelter, which had been edited by Mr. Rearden. After the Committee’s lengthy discussion, they decided that the chart was not yet ready to be released to the public. Mr. Rearden also expressed concern that the wording did not include all the new Rule change language. Ms. Cooper stated she had concerns as well. Her concerns were: 1) does it infer an unlicensed individual may seal plans?; 2) could such a chart be used by the Board in closed session to review cases?; 3) if the chart is provided to the public, they might perceive it as informal rulemaking; and, 4) political ramification could backfire on the Board. After much discussion and due to possible changes to Chapter 327, RSMo, the Board felt it would probably be a wasted effort at this time to pursue.

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 Investigator Examiners which is currently attempting to require anyone who investigates the origin or cause of a fire to be licensed through this board, and as such it appears that the attempts by the Board of Private Investigator and Private Fire Investigator Examiners to regulate the practice of engineering is not in compliance with current statutes

The Board reviewed and discussed the email from Mike Hanson, wherein he states he has concerns with the Missouri Board of Private Investigator and Private Fire Investigator Examiners which is currently attempting to require anyone who investigates the origin or cause of a fire to be licensed through their board, and as such it appears that the attempts by the Board of Private Investigator and Private Fire Investigator Examiners to regulate the practice of engineering is not in compliance with current statutes. Upon discussion, Mr. Skibiski made a motion directing an email response be sent to Mr. Hanson advising that a professional engineer can provide any service defined in Section 327.181, RSMo. The response is to also to direct Mr. Hanson’s attention to Section 327.481, RSMo, which states: “Insofar as the provisions of this chapter are in conflict with or inconsistent with the provisions of any
other law of this state, the provisions of this chapter shall be controlling.” For the Board to go beyond providing the above citations would require the Board to review each incident on a case by case basis. The motion was seconded by Mr. Adewale and unanimously carried. Ms. Kempker is to prepare the response and have Mr. Thompson review it prior to sending it to Mr. Hanson.

Discussion regarding decoupling the Professional Engineering Examination

Mr. Skibiski reported that the Professional Engineering Division Members discussed the “decoupling” of the Professional Engineering examination. The Division Members were in favor of “decoupling” the exam but thought that Chapter 327 needed to be changed first. Ms. Kempker then stated that she had checked with the Board’s General Counsel, Curt Thompson, and because of a current provision in Sections 327.221 and 327.241.6, RSMo, they believed a change could be made by amending Board Rule 20 CSR 2030-5.080. Upon discussion, Mr. Skibiski directed Ms. Kempker to work on a rule change to allow “decoupling” of the Professional Engineering examination. The proposed rule change is to then be placed on the Board’s January 2019 agenda for review and/or approval. The motion was seconded by Mr. Adewale and unanimously carried.

Recess

At approximately 5:11 p.m., the Board recessed its open meeting until Friday, November 9, 2018 at 8:00 a.m.

Friday, November 9, 2018 at 8:00 A.M.

Open House with Area Licensees to Discuss Items of Common Interest Relative to Licensure and Enforcement in Chapter 327, RSMo

At approximately 8:00 a.m. members of each division of the Board were scheduled to meet with their area licensed professionals in various meeting rooms at the University Plaza Hotel and Conference Center. The Members of the Architectural, Professional Engineering and Professional Land Surveying Divisions met with area licensees and discussed items of common interest relating to licensure, enforcement, and regulation of architecture, engineering and land surveying in the State of Missouri as set forth in Chapter 327, RSMo. It was noted that no Professional Landscape Architects attended. At approximately 8:55 a.m., the area licenses departed the meetings.
Open House with Area Code and Fire Protection District Officials with the Board Chair, Division Chairs, Public Member, Executive Director and Board Investigator

At approximately 9:00 a.m. on Friday, November 9, 2018, area Code and Fire Protection District Officials were invited to meet with members of the Board in the Kansas A Meeting Room. Board Members Present: Robert N. Hartnett, Board Chair; J.C. Rearden, Chair of the Architectural Division; Kevin Skibiski, Chair of the Professional Engineering Division; Mike Freeman, Chair of the Professional Land Surveying 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. Mr. Duane Compton, City of Republic Fire Department Chief and Charles Hill, Architect, were also in attendance. Chairman Hartnett welcomed Messrs. Compton and Hill. The Board Members in attendance 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 were presented to Messrs. Compton and Hill and Board Members stressed to them that they were here to assist with any matters and answer any of their questions. At approximately 9:55 a.m., Messrs. Compton and Hill departed the meeting.

