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

Capitol Meeting Room
Capitol Plaza Hotel and Convention Center
415 West McCarty Street
Jefferson City, Missouri
January 28 and 29, 2019

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects was called to order at approximately 8:00 a.m. on Monday, January 28, 2019 in the Capitol Meeting Room of the Capitol Plaza Hotel and Convention Center located at 415 West McCarty Street in Jefferson City, 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, Processing Technician Supervisor
Cherie Bishop, Processing Technician Supervisor
Dawn Wilde, Board Investigator
Curtis F. Thompson, General Counsel
Edwin R. Frownfelter, Litigation Counsel
Chairman Hartnett welcomed the members and offered congratulations to Sandy Robinson of the Board’s staff on her upcoming retirement. Chairman Hartnett then welcomed Laurie Koelling who rejoined the staff in December handling the finances and working with the architects and introduced Cherie Bishop who joined the Board on January 2. She is working with Ms. Robinson to assume the Technical Processing Supervisor duties. He asked Ms. Bishop to give the Board a little bit of information about herself and background. Ms. Kempker announced to the Board Members the news that she will become a “Grandma” this summer.

**Overview of Safety and Evacuation Plans**

Mr. Davis and Ms. Robinson presented the “Safety and Evacuation Plan” for the Board’s January 28 and 29, 2019 meeting. They noted the hotel's medical emergency policy of calling 9-1-1 directly or alerting the front desk to call in addition to pointing out the emergency exits.

**Personal Appearance: Ms. Katie Steele Danner, Director of the Division of Professional Registration and Chlora Lindley-Myer, Director of the Department of Insurance, Financial Institutions and Professional Registration appearing to give an update on the happenings of the Division as well as the Department.**

Department Director Lindley-Myer told the Board Governor Mike Parson announced a change in departmental structure during his state of the state address on January 16, 2019 by adding the Office of Public Council and the Public Service Commission and changing the name to the Department of Commerce and Insurance. The effective date for the name change is August 28th, 2019 unless it’s not approved the General Assembly which has until March 18, 2019 to disapprove.

Division Director Steele Danner noted appointments, legislation and operational items were keeping the Division busy. She expects the Electrical Contractors’ voluntary licensure to begin around the first of July and anticipates seeing additional licensure bills in the legislative session. She is hopeful sweep language will not be passed and noted the Division has a new legislative liaison.
Motion To Close Meeting

At approximately 8:40 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; 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. Ms. John 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 Ms. Myer and Ms. Steele Danner, Chairman Hartnett declared the meeting closed to the general public.

Recess

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects recessed to go into individual Division meetings at 10:04 a.m.

Full Board Reconvenes

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects reconvened in open session at 2:44 p.m.

Approval of Minutes

A motion was made by Mr. Skibiski to approve the minutes for the November 8 and 9, 2018 Open Board Meeting as submitted. The motion was seconded by Mr. Freeman and carried.

Mr. Skibiski made a motion to approve the minutes of the January 22, 2019 Open Pre-Board Meeting Conference Call of the Committee of the Chairs and Public Member (Bob Hartnett, JC Rearden, Kevin Skibiski, Mike Freeman, Bob Shotts, and Sherry Cooper). Motion was seconded by Mr. Shotts and carried.

Public Comment – 10 minutes

Since no one from the Public was present, no specific issue was discussed.
Update on Board’s Strategic Plan:

A. **Key Objective 1, Improving/updating website/making it user-friendly** – Ms. 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.

Review the Board’s most current listing of “Acceptable Surveying Coursework” for purpose of making any revisions that may be necessary.

Discussion of an inquiry from the Missouri Society of Professional Surveyors (MSPS) asking if the Board would consider awarding either .5 or 1 PDU for reading the MSPS newsletter

Mr. Govero said he was concerned giving credit for reading the MSPS newsletter would degrade the intent of PDH’s. He also noted there would be a need for verification along with a related test. Additionally he was concerned other professions would also want to award PDHs for their newsletter. Board members agreed to pass on awarding PDHs for reading the MSPS newsletter. Mr. Govero will relay the Board’s decision to Sandy Boeckman, the Executive Director of MSPS.

**Electronic Outreach Committee Report and Personal Appearance**

Mr. Lucas reported the Electronic Outreach Committee thought it would be of importance for Board Members to hear first-hand the options available to the Board; therefore he announced that Mr. Frownfelter and Ms. Kempker invited Lori Croy, Department of Insurance, Financial Institutions and Professional Registration’s Director of Communications to meet with the Board Members later in the day to discuss the various ideas/items the department would be able to provide to help the Board with their outreach.

