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

Monday, January 28, 2019
Truman A Meeting Room
Capitol Plaza Hotel
415 W McCarty Street
Jefferson City, Missouri

The Architectural Division of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects was called to order by Chairman JC Rearden at 10:14 a.m. on Monday, January 28, 2019. A quorum being present, Chairman Rearden declared the meeting open for business.

Members Present

James C. “JC” Rearden, Chairman of the Division
Michael Popp, Member of the Division
Martha John, Member of the Division

Others Present

Robert Hartnett, Board Chair
Sherry Cooper, Public Member
Judy Kempker, Board Executive Director
Curt Thompson, General Counsel
Edwin Frownfelter, Litigation Counsel
Dawn Wilde, Board Investigator
Laurie Koelling, Board Staff

To better track the order in which items were taken up on the agenda, each item in the minutes will be listed in the order it was discussed in the meeting.

Approval of Minutes

Martha John made a motion to approve the minutes of the November 8, 2018 Architectural Division Open Meeting. The motion was seconded by Michael Popp and unanimously carried.

Motion to Close

At 10:17 a.m., Chairman JC Rearden called for a motion to close the meeting to the general public for the purpose of discussing confidential or privileged communications between this agency and its attorney as well as to discuss pending litigation and complaint matters. Michael Popp made a motion that the meeting be closed to the general public pursuant to Chapter 610.021 subsection (14) and 324.001.8, RSMo, for the purpose of discussing investigative reports, complaints, audits and/or other
information pertaining to licensees or applicants; Chapter 610.021 subsection (1) RSMo, for the purpose of discussing general legal action, causes of action or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under Chapter 610.021, RSMo, which authorizes this agency to go into closed session during those meetings. The motion was seconded by Martha John and unanimously carried. Mr. Rearden asked for any visitors to leave the room.

Reconvene in Open Session

At approximately 10:54 p.m. the members of the Architectural Division went back into open session to discuss items on the open agenda.

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

Section 327.603, RSMo, - After a brief discussion, Mr. Rearden stated that he has suggested some changes to this section of the law and that he gave the changes to Bob Shotts and Mr. Shotts in turn gave the changes to Ms. Kempker. Both the Architectural and the Landscape Architectural divisions were in agreement with the changes.

Section 327.091, RSMo, – The division discussed the proposed changes to this section of the law as follows:
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.

After discussion, it was decided that the Architectural division will recommend these
changes to the full Board when it meets later in the day.

Please note, Curt Thompson joined the meeting at 11:04 a.m.
Judy Kempker joined the meeting at 11:09 a.m.
Bob Hartnett, Sherry Cooper, Edwin Frownfelter and Dawn Wilde joined the meeting at
11:11 a.m.

Motion to Close

At 11:14 a.m., Chairman JC Rearden called for a motion to close the meeting to the
general public for the purpose of discussing confidential or privileged communications
between this agency and its attorney as well as to discuss pending litigation and complaint
matters. Martha John made a motion that the meeting be closed to the general public
pursuant to Chapter 610.021 subsection (14) and 324.001.8, RSMo, for the purpose of
discussing investigative reports, complaints, audits and/or other information pertaining to
licensees or applicants; Chapter 610.021 subsection (1) RSMo, for the purpose of
discussing general legal action, causes of action or litigation and any confidential or
privileged communication between this agency and its attorney, and for the purpose of
reviewing and approving closed meeting minutes of one or more previous meetings under
Chapter 610.021, RSMo, which authorizes this agency to go into closed session during
those meetings. The motion was seconded by Michael Popp and unanimously carried.
Mr. Rearden asked for any visitors to leave the room.
Reconvene in Open Session

At approximately 11:54 p.m. the members of the Architectural Division went back into open session for the purpose of adjournment for lunch.

At 12:35 a.m., it should be noted that the Division Members returned to their open meeting to continue discussion of possible rule changes.

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

At 12:47 p.m., Chairman JC Rearden called for a motion to close the meeting to the general public for the purpose of discussing confidential or privileged communications between this agency and its attorney as well as to discuss pending litigation and complaint matters. Martha John made a motion that the meeting be closed to the general public pursuant to Chapter 610.02(1) subsection (14), 324.001.8, RSMo, for the purpose of discussing investigative reports, complaints, audits and/or other information pertaining to licensees or applicants; Chapter 610.021 subsection (1) RSMo, for the purpose of discussing general legal action, causes of action or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under Chapter 610.021 RSMo, which authorizes this agency to go into closed session during those meetings. The motion was seconded by Michael Popp. A roll call vote was taken and unanimously carried. Mr. Rearden asked for any visitors to leave the room.

Adjournment

There being no further business, on motion of Martha John, seconded by Michael Popp, and unanimously carried, the meeting adjourned at 2:25 p.m.

ATTEST:

______________________________
Executive Director

Date Approved: ________________