Friday, November 9, 2018 at 10:00 A.M.

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects was called back to order at 10:00 a.m. on Friday, November 9, 2018 in the Arkansas Meeting Room of the University Plaza Hotel and Convention Center located at 333 John Q. Hammons Parkway in Springfield, 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
Jerrod L. Hogan, Member of the Professional Land Surveying Division
Discussion of future legislative priorities and proposed changes to Chapter 327, RSMo, and/or the Board Rules

Mr. Rearden advised the Members of the Architectural Division recommend the replacing the existing paragraph 1 of Section 327.091, RSMo, with the following:

1. The practice of architecture is the rendering or offering to render services in connection with the design and construction of public and private buildings, structures and shelters, in whole or part and including any additions or alternations thereto, as well as to the spaces within the site surrounding such buildings and structures, which have as their principal purpose human occupancy or habitation. The services referred to include consultation, design surveys, feasibility studies, evaluation, planning, aesthetic and structural design, preliminary design, drawings, specifications, technical submissions and other instruments of service, the administration of construction contracts, construction observation and inspection, and the coordination of any elements of technical submissions prepared by others, including professional engineers, landscape architects and other consultations that pertain to the practice of architecture. A person shall be considered practicing architecture when they use the title “architect” or the terms “architect” or “architecture” or “architectural” alone or together with any words other than “landscape” to indicate or imply that such person is or holds himself or herself out to be an architect. Only a person with the proper architectural education, practical training, relevant work experience, and licensure may practice as an architect in Missouri.

Mr. Rearden then stated that the Architectural Division Members also recommended deleting Section 327.101(2), RSMo, Unauthorized practice prohibited—persons excepted and replacing it with the following language:
(2) Any person who renders architectural services in connection with the construction, remodeling or repairing of any building or structure used exclusively for agricultural purposes.

Mr. Rearden further advised that the Architectural Division Members recommend changing Section 327.101(5), RSMo, to read as follows:

(5) Any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building described in paragraphs (a), (b), and (c), and which follow, and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect:

(a) A dwelling house; or

(b) A multiple family dwelling house, flat or apartment containing not more than two families; or

(c) Any one building or structure which provides for the employment, assembly, housing, sleeping or eating of not more than nine persons, contains less than two thousand square feet, is not part of another building or structure, and is separated from all other buildings by thirty-feet or more clearance;

(d) Any one structure containing less than two thousand square feet, except as provided in (b) and (c) above, and which is not a part or a portion of a project which contains more than one structure; or

(e) A building or structure used exclusively for farm purposes;

Lastly, Mr. Rearden reported the Architectural Division is requesting that Section 327.131, RSMo, Applicant for license as architect, qualifications, be amended to read as follows:

Section 327.131. Applicant for license as architect, qualifications. — Any person may apply to the board for licensure as an architect who is over the age of twenty-one, is of good moral character, has acquired an accredited degree from an accredited degree program from a school of architecture, holds a certified Intern Development Program (IDP) or Architectural Experience Program (AXP) record with the National Council of Architectural Registration Boards, and has taken and passed all divisions of the Architect Registration Examination.
Mr. Skibiski stated that he would like for Emeritus Members of the Board who do work for NCEES have an Emeritus status. In addition, Mr. Skibiski recommends that the Board look into have a “retired” status as well as the active and inactive statuses already in place. Mr. Skibiski felt that there are several retired Professional Engineers who would like to still call themselves PEs but are not practicing. Mr. Rearden was not in favor of a “retired” status. After much discussion, it was decided that “inactive” status basically already captures what the Board was trying to achieve with the retired status.

