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

Maui Ballroom
Oasis Hotel and Convention Center
2546 North Glenstone Avenue
Springfield, Missouri
July 29 and 30, 2019

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects was called to order at 8:00 a.m. on Monday, July 29, 2019 in the Maui Ballroom at the Oasis Hotel and Convention Center located at 2546 North Glenstone Avenue 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
David L. Smith, 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
Jerrold L. Hogar, 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
Laurie Koelling, Board Staff
Sandy Robinson, Board Staff
Christina White, Board Staff
Dawn Wilde, Board Investigator
Curtis F. Thompson, General Counsel
Edwin R. Frownfelter, Legal 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 welcomed the Board's newest member, David Smith, PE, to the Board. Chairman Hartnett then asked Board Members and staff to introduce themselves to Mr. Smith.

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

Mr. Davis provided a report from the Safety Committee regarding the “Safety and Evacuation Plan” for the Board's July 29 and 30, 2019 meeting at the Oasis Hotel and Conference Center in Springfield, Missouri. Mr. Davis directed the Board Members' attention to the Board's July 29 and 30, 2019 Open Agenda Item #3, where all Safety and Evacuation Plan information was provided. Mr. Davis stated the Automated External Defibrillator (AED) is located in the hall near the front desk and first aid equipment is located in the kitchen at the back of the meeting room. Mr. Davis advised that he is CPR certified and Chairman Hartnett stated that he is CPR certified as well. Mr. Davis then reminded Board Members that Ms. Kempker is the Primary Contact Person when there is an emergency.

**Motion to go into closed session**

At approximately 8:10 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 investigative reports, 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 and 9, RSMo, for the purpose of discussing investigative reports, complaints and/or other information pertaining to licensees or applicants or any deliberations conducted and votes taken in rendering a final decision after a hearing before an agency assigned to the division shall be closed to the parties and the public; Section 610.021 subsection (1) RSMo, for the purpose of discussing legal actions, causes of action or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under Section 610.021 RSMo, which authorizes this agency to go into closed session during those meetings. Mr. Adewale seconded the motion. A roll call vote was taken and it unanimously carried. Chairman Hartnett asked that all visitors leave the room. There being none, Chairman Hartnett declared the meeting closed to the general public.
Return to Open Session

At approximately 9:02 a.m., the Board reconvened its open meeting for the purpose of recessing until later in the day so the Division could conduct their separate meetings.

Recess

At approximately 9:02 a.m., the Board recessed its open meeting until later in the day.

Monday, July 29, 2019 at 3:50 P.M.

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects reconvened at 3:50 p.m. on Monday, July 29, 2019 in the Maui Ballroom at the Oasis Hotel and Convention Center located at 2546 North Glenstone Avenue 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
David L. Smith, 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. Hogar, 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
Laurie Koelling, Board Staff
Sandy Robinson, Board Staff
Approval of Minutes

A motion was made by Mr. Lucas to approve the minutes for the April 25 and 26, 2019 Open Board Meeting as submitted. The motion was seconded by Mr. Adewale and carried with David Smith abstaining from voting since he was not present at that meeting.

A motion was made by Mr. Skibiski to approve the open minutes for the July 16, 2019 Open Pre Board Meeting Conference Call of the Chairs and Public Member of the Board as submitted. The motion was seconded by Mr. Shotts and it unanimously carried with Committee Members JC Rearden, Kevin Skibiski, Mike Freeman, Bob Shotts, and Sherry Cooper all voting in favor of the motion.

Public Comment – Limited to 10 minutes

Since no one from the Public was present, no specific issue was discussed.

Report from the Electronic Outreach Committee and review of draft survey

The Board reviewed the survey conducted in order to receive feedback from licensees that would frame the direction for the Board’s future communication methods. Ms. Kempker reported that the Board received a favorable response to the question, “Are you familiar with the Board’s newsletter, Dimensions”? Eighty-five percent said yes they were familiar with the Board’s newsletter; 14.32% said No and .50% other. She also reported that 73.67% replied they do read the newsletter with 26.33% responded no, they do not read the newsletter. It was also noted that overall, most respondents stated they were satisfied with the content of the Board’s newsletter. Upon discussion, Mr. Lucas, chair of the Electronic Outreach Committee, directed Ms. Kempker to set up a conference call for the committee to decide what steps the Board needs to take going forward especially as it relates to turning the negative responses into positive responses. Mr. Rearden seconded the motion and it unanimously carried. The Board directed Ms. Kempker to set up another conference call for some time after Labor Day which is September 2, 2019 to discuss the results of the survey further and decide what steps the Board needs to take going forward especially as it relates to turning the negative responses into positive responses.
Discuss the pros and cons of the Corporate Certificates of Authority requirement