Ms. Croy, who was accompanied by Videographer Dane Hughes, suggested the Board begin with a survey to obtain audience preference. She proposed using Survey Monkey and limiting the number of questions to 8-10. She could help the Board develop questions that would query what registrants want, what the Board can better do to serve its audience, gauge registrants’ feelings about what’s important to them and what services they might want from the Board. She encouraged the Board to use the surveys as an educational tool.

Additional ideas proposed were video-conferencing (via WebEx) with registrants that don’t require a court reporter; ongoing surveys of 3-5 questions to obtain what kinds of information registrants desire as well as gaining input/opinions on Board issues. Ms. Croy indicated she would share the “bench-marking” survey done by the department with the Board.
Mr. Lucas noted the next steps for the Electronic Outreach Committee will be to hold a conference call to discuss the questions in the survey that Ms. Croy shares. Ms. Kempker was then directed to schedule a conference call of the Committee before the April Board Meeting so that the committee can have a sample survey draft for review by the full Board when it next meets.

**Review and Discussion of proposed amendments to Board Rules 20 CSR 2030-5.080 and 20 CSR 2030-5.105 to allow Decoupling of the Professional Engineering Examination:**

Mr. Skibiski reported the PE Division recommends approval of the proposed language in Board Rules 20 CSR 2030-5.080 and 20 CSR 2030-5.105 that Ms. Kempker drafted which would allow decoupling. However, since a decision by the PE Division regarding the recent denial of an applicant who has an engineering technology degree, is being taken by that applicant to the Administrative Hearing Committee, a motion was made by Mr. Adewale to amend Board Rule 20 CSR 2030-5.080 further to state “a degree in engineering technology does not meet the educational requirements for licensure as a professional engineer.” The motion was seconded by Mr. Shotts and unanimously carried.

**Status update regarding the proposed amendment to Board Rule 20 CSR 2030.2.040(1) and a report from the task force on future amendments**

The amendment (regarding the recent edition of the International Building Code) was filed January 10 and the comment period ends on March 17, 2019. Messrs. Skibiski and Rearden will meet via conference call to discuss optional language the Board may be able to use to eliminate the need to revise this every other year. They will have a report at the next meeting.

**Discussion as to whether Board Rule 20 CSR 2030.16.030(3)(C) regarding additional monumentation for surveys should be amended**

Board Rule 20 CSR 2030-16.030(3)(c) regarding additional monumentation for subdivision surveys was discussed at great length but not to the point where the Board was ready to suggest any proposed changes. Instead, the members of the Professional Land Surveying Division have stated they will work with the Missouri Department of Agriculture’s State Land Surveyor’s office and the Missouri Society of Professional Surveyors’ Standards Committee to come up with mutually agreed upon language to modify the rule. Therefore, no further action will be taken until the members of the PLS Division have contacted both MDA and MSPS to discuss possible changes. Once the changes have been agreed upon by all interested parties, the PLS Division will present the changes to the full Board for approval and promulgation.
Update of the status of the Board’s communications with the Missouri Department of Agriculture regarding proposed changes to Board Rule 20 CSR 2030-16.020(5)

Upon discussion of Board Rule 20 CSR 2030-16.020(5) as well as the rules in Chapters 17, 19, and 20, Ms. Kempker was directed to advise Mr. Ron Heimbaugh with MDA that upon the Board’s review of the proposed changes to the Missouri Standards rules, the following was decided:

The Board will revise Chapter 16: 20 CSR 2030-16.020(5) "Original Survey" using the wording of the third option he presented to read: "(5) Original Survey—[A survey which creates a new parcel, or parcels, out of a larger parent tract] Boundary adjustment plats, consolidation plats, riparian plats, lot splits, minor subdivisions, or any survey that creates a new parcel(s) for conveyance purposes. An original survey must accompany any property description creating a new parcel." MDA will then need to revise Chapter 60: 2 CSR 90-60.020(5) to read the same.

No revisions are necessary to the Board's rules in Chapter 17 which is MDA's Chapter 61: 2 CSR 90-61.010 Definitions; however, it looks like MDA may need to revise its purpose.

A revision does need to be made to our Board Rule in Chapter 19: 20 CSR 2030-19.010(3) where it states "...in the Minimum Standards for Property Boundary Surveys..." to delete Minimum and in its place add Missouri. MDA will then need to revise Chapter 63: 2 CSR 90-63.010(3) to read the same.