Mr. Freeman stated that the Professional Land Surveying Division had no proposed changes to Chapter 327, RSMo, but do wish to update Board Rule 20 CSR 2030-16.020(5) by adding “…, for the purpose of conveying the new parcel. Boundary adjustments plats, consolidation plats, riparian plats, lot splits, and minor subdivisions are examples of original surveys.” Ms. Kempker pointed out that due to the Memorandum of Understanding (MOU) with the Missouri Department of Agriculture (MDA) this rule change would have to be approved by MDA before it can be promulgated. Upon discussion, Mr. Freeman made a motion for Ms. Kempker to forward the proposed rule change to Board Rule 20 CSR 2030-16.020(5) to State Land Surveyor Ron Heimbaugh who is with the Land Survey Program within the Missouri Department of Agriculture, seeking their agency’s approval and assistance with amending their rule at the same time the Board amends its rule which would be in accordance with the MOU. The proposed changes are to read as follows:

(5) An original survey – A survey which creates a new parcel, or parcels, out of a large parent tract, for the purpose of conveying the new parcel. Boundary adjustment plats, consolidation plats, riparian plats, lot splits, and minor subdivisions are examples of original surveys.

The motion was seconded by Mr. Govero and unanimously carried.

Mr. Skibiski stated he noticed that Board Rule 20 CSR 2030-2.040(1) needs to be updated by changing the date of the International Building Code to the current 2018 edition. Upon discussion, Mr. Skibiski made a motion directing Ms. Kempker to amend Board Rule 20 CSR 2030-2.040(1) to delete 2015 and replace it with 2018 of the International Building Code (IBC). The motion was seconded by Mr. Adewale and carried with Messrs. Freeman and Hogan abstaining from voting. The Board then further discussed changing Board Rule 20 CSR 2030-2.040(1) to be more generic by not including the date. Mr. Thompson stated he thought the rule should stay the same and cautioned the Board in being too generic. After much discussion, Mr. Rearden volunteered to lead a task force to look into coming up with language for future use which will eliminate the need for the Board to amend this rule every three years.
Mr. advised the Members of the Professional Landscape Architectural Division recommend the following changes to Section 327.612, RSMo:

Any person, who is of good moral character, has attained the age of twenty-one years, and has a degree in Landscape Architecture from an accredited school of Landscape Architecture, and has acquired at least three years of satisfactory Landscape Architecture experience, or in the opinion of the Board has the equivalent education and/or experience, and has taken and passed all sections of the CLARB-administered landscape architectural registration examination, and has acquired at least three years of satisfactory landscape architectural history, after acquiring such a degree, may apply to the board for licensure as a Professional Landscape Architect.

Also, Mr. Shotts advised that the Professional Landscape Architectural Division recommends the following changes to Section 327.603, RSMo:

License required to use title of professional landscape architect.
1. No person shall practice or offer to practice, or hold himself or herself out as a professional landscape architect or as being able to practice landscape architecture in this state or to use in connection with his or her name or otherwise assume, or advertise unless he or she is licensed as required by this chapter. Nothing in sections 327.600 to 327.635 shall be construed to require licensing of employees of the state of Missouri or its political subdivisions while performing duties for the state of Missouri or a political subdivision, provided the project does not jeopardize the public health, safety and welfare. Sections 327.600 to 327.635 shall not be construed to prohibit those persons engaged in nursery occupations, gardeners, landscape contractors, home builders or residential developers from preparing planting plans and items incidental thereto, provided the project scope does not jeopardize the public health, safety and welfare; nor shall sections 327.600 to 327.635 be construed to prevent the practice of any other legally recognized profession as governed by applicable law. Nothing contained in this section shall under any circumstances be construed as in anyway affecting the laws relating to the practice, licensing, certification or registration of architects, professional engineers and professional land surveyors, and shall not preclude these professions from performing any services within the definition of their professional practice (Sections 327.091, 327.181, and 327.272, RSMo.). An architect, professional engineer or professional land surveyor licensed, certified or registered to practice his or her profession or occupation pursuant to the provisions of any law to regulate the practice of such profession or occupation is exempt from licensing as a professional landscape architect.
architect, and nothing contained in this section shall under any circumstances be construed as in anyway precluding an architect or professional engineer from performing any of the services included within the definition of the term landscape architecture in section 327.600.

2. Professional landscape architects shall be in responsible charge of all landscape architectural designs that can affect the health, safety, and welfare of the public within their scope of practice.