The Board discussed the pros and cons of the Corporate Certificates of Authority requirement. Mr. Shott was visited with Representative Robert Ross, PLS-2005019227, regarding this matter. Representative Ross is not in favor of the Corporate Certificate of Authority requirement because he feels it is burdensome on sole proprietors. Chairman Hartnett directed the Board's attention to tab number #12 on the Board's Open Agenda stating that the Board has compiled a "White" paper entitled, "Reasons as to why the Board feels Corporate Certificates of Authority are necessary." It was noted that Curt Thompson, Board's General Counsel, weighed in by offering comments as well. Ms. Cooper stated the most important public protection reason in her mind for requiring a C of A is to ensure that no layperson inappropriately and illegally exerts control of, or interference with, the independent professional judgment of a license. After much discussion, the Board decided to move forward with advocating for keeping the Corporate Certificate of Authority requirement. The Board also directed Mr. Thompson to clean up and organize the "White paper" and place Ms. Cooper's argument at the top of the reasons why to keep the Corporate Certificate of Authority requirement. However, the Board would be willing to consider exempting sole proprietors as a negotiating tool. At approximately 4:15 p.m., the Board connected via conference call with Wes Sutton. The Members of the Board discussed where the Board is proceeding with this issue with Mr. Sutton. At approximately 4:25 p.m., Mr. Sutton disconnected from the call. At that time, the Board directed Ms. Kempker to forward Mr. Thompson's final version of the White Paper to the Board/Division Chairs for review and approval. Once approved, Ms. Kempker is to then thank Mr. Sutton for his participation, via teleconference, with the APEPLSPLA Board at its July 29th meeting regarding discussion of the necessity of the corporate Certificate of Authority that is being questioned by Representatives Miller, Ross, and Mayhew, and provide him with the finalized version of the White Paper that has bullet points listing important reasons to support continuation of the state law requiring corporate Certificates of Authority. The Board hopes Mr. Sutton will find the White Paper beneficial when next visiting with Representatives Miller, Ross, and Mayhew or any other legislators that may have questions. In addition, Ms. Kempker is to make herself available to participate in any conversations Mr. Sutton may have with these Representatives regarding this issue.

Discuss future renewal notices being sent via email to all licensees who have an email address recorded with the Board

Ms. Kempker discussed future renewal notices being sent via email to all licensees who have an email address recorded with the Board. After much discussion, Mr. Rearden made a motion to send renewal notices via email. The
first email is to be sent October 1st, the second email is to be sent November 1st, the third email is to be sent December 1st and then send the actual paper renewal to anyone who has not renewed by the third email December 10th. The motion was seconded by Mr. Adewale and unanimously carried. Ms. Cooper then asked if Board staff can fix the online renewal system to allow the Board’s licensees to renew online during the grace period. Ms. Kempker advised the Board that she will ask this question during the renewal meeting.

Discuss email inquiry, dated May 10, 2019, from Mr. Harlan Hill regarding the practice of engineering as it relates to residential design and construction

The Board discussed an email inquiry, dated May 10, 2019, from Mr. Harlan Hill, A-6582, regarding the practice of engineering as it relates to residential design and construction. Upon discussion, the Board directed Ms. Kempker to send an email to Mr. Hill advising that the Board’s response in the 2004 letter which she previously shared with him, is still valid today. Ms. Kempker is to further advise Mr. Hill that as was stated in that letter, although Missouri state statutes do allow an architectural exemption for the design of residential homes, it does not provide the same exemption for the engineering portion. However, since the Board does not consider the engineering portion of a residential home to be a major issue, it has not actively pursued discipline against unlicensed individuals performing engineering on a residential home; but, should a complaint ever be filed with the Board in which imminent danger exists in such a situation, immediate action will then be taken. Also, Ms. Kempker is to direct Mr. Hill’s attention to Section 327.411, RSMo, an engineer is required to sign and seal all final plans he/she either prepares or which were prepared under his/her immediate personal supervision even if those plans are exempt. Prior to sending the email response to Mr. Hill, Ms. Kempker is to run the response by the Board’s General Counsel, Curt Thompson.

Status update regarding the proposed amendment to Board Rule 20 CSR 2030-2.040(1) and a report from the task force regarding future amendments

The Members of the Board discussed the status update regarding the proposed amendment to Board Rule 20 CSR 2030-2.040(1) and a report from the task force regarding future amendments. After reviewing the three options presented, Mr. Skibiski made a motion to adopt option 2 which states:

(1) For building design, the board shall use, in the absence of any local building code, the current edition of the International Building Code, as the evaluation criteria in determining the appropriate conduct for any professional licensed or regulated by the chapter and being evaluated under section 327.441.2(5), RSMo. Each time a new edition of the IBC is published, said new edition shall be deemed the “current” edition beginning on January 1 of the
The motion was seconded by Ms. John and carried with one vote in opposition cast by Mr. Rearden.

Recess

At approximately 4:45 p.m., the Board recessed its open meeting until Tuesday, July 30, 2019 at 7:30 a.m.

Tuesday, July 30, 2019 at 7:30 A.M.