With regard to Board Rule 20 CSR 2030-19.020 Required Work Order, it was determined that since the Board's rule already reflects Missouri Standards for Property Boundary Surveys, we would not need to make any changes to our rule but MDA will need to change its rule (2 CSR 90-63.020) to read the same.

Upon discussion of Board Rule 20 CSR 2030-20.010(3), it was decided to amend the rule to correct paragraph (3) to change the word "or" to "for". MDA will then need to revise Chapter 64: 2 CSR 90-64.010(3) to read the same.

Ms. Kempker is to provide Mr. Heimbaugh with a copy of the affected rules highlighting the changes the Board approved and plans to promulgate simultaneously with MDA for their review and easy reference. She is to then instruct Mr. Heimbaugh to share the proposed changes with MDA and MSPS for their review and approval. Once the changes are agreed upon by all parties, the Board will start its joint venture in making the changes through the rulemaking process.
Discussion of future legislative priorities and proposed changes to Chapter 327, RSMo, and/or other Board Rules and updates from the Division Chairs regarding any feedback they received from their respective associations

Chairman Hartnett asked Board Members to consider their responses in two parts: Part A: What do perfect rules/laws look like? Part B: Take pulse of professions through the Professional Design Alliance.

It was the general consensus of the Board not to propose any changes to Chapter 327, RSMo, this legislative session. However, if any external forces push to open it, then the Board will seek the Design Alliance’s assistance in filing the following proposed changes which will be presented to the Design Alliance Committee for review and discussion at its meeting scheduled for tomorrow morning:

PROPOSED CHANGES TO CHAPTER 327, RSMo

327.011. Definitions. — As used in this chapter, the following words and terms shall have the meanings indicated:

(12) "Person", any [person] individual, corporation, firm, partnership, association or other entity authorized to do business;

PROPOSED REVISIONS TO THE ARCHITECTURAL SECTIONS OF THE LAW:

327.091. Practice of architecture defined. — 1. [Any person practices as an architect in Missouri who renders or offers to render or represents himself or herself as willing or able to render service or creative work which requires architectural education, training and experience, including services and work such as consultation, evaluation, planning, aesthetic and structural design, the preparation of drawings, specifications and related documents, and the coordination of services furnished by structural, civil, mechanical and electrical engineers and other consultants as they relate to architectural work in connection with the construction or erection of any private or public building, building structure, building project or integral part or parts of buildings or of any additions or alterations thereto; or who uses the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" that indicate or imply that such person is or holds himself or herself out to be an architect.] 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, site improvements, in whole or part and including any additions or alterations thereto, as well as to the spaces within and 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 consultants 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.

2. Architects shall be in responsible charge of all architectural design of buildings and structures that can affect the health, safety, and welfare of the public within their scope of practice.

327.101. Unauthorized practice prohibited — persons excepted. — No person shall practice architecture in Missouri as defined in section 327.091 unless and until there is issued to the person a license or a certificate of authority certifying that the person has been duly licensed as an architect or authorized to practice architecture, in Missouri, and unless such license has been renewed as hereinafter specified; provided, however, that nothing in this chapter shall apply to the following persons:

(1) Any person who is an employee of a person holding a currently valid license as an architect or who is an employee of any person holding a currently valid certificate of authority pursuant to this chapter, and who performs architectural work under the direction and continuing supervision of and is checked by one holding a currently valid license as an architect pursuant to this chapter;

(2) Any person who is a regular full-time employee who performs architectural work for the person's employer if and only if all such work and service so performed is in connection with a facility owned or wholly operated by the employer and which is occupied by the employer of the employee performing such work or service, and if and only if such work and service so performed do not endanger the public health or safety; Any person who renders architectural services in connection with the construction, remodeling or repairing of any building or structure used exclusively for agricultural purposes.

(3) Any holder of a currently valid license or certificate of authority as a professional engineer who performs only such architecture as incidental practice and necessary to the completion of professional services lawfully being performed by such licensed professional engineer;

(4) Any person who is a professional landscape architect, city planner or regional planner who performs work consisting only of consultations concerning and preparation of master plans for parks, land areas or communities, or the preparation of plans for and the supervision of the planting and grading or the construction of walks and paving for parks or land areas and such other minor structural features as fences, steps, walls, small decorative pools and other construction not involving structural design or stability and which is usually and customarily included within the area of work of a professional landscape architect or planner;
(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), (d), and (e) 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) A commercial or industrial building or structure which provides for the employment, assembly, housing, sleeping or eating of not more than nine persons; or
(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;] 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;

(6) Any person who renders architectural services in connection with the remodeling or repairing of any privately owned multiple family dwelling house, flat or apartment containing three or four families, provided that the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building 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;

(7) Any person or corporation who is offering, but not performing or rendering, architectural services if the person or corporation is licensed to practice architecture in the state or country of residence or principal place of business.