Mr. Shotts then advised the Board that the Professional Landscape Architectural Division Members recommended the following changes to Board Rule 20 CSR 2030-4.090:

Any person applying for licensure as a Professional Landscape Architect under section 327.381, RSMo, who was licensed in another state, territory, or possession of the United States or in another country, and has a degree in Landscape Architecture from an accredited school of Landscape Architecture, and has acquired at least three years of satisfactory Landscape Architecture experience, or in the opinion of the Board has the equivalent education and/or experience, and has taken and passed all sections of the CLARB-administered landscape architectural registration examination and has the qualifications which are at least equivalent to the requirements for licensure as a professional landscape architect in this state may apply for license by comity.

Board Members then discussed whether this is a good time to request changes to Chapter 327, RSMo, before the Legislature. Upon discussion, Mr. Adewale made a motion directing Ms. Kempker is to contact Bruce Wylie, Executive Director of the American Council of Engineering Companies of Missouri (ACECMo) and Travis Lowe, Executive Director of the Missouri Society of Professional Engineers (MSPE) to schedule a Design Alliance meeting on Wednesday, January 30, 2019. The Chairs of each Division are to then run the aforementioned proposed revisions through their professional associations and advise them to be prepared to discuss the proposed changes at the Design Alliance meeting in January. The motion was seconded by Mr. Govero and unanimously carried.

Please note that at approximately 10:45 a.m., Mr. Hill departed the meeting.
Update from Chairs of the Architectural, Professional Engineering, Professional Land Surveying and Professional Landscape Architectural Divisions of Annual/Zone/Regional Meetings and report on actions taken:

A. NCEES Annual meeting held on August 15, 16, 17 and 18, 2018 in Scottsdale, Arizona – Mr. Skibiski stated that there were not any “hot” button issues discussed at the meeting. Mr. Skibiski did state that Executive Director Jerry Carter has now retired and David Cox from the Kentucky Board has assumed the position of Executive Director for NCEES. Mr. Skibiski did mention that NCEES was trying to consolidate all exams for the Professional Land Surveyor but they have found they cannot do this because the state specific examinations are regionalized. Mr. Adewale advised that NCEES is discontinuing the software exam for Professional Engineers because there were not enough people interested in taking the exam. Mr. Adewale also mentioned that class 2 exams are not actually managed by NCEES but are managed by the professional societies.

B. CLARB Annual Meeting held on September 26, 27, 28 and 29, 2018 in Toronto, Ontario, Canada – Mr. Shotts reported that the annual meeting for CLARB was very good and had interesting topics. One topic was how to make the pathway to licensure easier. Mr. Shotts stated he thought Missouri was doing a good job in this area. CLARB also discussed security of licensee information as well as the disruption of the regulatory process. Chairman Hartnett also mentioned that representatives from NCARB were in attendance at this meeting as well and that he along with Ms. Kempker had an opportunity to visit with them. Chairman Hartnett thought those conversations went well.

C. NCARB’s Member Board Chair/Member Board Executive (MBC/MBE) Meeting held on October 12 and 13, 2018 in St. Louis, Missouri – Mr. Rearden thought the MBC/MBE meeting was very informative and he enjoyed the workshops. He also mentioned that at the conclusion of the MBC/MBE meeting, he along with Ms. Kempker and Chairman Hartnett met with members of NCARB to discuss what took place at the NCARB Annual Meeting. The representatives of NCARB advised that they were taking steps in allowing Member Boards to request the electronic portfolios used in determining certification eligibility or compliance with the Architectural Experience Program (AXP). Mr. Rearden found them to be remorseful of the interaction with Board Members and Ms. Kempker at the Annual Meeting in June and was pleased that NCARB is now allowing Member Boards access to all records.
Report from Architectural Division

Mr. Rearden reported there were 4 area architects at the Architectural Division Open House earlier in the day. He stated that members of NCARB were also in attendance and talked with the licensees as well. The Architectural Division thought the Open House went very well and it rendered good discussion. Mr. Rearden then reported that he has been reappointed to NCARB’s Experience Committee. Mr. Rearden stated that 2019 is the 100th anniversary of NCARB. He reported that NCARB’s Regional Meeting is scheduled to be held on March 7, 8 and 9, 2019 in Nashville, Tennessee. Mr. Rearden stated that he along with Mr. Popp, Ms. John, Ms. Cooper, and Ms. Kempker will be attending that meeting.

