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

Monday, July 29, 2019
Fiji Meeting Room
Oasis Hotel and Convention Center
2546 North Glenstone Avenue
Springfield, Missouri

The Professional Land Surveying Division of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects was called to order at 9:15 a.m. on Monday, July 29, 2019 in the Fiji Meeting Room, of the Oasis Hotel and Convention Center, 2546 North Glenstone Avenue, Springfield, Missouri. A quorum being present, Chairman Mike Freeman declared the meeting open for business.

Members Present
Michael C. Freeman, Chair of the Division
Dan Govero, Member of the Division
Jerrod Hogan, Member of the Division

Others Present
Bob Hartnett, Board Chair and Professional Landscape Architect
Edwin R. Frownfelter, Legal Counsel
Curtis F. Thompson, General Counsel
Sherry L Cooper, Public Member
Sandy Robinson, 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

On motion by Dan Govero, the minutes for the April 25, 2019 Professional Land Surveying Division open meeting were approved as submitted. Jerrod Hogan seconded the motion. Voting in favor of the motion were Dan Govero and Jerrod Hogan.
Discuss Status of, or Potential Changes to, the Board Rules and/or Chapter 327, RSMo, Regarding the Professional Land Surveying Profession

Since the proposed changes to Chapter 327, RSMo, which were previously approved by the Board and the Design Alliance, were put on hold due to lack of opportunity for the professional associations to present them in the 2019 Legislative Session, the Professional Land Surveying Division Members decided that no further discussion was required at this time. However, the plan is to present these proposed changes to the Design Alliance again after the Board’s October 2019 meeting with the intent of hopefully getting them pre-filed for the 2020 Session. The Division Members also stated they will continue to work with the Missouri Department of Agriculture on some proposed rule changes that they are working on together.

Review and Discuss Open Items on the Full Board’s July 29 and 30, 2019 Agenda

The Division Chair, and Division Members, reviewed the Board’s July 29 and 30, 2019 Open Agenda and selected the following topics for specific discussion:

- **Discuss the Pros and Cons of the Corporate Certificates of Authority Requirement**

  The Professional Land Surveying Division Members reviewed and discussed the pros for requiring a Corporate Certificate of Authority by reviewing the list of “Reasons as to why the Board feels that Corporate Certificates of Authority are Necessary” and the document prepared by the Board’s Legal Counsel, Edwin Frownette, entitled “Talking Points Previously Prepared by Edwin”. In addition, the Division Members discussed the cons of requiring Corporate Certificates of Authority that were presented as proposed legislation by Representatives Robert Ross and Rocky Miller. Upon discussion, Division Member, Dan Govero, shared that it was his belief that there is definitely a need for the Corporate Certificate of Authority requirement where there is one person named as the managing agent to serve as the person in responsible charge and that the cons or arguments were not persuasive enough. However, since this topic is on the full Board agenda for further discussion with the Board’s legal staff, Curt Thompson and Edwin Frownette, to weigh in with their opinions the Professional Land Surveying Division Members had no recommendation to make to the full Board at this time.
Update on Proposed Changes to Board Rule 20 CSR 2030-16.030(3)
Regarding Additional Monumentation for Subdivision Surveys

Next, PLS Division Chair, Mike, Freeman, shared that there needs to be a face-
to-face meeting with Ron Heimbaugh, State Surveyor, with the Missouri
Department of Agriculture; the elected officials from the Missouri Society of
Professional Surveyors; and the Professional Land Surveyor Division Members
to determine what can be agreed upon by all parties regarding Board Rule 2C
CSR 2030-16.030(3). Mr. Freeman stated that he believes that all will be
attending the MSPS annual meeting in October so it will be a good opportunity
to gather and come up with a mutual agreement regarding the language for the
proposed changes to Board Rule 20 CSR 2030-16.030(3) “Additional
Monumentation for Subdivision Surveys”. Therefore further discussion was on
this matter was postponed until the next PLS Division quarterly meeting.

Discussion of Future Legislative Priorities and Proposed Changes to
Chapter 327 RSMo and/or the Board Rules and Updates from the Division
Chairs Regarding any Feedback they Received from their Respective Associations

The Professional Land Surveying Division Members then reviewed the
"Legislative Committee Report" of the Missouri Society of Professional Surveyors
that was shared by Division Member, Dan Govero. The report contained the
revisions to the language of Section 442.135 that was introduced by
Representative Ross as House Bill 770 and later added to Senate Bill 36 which
was passed by the legislature, signed by Governor Parson on July 11, 2019 and
will become effective on August 28, 2019. The new language of Section
442.135(1) will read “If a property is subdivided and new property description is
created, such property description shall include the name, and professional
license number, if applicable, of the person that created the property description;
and (2) will read “no person shall submit for recording a conveyance of any
property under subsection 1 of this section unless the property description of
such property contains the information required in subsection 1 of this section”.

The report also touched on HB 384 that was introduced by Representative Mark
Ellebracht which would require a land survey be made any time a property of 10
or more acres is conveyed in exchange for compensation although it stated that
although Rep. Ellebracht had filed the bill for a constituent he would not be
pursuing it.

The report further stated that MSPS had introduced bills several times to increase
the education requirements for licensure and that at last year’s annual meeting
some newly licensed surveyors had expressed their concerns about how long
the licensing process took and also heard suggestions that maybe MSPS should
pursue legislation to reduce the experience requirement or perhaps to have a
modest increase in the education requirement and a modest decrease in the
experience requirement.

In conclusion, the report mentioned "recording" and whether or not there is a need to simplify the recording requirements.

At 9:30 a.m., Ms. Payne, Board Staff, and Judy Kempker, Executive Director, joined the meeting.

Motion to Close

At 9:35 a.m., Chairman Freeman called for a motion to close the meeting to the general public for the purpose of meeting with a licensee as well as discussing confidential or privileged communications between this agency and its attorney as well as to discuss pending litigation and complaint matters. Dan Govero made a motion that the meeting be closed to the general public pursuant to Chapter 610.021 subsection (14) and 324.001.8 and 324.001.9, 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 Jerrod Hogan and unanimously carried. Voting in favor of the motion were Dan Govero and Jerrod Hogan. There being no further discussion, a motion was made by Dan Govero and seconded by Jerrod Hogan to adjourn. The motion carried unanimously. Chairman Freeman asked all visitors to leave the room. There being none, Chairman Freeman then declared the meeting closed to the general public.

Reconvene in Open Session

At approximately 3:15 p.m. the Professional Land Surveying Division Members reconvened in open session for the purpose of adjournment.

Adjournment

There being no further business on motion of Mr. Govero, seconded by Mr. Hogan and unanimously carried, the meeting adjourned at 3:15 p.m.

ATTEST:

[Signature]
Executive Director

Approved by Board on: October 28, 2019