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.

PROPOSED REVISIONS TO THE PROFESSIONAL ENGINEERING SECTIONS OF THE LAW:

327.191. Unauthorized practice prohibited, persons excepted. — No person shall practice as a professional engineer in Missouri, as defined in section 327.181 unless and until there is issued to such person a professional license or a certificate of authority certifying that such person has been duly licensed as a professional engineer in another state or country, 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;
engineer or authorized to practice engineering in Missouri, and unless such license or certificate has been renewed as provided in section 327.261; provided that section 327.181 shall not be construed to prevent the practice of engineering by the following persons:

(1) Any person who is an employee of a person holding a currently valid license as a professional engineer or who is an employee of a person holding a currently valid certificate of authority pursuant to this chapter, and who performs professional engineering work under the direction and continuing supervision of and is checked by one holding a currently valid license as a professional engineer pursuant to this chapter;

(2) Any person who is a regular full-time employee of a person or any former employee under contract to a person, who performs professional engineering work for such employer if and only if all such work and service so performed is done solely in connection with a facility owned or wholly operated by the employer and occupied or maintained by the employer of the employee performing such work or service, and does not affect the health, safety, and welfare of the public;

(3) Any person engaged in engineering who is a full-time, regular employee of a person engaged in manufacturing operations and which engineering so performed by such person relates to the manufacture, sale or installation of the products of such person, and does not affect the health, safety, and welfare of the public;

(4) Any holder of a currently valid license or certificate of authority as an architect, professional land surveyor, or professional landscape architect who performs only such engineering as incidental practice and necessary to the completion of professional services lawfully being performed by such architect, professional land surveyor, or professional landscape architect;

(5) Any person or corporation who is offering, but not performing or rendering, professional engineering services if the person or corporation is licensed to practice professional engineering in the state or country of residence or principal place of business.

327.241. Examination for license two-part, how conducted — practical experience required for part two. — 1. After it has been determined that an applicant possesses the qualifications entitling the applicant to be examined, each applicant for examination and licensure as a professional engineer in Missouri shall appear before the board or its representatives for examination at the time and place specified.

2. The examination or examinations shall be of such form, content and duration as shall be determined by the board to thoroughly test the qualifications of each applicant to practice as a professional engineer in Missouri.

3. Any applicant to be eligible for a license must make a grade on each examination of at least seventy percent.

4. The engineering examination shall consist of two parts; the first part may be taken by any person after such person has satisfied the educational requirements of section 327.221, or who is in his or her final year of study in an accredited school of engineering; and upon passing part one of the examination and providing proof that such person has satisfied the educational requirements of section 327.221 and upon
payment of the required fee, such person shall be an engineer-intern, subject to the
other provisions of this chapter.

5. Any engineer-intern, as defined in subsection 4 of this section [, who has
acquired at least four years of satisfactory engineering experience,] may take part
two of the engineering examination and upon passing it and having acquired at
least four years of satisfactory engineering experience shall be entitled to receive
a license, subject, however, to the other provisions of this chapter.

6. Notwithstanding the provisions of subsections 4 and 5 of this section, the board
may, in its discretion, provide by rule that any person who has graduated from and
holds an engineering degree from an accredited school of engineering may
thereupon be eligible to take both parts of the engineering examination and that upon
passing said examination and acquiring four years of satisfactory engineering
experience, after graduating and receiving a degree as aforesaid, shall be entitled to
receive a license to practice as a professional engineer, subject, however, to the
other provisions of this chapter.

7. Any person who has graduated from and has received a degree in engineering
from an accredited school of engineering may [then acquire four years of satisfactory
engineering experience and thereafter] take both parts of the examination and upon
passing and having acquired four years of satisfactory engineering experience
shall be entitled to receive a license to practice as a professional engineer, subject,
however, to the other provisions of this chapter.

[8. Any person entitled to be licensed as a professional engineer as provided in
subsection 5, 6, or 7 of this section must be so licensed within four years after the
date on which he or she was so entitled, and if one is not licensed within the time he
or she is so entitled, the engineering division of the board may require him to take
and satisfactorily pass such further examination as provided by rule before issuing to
him a license.]
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PROPOSED REVISIONS TO THE PROFESSIONAL LAND SURVEYING SECTION
OF THE LAW

Mr. Freeman reported that that the PLS Division is recommending no changes at this
time.