Report from Professional Engineering Division

Mr. Skibiski reported the Professional Engineering Division Open House was attended by 11 area licensees and the meeting rendered good discussion. Mr. Skibiski also reported that he along with Ms. Kempker, will be attending the NCEES Member Board Chair/Member Board Administrator Meeting in Atlanta, Georgia in February instead of Board Chair Hartnett. Mr. Adewale stated that he will be traveling to Clemson, South Carolina in January 2019 to attend a NCEES Board of Directors meeting.

Report from Professional Land Surveying Division

Mr. Freeman reported that the Professional Land Surveying Division welcomed Mr. Hogan to the Board and immediately elected him to be the new Audit Chair. Mr. Freeman also reported 4 area licensees attended their Professional Land Surveying Division Open House earlier in the day and they too had a very good discussion.

Report from Professional Landscape Architectural Division

Mr. Shotts reported they did not have any area licensees to attend their Open House so he attended the Open House for Professional Land Surveyors and found it be very engaging.

Executive Director’s Report

Ms. Kempker presented the most recent information regarding the Board’s Financial Report. She advised the Board that as of November 2, 2018, the financial balances were as follows:

Personal Service Balance was $299,707. Originated with $398,599.
E&E (Expense & Equipment) Balance was $223,570. Originated with $301,397.

The Board's current Fund Balance is $3,098,782. Per Section 327.081, RSMo, in order to avoid a sweep of the Board’s fund, our balance needs to be kept under $3,843,359 or 3 times our appropriation (3 x $1,281,119). It should be noted that before renewals were mailed, the Board’s fund balance was down to $3,011,606. Ms. Kempker announced an interesting fact that five years ago (November 2013), the Board’s Fund Balance was $3,725,455. This is evidence that by having lowered the renewal fees, the Board is bringing the fund balance down at a consistent rate ($640,000 in 5 years).

Ms. Kempker announced that she requested no changes in the Board's FY 2019 appropriation which is determined by HB 7.

Ms. Kempker announced that Jan Gilliam, who had worked for the Board over 20 years, officially retired on October 31, 2018. She then reported to the Board that Sherry Cooper’s appointment expired on August 18, 2018. The Board currently has 11 of its 14 members serving on expired terms; and, one vacancy on the Professional Engineering Division due to Ms. Cramm’s resignation. The only members who are not serving on expired terms are Chairman Hartnett, Eric Davis, and Jerrod Hogan who just recently was appointed to a term expiring on September 30, 2020. Jill Irvin is no longer with the Governor’s office and Kyle Aubuchon has been selected to fill the position of Director of Boards and Commissions. Mr. Aubuchon worked previously in the Missouri Senate for Senator Libla and was most recently the field director for Congressman Smith. Chairman Hartnett has been staying in contact with Mr. Aubuchon and will now provide you with an update of his conversation with Mr. Aubuchon. Chairman Hartnett said that he had spoken with Mr. Aubuchon and thought he was very nice. Chairman Hartnett also reported that he will have a face-to-face meeting with Mr. Aubuchon in December before the Christmas lunch with Board Staff, presently scheduled for December 12th. Chairman Hartnett advised the Board that he plans to invite Mr. Aubuchon to meet with the Board at its January 2019 meeting.

Ms. Kempker announced that the last newsletter went out the first part of November as planned. The next newsletter is now scheduled to go out around the first part of May 2019. Ms. Kempker said she would need the articles for the Board’s next newsletter to be submitted on or before April 1, 2019. She then thanked everyone for submitting the articles in a timely manner.

Ms. Kempker stated that the newsletter has a new look. Ms. Kempker further stated she tried to stay true to only using photos that reflect Missouri projects but is limited to stock photos; however, if any Board Members have pictures of specific things they would like to see in the newsletter, they are to report the names of the buildings or places to Ms. Kempker and she will see if she can obtain them. For the time being, the Board was satisfied with the ones currently being used.
Ms. Kempker reported she had recently had a conversation with former Board Member and Board Chair Jim Anderson, who is currently serving on the legislative committee within the Missouri Society of Professional Surveyors (MSPS) and he said Representative Robert Ross is considering reducing the number of years of experience required as a Land Surveyor-in-Training (LSIT) and therefore he will most likely be introducing a bill which will reduce the number of years an LSIT is required to be enrolled before being qualified to apply for examination and licensure as a PLS.

Also, since the 2018 legislative session produced several key pieces of legislation that were targeted at eliminating unnecessary regulatory bodies, waiving fees for military families and individuals in low-income households, and reducing barriers to participate in a profession, Professional Registration was tasked with working on a proposal which seeks to continue the work of the Legislature and the Boards and Commissions Task Force by extending to eleven more boards and commissions the authority to grant a Missouri license to an applicant that holds a valid license issued by another state; allowing these professional boards to waive any exam, education, or experience requirement if the other states requirements are substantially similar to Missouri; eliminates the language requirement that the applicants must be Missouri residents and preserves the cooperative agreements for those professions who participate in a multi-state compact. Most Professional Registration boards were included in SB 840 which was passed last year but this Board along with 7 others were exempted out of it. Ms. Kempker then passed out a copy of the changes to the bill that Professional Registration is planning to propose in the upcoming session which, if passed, would remove the exemption for this Board along with Healing Arts, Nursing, Pharmacy, Psychologists, Dental, Optometrists, and Veterinarians. This action would fulfill PR’s proposal of “extending to eleven more boards.” To get the eleven, they are counting each of the other 7 boards and each of the four professions regulated by this Board instead of counting this Board as one.

Ms. Kempker stated she explained to Katie Steele Danner and Division Legal Counsel, Sarah Ledgerwood, how the Board’s associations and national councils lobbied last year to get this Board exempt and therefore was concerned with offering this Board up to be included this next session; especially since the Board’s land surveyors cannot practice in Missouri until they take and pass a two part state specific exam which is only given every three months. Ms. Kempker advised told Ms. Steele Danner and Ms. Ledgerwood that this Board will not want any surveyor licensed in another state practicing in Missouri until they have passed these two exams since the Board feels they are necessary for one to possess the required knowledge of “Missouri’s” surveying standards which differ from state to state. Ms. Kempker further advised Ms. Steele Danner and Ms. Ledgerwood that some states license individuals as Architects, Professional Engineers and Professional Landscape Architects without an accredited degree and this Board does not, so Ms. Kempker stated she has some concerns about this and inquired if paragraphs...
3 and 5 give this Board the discretion to NOT license any of the individuals who do not meet the Board’s education, experience and examination requirements if the Board views them unqualified for a threat to public protection. Ms. Kempker also explained to Ms. Steele Danner and Ms. Ledgerwood that the Board has a comity procedure in place and most of the Board’s applicants are already licensed in 30 days or much less providing they meet the Board’s requirements. She said this information was relayed in the Legislative hearing and is one of the reasons this Board was exempt. Ms. Kempker reported that Ms. Ledgerwood came to her office to verbally talk about her concerns and said since the provisions in paragraphs 3 and 5 allow the Board the discretion to NOT license any of the individuals who do not meet the Board’s education, experience and examination requirements the Board will not be forced to license anyone it would not license under the current law.

Ms. Kempker then announced that a number of rule changes went into effect on September 30th. They are:

20 CSR 2030-1.020 Board Compensation
20 CSR 2030-1.030 Procedural Rules
20 CSR 2030-2.010 Code of Professional Conduct
20 CSR 2030-2.040 Evaluation Criteria for Building Design
20 CSR 2030-3.060 Licensee’s Seal
20 CSR 2030-4.050 Criteria to File Application Under 327.392, RSMo
20 CSR 2030-4.055 Criteria to File Application under section 324.008.1, RSMo, for a Temporary Courtesy License
20 CSR 2030-4.060 Evaluation—Comity Applications—Architects
20 CSR 2030-4.070 Evaluation—Comity Applications—Professional Engineers
20 CSR 2030-4.080 Evaluation—Comity Applications—Professional LandSurveyors
20 CSR 2030-4.090 Evaluation—Comity Applications—Professional LandscapeArchitects
20 CSR 2030-11.010 Renewal Period
20 CSR 2030-11.015 Continuing Professional Competency for ProfessionalEngineers
20 CSR 2030-11.020 Professional Land Surveyor—Renewal and Reactivation ofLicensure
20 CSR 2030-11.025 Continuing Education for Architects
20 CSR 2030-11.030 Professional Engineer Renewal and Reactivation ofLicensure
20 CSR 2030-11.035 Continuing Education for Professional Landscape Architects
20 CSR 2030-12.010 Public Complaint Handling and Disposition Procedure
20 CSR 2030-13.010 Immediate Personal Supervision
20 CSR 2030-13.020 Immediate Personal Supervision for Professional LandSurveyors
20 CSR 2030-14.020 Definition of Baccalaureate Degree From ApprovedCurriculum as Used in Section 327.312.1(1), RSMo
20 CSR 2030-14.030 Definition of Twenty Semester Hours of Approved Surveying Course Work as Used in Section 327.312.1(2), RSMo
20 CSR 2030-14.040 Definition of Twelve Semester Hours of Approved Surveying Course Work as Used in Section 327.312.1(3), RSMo