PROPOSED REVISIONS TO THE PROFESSIONAL LANDSCAPE
ARCHITECTURAL SECTION OF THE LAW

327.612. Applicants for licensure as professional landscape architect —
qualifications. — 1. 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, or possesses an education which in
the opinion of the board equals or exceeds the education received by a
graduate of an accredited school, [and] has acquired at least three years
satisfactory landscape architectural experience after acquiring such a degree and who has taken and passed all sections of the landscape architectural registration examination administered by the Council of Landscape Architectural Registration Boards (CLARB) may apply to the board for licensure as a professional landscape architect.

Chairman Hartnett then reiterated that these changes will be discussed at the January 30th Design Alliance meeting at which time he will share the Board’s desire to ONLY pursue these changes if Chapter 327, RSMo, gets opened up by external forces and if everyone is in agreement with the revisions as proposed.

Discussion was then turned to Managing Agents of Corporate Certificates of Authority. In order to change the Managing Agent requirement for Landscape Architectural Corporate Certificates of Authority to be consistent with the requirements for the other three professions, Mr. Shotts made a motion to amend Board Rule 20 CSR 2030-10.010 as drafted by Ms. Kempker to require the Managing Agent of a Landscape Architectural company to be a Missouri licensed Professional Landscape Architect. The motion was seconded by Noel Fehr and unanimously carried.

Mr. Adewale then made a motion that the Board pursue promulgation of a rule that would outline the policy for a Board Member to earn emeritus status. The motion was seconded by Kevin Skibiski and unanimously carried. Mr. Adewale volunteered to draft the proposed language and send it to Ms. Kempker for proper formatting. She will then add the finalized language to the agenda of the Board’s April meeting for review and approval.

At approximately 5:00 p.m., a motion was made to adjourn by Ms. John, seconded by Mr. Shotts and unanimously carried.

Recess

At approximately 5:00 p.m., the Board recessed its open meeting until Tuesday, January 29, 2019 at 7:30 a.m.

TUESDAY, JANUARY 29, 2019 AT 7:30 A.M.

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects reconvened at 7:30 a.m. on Tuesday, January 29, 2019 in the Capitol Meeting Room of the Capitol Plaza Hotel and Convention Center located at 415 West McCarty Street in Jefferson City, 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
Sherry L. Cooper, Public Member

Members Absent

Eric D. Davis, Member of the Professional Landscape Architectural Division

Others Present

Judy Kempker, Executive Director
Sandra Robinson, Processing Technician Supervisor
Cherie Bishop, Processing Technician Supervisor
Chelsie Bartley, Board Staff
Dawn Wilde, Board Investigator
Edwin R. Frownfelter, Litigation Counsel
Curtis F. Thompson, General Counsel
Bradley McCloud, PLS
Larry Erickson, PE
Charles Owsley, PE

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.

Personal Appearance by Kyle Aubuchon, Director of Boards and Commission, Governor’s Office

Kyle Aubuchon, Director of Boards and Commissions, appeared before the Board as “Governor Parson’s point man on appointments.” Mr. Aubuchon told the Board there are 360 vacancies and 800-900 expired vacancies on state boards. He pointed out on a good month 10-12 new appointments or reappointments are made. He noted the Governor hopes to be able to appoint an MEP to the Professional Engineering Division very soon.
Recess
At approximately 7:55 a.m., the Board recessed for the individual Division open houses and the Code and Fire Officials open house sessions.

Return to Open Session
At 10:06 a.m., the Board reconvened its open meeting.

Review and Discussion of 2019 Legislative Bills of Interest
Ms. Kempker reported that a copy of all bills of interest are attached to the Board’s agenda with a summary of the bill, and, she stated she would be happy to answer any questions the Board had. There being no questions further discussion was tabled until the April Meeting.

Report from Architectural Division
Mr. Rearden reported all three members would like to attend the Annual NCARB meeting. Chairman Harnett offered his thanks for bringing in the NCARB officials to the Board’s November 2018 meeting. He felt that visit was very beneficial and has already noted changes in NCARB’s processes.

Report from Engineering Division
Mr. Skibiski told Board Members the Division shared updates on proposed/enacted rules with the open house attendees. They received lots of good comments and questions. All three are attending the Central Zone meeting this May in Portsmouth, NH. He noted that Mr. Lucas and he are both on the Mobility Committee.

Report from Land Surveying Division
Mr. Freeman reported the Division discussed the lack of PLS applicants.