These changes are on the Board’s website and the links to each have been published in the Board’s newsletter. Ms. Kempker also put a copy of the amended rules showing the revisions in the Board’s October 19th Friday packet to serve as a refresher for Board Members so that they would know exactly what language was deleted, added, and/or revised.

Ms. Kempker stated that the remaining batch of rule changes is still in the promulgation process. Ms. Kempker then distributed a handout which listed the rules and their status. Ms. Kempker stated that the last day for comments was August 1, 2018. She further stated the Board did not receive any comments so the Final Orders of Rulemaking were filed with JCAR on August 24, 2018, with the Missouri Secretary of State on September 25, 2018 and they appeared in the Missouri Register on November 1, 2018. They will appear in the Code of State Regulation on November 30, 2018 and become effective on December 30, 2018. One of the changes is a new rule (Rule 20 CSR 2030-5.160) which requires all applicants for an architectural, professional engineering, or professional landscape architectural license to pass a state specific examination covering Chapter 327, RSMo, the Board Rules, and ethics before being issued a license to practice. This exam is currently on the Board’s website, it consists of 30 questions, is free and the applicants can take it any time, day or night.

The Rule reads as follows:

(1) An examination on Chapter 327, RSMo, Board Rules, and ethics must be passed before an architect, professional engineer, or professional landscape architect can be licensed to practice in Missouri.

(2) The purpose of the examination is to ensure that applicants are familiar with the act regulating the professions of architects, professional engineers, and professional landscape architects and the ethics of practicing architecture, professional engineering, or professional landscape architecture. This is an open book examination administered online, at no cost to the applicant, via the board’s website.

(3) Any applicant for examination and licensure as an architect, professional engineer, or professional landscape architect failing to make a passing grade on the examination may have unlimited opportunities to retake the examination so long as the applicant remains qualified to be examined.

(4) An applicant achieves a passing grade with a score of 80%.
Ms. Kempker explained that BEFORE a license can be issued to an Architect, a Professional Engineer, or Professional Landscape Architect (but NOT Professional Land Surveyors), the applicant must first take and pass the exam on the Board’s website at: https://pr.mo.gov/apelsla-exam.asp and receive a passing score of 80%. Ms. Kempker stated that the Board’s staff is currently working on revising the application so that when an individual makes application with the Board, the individual can attach their score sheet to the application so that it doesn’t delay the issuance of their license.

Ms. Kempker announced that she received a phone call from a Professional Land Surveyor asking why the Board is giving continuing education credit for its online exam to architects, engineers, and landscape architects but not to land surveyors. She advised him that the Professional Land Surveying Division had decided since the Board’s land surveying licensees are required to take a much more in-depth state specific exam, they did not want to award 2 Professional Development Units (PDUs) for the online exam; thus, that profession has been excluded from getting credit for the exam found on the Board’s website. He thought this was unfair and asked Ms. Kempker to bring it up for discussion before the Board and ask Board Members to reconsider and offer land surveyors the same free continuing education credit as its other licensees. Upon discussion, the Professional Land Surveying Division decided be consistent with the other 3 professions and will allow land surveyors to receive credit for the online exam. Therefore, Ms. Kempker was directed to amend the language on the Board’s website to reflect land surveyors will also receive the free continuing education credit for taking the exam.

Ms. Kempker stated that as she previously reported, the State’s Office of Administration Information Technology (OA IT) staff is still working on the enhancements to PROMO and at the same time consideration was being given to totally scrap PROMO and have them build Professional Registration Boards a brand new system. Since the last report, OA is now saying they can NOT build Professional Registration (PR) Boards a new system so PR is working with the State of Ohio regarding a system they recently put in place which will require the hiring of a Systems Solution Analyst Engineer to work as a consulting contractor with us and ISTD; and, all IT projects for all of state government will have to now be presented by the Department Director to a Quadcom Cabinet to get their approval and to rank the priority of each project.