Report from Landscape Architectural Division
Mr. Shotts said the proposed statute changes were discussed at their open house. He noted that all three members of the PLA Division will be attending the CLARB meeting on September 25-28th in St. Louis and invited all other members to attend since Missouri is hosting the meeting. Ms. Cooper indicated she was interested.

Chairman Hartnett asked Board Members for their thoughts on the open houses for registrants/building code officials. Should the open houses be kept separate or hold a single open house for all Divisions. Ms. Cooper suggested taking the meetings to
them at their annual conferences or big meeting. Ms. John noted there’s no annual meeting for the state’s architects. For Code Officials, Mr. Govero proposed sending the power point via email link or have Ms. Kempker post it on the website. Mr. Skibiski said he believed personal interaction with the registrants is important. It was decided to do a single open house at the Board’s next meeting to be held in St. Louis on April 24 and 25, 2019.

**Executive Director Report**

In her report to the Board, Executive Director Judy Kempker provided Board Members with an overview and update of activities and year-end statistics.

Ms. Kempker reported current funds as of January 25, 2019 showing:
- Personal Service balance of $226,054 down from $398,599.
- E&E (Expense & Equipment) balance at $157,640 dropping from $301,397.
- Fund Balance is $3,310,690 increasing $211,908 from the November balance. The increase is credited to the collection of renewal fees.

Ms. Kempker pointed out per Section 327.081, to avoid a sweep of Board funds, the balance needs to be under $3,793,146 or three times the Board’s appropriation (3 x $1,264,382). She noted prior to renewals being mailed the fund balance was drawn down to $3,011,606. For comparison sake, she pointed out “it is interesting to know five years ago (January 2014) our Fund Balance was $3,998,265 which is evidence that lowering our renewal fees and using some of the reserve to operate, the Board is lowering the fund balance down at a consistent rate - $687,575 in 5 years. She also noted no changes were made in the FY 2019 appropriation determined by HB 7 other than the Board is transferring one FTE to the Division of Professional Registration.

Ms. Kempker noted the Board has 11 of its 14 Board Members serving on expired terms along with one vacancy on the PE Division. The only members not currently serving expired terms are Board Chair Hartnett, whose term expires on February 10th, Mr. Davis whose term expires September 30th and Mr. Hogan, who was just recently appointed and confirmed to the PLS Division for a term that expires on September 30, 2020. In addition, Public Member Sherry Cooper’s appointment expired on August 18, 2018. She also remarked Board Chair Hartnett has been staying in contact with Kyle Aubuchon, the Governor’s Appointments Director, who had met with the Board on earlier in the morning.

Mr. Kempker then announced that with the next newsletter schedule to go out in early May, Ms. Kempker reminded Board Members articles need to be submitted no later than April 1st.

Ms. Kempker asked the Board Members to be sure and file their Personal Financial Disclosure Statement with the Missouri Ethics Commission prior to the April 30th deadline -- by doing so they will avoid incurring late fees which run $10
per day starting May 1st. Ms. Kempker also requested Board Members email her that they have filed.

Ms. Kempker explained to Board Members that despite some remarks from Senator Eric Burlison regarding landscape architect licensing prompting concern over deregulation, she was reassured by Sam Licklider, lobbyist for MALA, that Senator Burlison doesn’t have any interest in deregulation of Landscape Architects or even dealing with the issue. “Although the news is reassuring” Ms. Kempker reminded Board Members from past experience “we know to never let our guard down”. She also shared that Rep. Robert Ross, a PLS, was again assigned as Chair of the House Professional Registration Committee with Rep. Steve Helms serving as Vice-Chair and Senator Jeanie Riddle was appointed the Senate’s Professional Registration Committee Chair with Senator Burlison serving as Vice-Chair.

Additionally, Ms. Kempker shared with the Board she talked to Jim Anderson, a former Board Member and Chairman of the Board now serving on the MSPS legislative committee, who indicated Rep. Ross will likely introduce a bill reducing the number of years an LSIT is required to be enrolled before qualifying to apply for examination and licensure as a PLS.

The Board’s Executive Director indicated all of the Rule Changes, with the exception of the recent change to CSR 2030-2.040 Evaluation Criteria for Building Design (changing reference to the 2015 IBC code to 2018) have been successfully promulgated with the last batch going into effect on December 30th. A list of the rules showing which were amended are as follows:

Chapter 4:
20 CSR 2030-4.010 Filing Deadline—[Architects,] Professional Engineers [,,] and Professional Land Surveyors [, Landscape Architects, Engineer Interns and Land Surveyors-in-Training]

Chapter 5:
20 CSR 2030-5.010 Special Examinations Prohibited
20 CSR 2030-5.030 – Standards for Admission to Examination—Architects
20 CSR 2030-5.055 Passing Grade—Architects
20 CSR 2030-5.080 Standards for Licensure—Professional Engineers
20 CSR 2030-5.090 Scope of Examination—Professional Engineers
20 CSR 2030-5.100 Passing of Part I Required—Engineers
20 CSR 2030-5.105 Reexaminations—Professional Engineers

20 CSR 2030-5.110 Standards for Admission to Examination—Professional Land Surveyors

20 CSR 2030-5.130 Reexamination—Land Surveyor-in-Training and Professional Land Surveyor

20 CSR 2030-5.140 CLARB Examinations—Professional Landscape Architects

20 CSR 2030-5.160 State Exam Covering Chapter 327, RSMo, the Board Rules and Ethics

Chapter 6:
20 CSR 2030-6.015 Application, Renewal, [Reinstatement,] Relicensure, and Miscellaneous Fees

20 CSR 2030-6.020 Reexamination Fees

Chapter 8:
20 CSR 2030-8.020 Professional Land Surveyor—Professional Development Units

Chapter 10:
20 CSR 2030-10.010 Application for Certificate of Authority

Chapter 15:
20 CSR 2030-15.020 Easements and Property Descriptions

Chapter 21:
20 CSR 2030-21.010 Design of Fire Suppression Systems
20 CSR 2030-21.020 Engineer of Record and Specialty Engineers

Ms. Kempker added the rule changes are listed on the Board’s website and the links to each will be published in the Spring/Summer newsletter.

With regard to the proposed amendment to Board Rule 20 CSR 2030-2.040 (Evaluation Criteria for Building Design which changes reference to the 2015 IBC code to 2018), the Board’s Executive Director noted it was filed with the Missouri Secretary of State on January 10, 2019 and is scheduled to appear in The Missouri Register on February 15th with the comment period ending March 17, 2019. March 18, 2019 is the first day with JCAR, the last day is May 15, 2019 and the end of 90 days is June 17, 2019.

Ms. Kempker then told Board Members Board Rule (20 CSR 2030-5.160), the new
rule requiring all applicants for an architectural, professional engineering, or professional landscape architectural license pass a state specific examination covering Chapter 327, RSMo, the Board Rules, and ethics before being issued a license to practice, went into effect on December 30th. She reported the Board staff is in the process of updating application forms to reflect the change, and also noted the exam is the same one that has been on the website the last couple of years offered as free continuing education credit to all licensees. It consists of 30 questions and applicants can take it as many times as they want anytime. Until the application forms are updated, staff is following up with individuals via email advising of the rule requirement and providing the link to the exam. When the automated score sheet is generated, staff will then issue the license.

Since January 1, Ms. Kempker noted a number of the new licensees have taken and passed the exam. So far, she has not heard any complaints and also mentioned applicants are taking it soon after receiving their email. In addition, she told Board Members after they voted to grant land surveyors free continuing education credit for taking the exam the Board’s website was updated to reflect the change.

Continuing her report, the Board’s Executive Director drew attention to some department changes including Governor Parson’s announcement in his State of the State address that the Department of Economic Development (DED) will be reorganized bringing the Public Service Commission (PSC) and the Office of Public Counsel (OPC) into the Department of Insurance, Financial Institutions and Professional Registration. In addition, Ms. Kempker noted the department itself will be receiving a new name: Missouri Department of Commerce and Insurance. She explained the Governor signed an Executive Order which gives the legislature 60-days to approve of the change. Other than the new name, little else is expected to change. Once the change takes place, she indicated staff will need to change their email signature block, order new letterhead, and all other forms to make sure they do not contain the old Department name. Noting having undergone a number of department name changes, she and the staff have learned to stick with putting the Division of Professional Registration along with the Board’s name on most of the forms.

Ms. Kempker told the Board she followed up with an email on January 18th regarding Public Member Sherry Cooper’s request for an update on NCARB’s pursuit of a pilot program with a global primary source verification firm to provide an added layer of protection and improve their processes, but has not yet heard back.

Since the Board’s last meeting, Ms. Kempker noted the Office of Administration IT staff continues to work on the enhancements to PROMO and/or a new licensing system. She indicated effective January 16, 2019, Preston Feeler became the new Information Management Officer. He will be monitoring and coordinating the Department’s IT projects and handling day-to-day oversight of IT operations. She
also shared news that a Non Active Licensee Search function (https://renew.pr.mo.gov/licensee-search-nonactive.asp) was added to the Board’s web page and should be up and running very soon.