Ms. Kempker reported the Merit Reform Law that went into effect on August 28th does affect the employees of the Board; in fact, it affects all of state government. As of now, everyone is an “at will” employee. There are no longer any 6 month probationary periods. Instead, every employee is continually on probation and can be let go at any time if they are not meeting the needs of the Board/agency. There is no longer a Personnel Advisory Board to handle appeals but if an employee is let go due to discrimination or harassment, he or she can hire a lawyer and take it up in a court of law.
With regard to Open Houses, Ms. Kempker asked the Board Members if they wanted to make any changes; especially, since there were no attendees to the Professional Landscape Architectural Division’s last two or three Open Houses; very few attendees to the Architectural and Land Surveying Divisions’ Open Houses; and, only one or two attendees to the two most recent Open House sessions with the Building Code and Fire Protection District Officials. She indicated since Chairman Hartnett had done a wonderful job putting together a Power Point presentation for the Building Code and Fire Protection District Officials she felt this presentation would be very beneficial for not only the code and fire protection officials to see but for all licensees to see. Therefore, she asked if the Board would be interested in having one joint Open House for all code and fire protection officials and all licensees at 8:00 a.m. on the second day of their meeting to show the Power Point presentation and field any questions asked. Upon discussion, the Board was unanimously in favor of doing one joint Open House but felt it first needed to make a full round of separate Open Houses before making the change. Therefore, Ms. Kempker was directed to schedule the January and April Open House sessions separately by Division but beginning with the July meeting, she is to then start scheduling one joint Open House.

Ms. Kempker announced that she along with Mr. Skibiski have been approved to attend the NCEES Member Board Chair/Member Board Administrator Meeting in Atlanta, Georgia in February. NCEES is funding all expenses.

Ms. Kempker reported that 15,347 renewals were mailed the first part of October. So far a total of 4,350 have been renewed (388 by paper and 3,962 online).

Lastly, Ms. Kempker reminded the Board Members who attended the NCARB dinner on Wednesday night that they cannot claim reimbursement for that meal on their state expense form. However, those who did not attend the NCARB dinner may request reimbursement.

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 of Architects for the period July 1, 2018 to September 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 and the licenses of Professional Engineers for the period July 1, 2018 to September 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 corporate licenses and the licenses of Professional Land Surveyors and the enrollments for Land Surveyors-in-Training for the period July 1, 2018 to September 30, 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 July 1, 2018 to September 30, 2018. The motion was seconded by Mr. Davis and unanimously carried.

**Discuss the responsibilities of the Board as it relates to the hosting of the 2019 CLARB meeting to be held on September 26-29, 2019 in St. Louis, Missouri**

Discussion was held regarding the responsibilities of the Board as it relates to the hosting of the 2019 CLARB meeting to be held on September 26, 27, 28, and 29, 2019 in St. Louis, Missouri. Ms. Kempker said the meeting will be held at the Four Seasons Hotel-St. Louis. The Board will be responsible for: 1) providing one-two staff members to man the registration desk; 2) giving a 2-3 minute welcome speech; 3) developing a walking tour for Thursday evening; and, 4) providing suggestions for a dinner meeting for Friday evening. Ms. Kempker will take care of the registration needs, Chairman Hartnett will give the welcome speech, and Noel Fehr volunteered to coordinate the walking tour and mentioned he will try to schedule a tour of the Arch grounds. It was then suggested that the dinner meeting be held at the beautiful Missouri Botanical Gardens.

**Date and Location of October/November 2019 Board Meeting**

The Board Members discussed the dates for the October/November 2019 quarterly meeting. Mr. Skibiski suggested switching the locations of the July 2019 meeting to Springfield, Missouri because he would like the Board to have dinner at his Heron’s Nest Lodge and it is better for the dinner to be held at that location during the warmer months. Therefore, the Board decided to hold the July 29 and 30, 2019 meeting in Springfield, Missouri and set the October/November 2019 meeting for October 28 and 29, 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.
Motion to go back into Closed Session

At approximately 1:35 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. Freeman 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 5:40 p.m., the Board reconvened in 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 5:40 p.m. on Friday, November 9, 2018.

ATTEST:

_____________________________
Executive Director

Approved on: __________________