Ms. Kempker reported no comments or suggestions were made to the revised Settlement Agreements and cover letters including a very specific timeframe for reporting purposes so she will plan to proceed with the changes as presented.

Ms. Kempker told Board Members the Meet Me, Progressive, or CenturyLink conference call lines will be eliminated this year, but no specific time is known yet. As a result, state operators are transitioning to WebEx when scheduling conference calls, but not all agencies have WebEx capabilities so there are still a few issues to work through. WebEx is expected to provide the same services as well as allow the ability to schedule calls from our computers with no limit on the number of participants and “best of all it is FREE to use!”

The Board’s Executive Director noted all four of the Division Open Houses will be held the next morning in separate meeting rooms followed by an Open House for Building Code Officials and Fire Protection Officials. She noted she will continue to schedule Open Houses in the areas of the upcoming Board Meetings and stated she will proceed as directed by the Board to schedule one joint Open House in the future.

Ms. Kempker shared the following scheduled attendance at national meetings:

**NCEES:** Mr. Skibiski and Ms. Kempker have been approved to attend the NCEES MBC/MBA Meeting in Atlanta, Georgia which is scheduled for next week. NCEES is funding all expenses.

**NCARB:** Mr. Rearden, Mr. Popp, Ms. John, Ms. Cooper and Ms. Kempker have all been approved to attend the NCARB Regional Summit Meeting in Nashville, Tennessee in early March. NCARB is funding all expenses with the exception of Ms. John’s which will be paid out of the region’s fund.

**NCEES:** Messrs. Skibiski, Adewale, Lucas and Freeman and Ms. Kempker have all been approved to attend the NCEES Joint Zone Meeting in Portsmouth, New Hampshire in early May as funded delegates. Mr. Hogan and Ms. Cooper have been approved to attend at the Board’s expense.

In closing, Ms. Kempker reported 15,347 renewals were mailed in the first part of October with 13,967 (approximately 91%) renewed (86% online and 14% by paper). She also reminded Board Members the Design Alliance Meeting will be
held Wednesday morning at 10:00 a.m. in MSPE/ACEC office building. She indicated Mr. Hartnett, Mr. Rearden, Mr. Skibiski, Mr. Freeman, Mr. Shotts, Mr. Fehr and she are planning on attending, and invited other members wishing to attend to please do so.

Motion To Close

At approximately 10:44 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. Fehr 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, he declared the meeting closed to the general public.

Recess

At approximately 10:47 a.m., the Board recessed for purpose of giving Board Members time to check out of their hotel rooms.

Return to Open Session

At approximately 11:17 a.m., the Board reconvened. Mr. Govero moved the Board return to Open Session. Motion seconded by Ms. John.

Electronic Outreach Report

Mr. Lucas reported the committee held a conference call to set-up the previous day's meeting with Lori Croy, Department of Insurance, Financial Institutions and Professional Registration’s Director of Communications. He indicated the committee liked what Ms. Croy proposed – especially the bench-marking survey. Chairman Hartnett commented he thought the Committee was making positive steps.

Selection of Date and Location for January 2020 Board Meeting
Board Members agreed to hold the January 2020 Board Meeting in Jefferson City on January 28th and 29th. Chairman Hamnett asked the staff to secure bids.

**Working Lunch and Meeting With Board Staff**

Board Staff members Laurie Koelling, Karen Payne, Nancy Plaster, Shyra Rutherford and Vanessa Shanks joined the meeting for a working lunch with Board Members. Before proceeding with lunch Chairman Hartnett asked each staff member to tell Board Members a little bit about themselves and what their primary duties are.

**Motion To Close**

At approximately 1:05 p.m., Chairman Hartnett called for a motion to close the meeting to the general public for the purpose of discussing confidential or privileged communications between this agency and its attorney as well as to discuss pending litigation and complaint matters. Mr. Govero made a motion that the meeting be closed to the general public pursuant to Sections 610.021(14) and 324.001.8, 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. Ms. John 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, he declared the meeting closed to the general public.

**Return to Open Session**

At approximately 4:00 p.m., Mr. Govero moved the Board return to Open Session. Motion seconded by Ms. John and unanimously carried.

**Adjournment**
There being no further business to come before the Board in open session, Mr. Govero made a motion to adjourn the meeting. The motion was seconded by Ms. Cooper. The meeting adjourned at approximately 4:02 p.m. on Tuesday, January 29, 2019.

ATTEST:

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Executive Director

Approved on:  April 25, 2019