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects was called back to order at 7:30 a.m. on Tuesday, July 30, 2019 in the Maui Ballroom at the Oasis Hotel and Convention Center located at 2546 North Glenstone Avenue 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
David L. Smith, 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
Jerrold L. Hogar, 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
Laurie Koelling, Board Staff
Sandra Robinscn, Board Staff
Christina White, Board Staff
Dawn Wilde, Board Investigator
Curtis F. Thompson, General Counsel
Edwin R. Frownfelter, Legal Counsel
Blake Murray, Membership Director for the Missouri Society of Professional Engineers (MSPE)

Tuesday, July 30, 2019 at 8:00 A.M. – Joint Board Presentation with Area Licensees, Building Code and Fire Protection Officials

At approximately 8:00 a.m. on Tuesday, July 30, 2019 in the Coco Ballroom of the Oasis Hotel ard Convention Center, the Board provided a presentation to the Springfield area licensees, and building code and fire protection district officials. Chairman Hartnett welcomed those in attendance. The Board then provided a Power Point presentation and 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. At approximately 8:55 a.m., the presentation ended and the Board reconvened in the Maui Room to continue discussion of its open agenda items.

Review and discussion of Proposed Rule 20 CSR 2030-4.100 Applications – Formerly Licensed Applicants

Mr. Skibiski reported to the Board that during the Processional Engineering Division meeting on Monday, July 29th, they reviewed and discussed Proposed Rule 20 CSR 2030-4.100 Applications – Formerly Licensed Applicants. Upon discussion, Mr. Skibiski made a motion to move forward with Proposed Rule 20 CSR 2030-4.100 Applications – Formerly Licensed Applicants as it is drafted. The motion was seconded by Mr. Adewale and unanimously carried.

Update on the status of the Board’s communications with the Missouri Department of Agriculture regarding proposed changes to the surveying standards in Chapters 16, 17, 19, and 20 of the Board Rules and Chapters 60, 61, 63 of MDA’s rules

Mr. Freeman provided an update on the status of the Board’s communications with the Missouri Department of Agriculture regarding proposed changes to the
surveying standards in Chapter 16, 17, 19 and 20 of the Board Rules and Chapters 60, 61, 63 of MDA’s rules. Mr. Freeman will meet with Chris Wickern, Suzanne Daniel and State Land Surveyor Ron Heimbaugh at the Fall MSPS Meeting to come up with language for Ms. Kempker to file. Mr. Heimbaugh has some language drafted for them to review and consider so this matter is to be placed back on the Board’s October, 2019 Open Agenda for discussion.

**Update on proposed changes to Board Rule 20 CSR 2030-16.030(3) regarding additional monumentation for subdivision surveys**

Mr. Freeman provided an update on proposed changes to Board Rule 20 CSR 2030-16.030(3) regarding additional monumentation for subdivision surveys. Again, Mr. Freeman will meet with Chris Wickern, Suzanne Daniel and State Land Surveyor Ron Heimbaugh at the Fall MSPS Meeting to come up with language for Ms. Kempker to file. Mr. Heimbaugh has some language drafted for them to review and consider so this matter is to be placed back on the Board’s October, 2019 Open Agenda for discussion.

**Discussion of pathways toward licensure as a Professional Land Surveyor and the downward trend in enrollments and/or licensures**

The Board discussed pathways toward licensure as a Professional Land Surveyor and the downward trend in enrollments and/or licensures. Mr. Govero said the Missouri Society of Professional Surveyors (MSPS) is proposing changes which would allow concurrent experience and education. He also reported that applicants can take the mandatory LS courses online now. Therefore, it was decided that since MSPS is working on this, there is nothing further for the Board to do at this time other than encourage as many pathways toward licensure as possible without diminishing the qualifications and to review each application on a case-by-case basis. Ms. Kempker was then directed to put this topic back on the October agenda for Mike Freeman to give a report on the progress that MSPS is making.

**Discuss email inquiry received from Steve Lewis regarding compliance with SB 36 which requires the name and professional license number be included in the description of a newly created property description**

The Board reviewed an email inquiry received from Steve Lewis, PLS, regarding compliance with Senate Bill 36 which requires the name and professional license number be included in the description of a newly created property description. Mr. Freeman made a motion directing Ms. Kempker to send an email response to Mr. Lewis with a copy to Sandy Boeckmann, Executive Director for the Missouri Society of Professional Surveyors (MSPS), advising the Board has no jurisdiction over this bill since it is a Real Estate bill and not a bill affecting Chapter 327,
RSMo. However, upon review of the bill, the Board noted that it appears nothing related to the land surveying profession has changed due to its passage. If a land surveyor subdivides a property and a new property description is created, the property description shall include the name, and professional license number of the surveyor who created the property description. The Board has determined that no specific form or format is required to display this information. The motion was seconded by Mr. Govero. A roll call vote was taken and unanimously carried.

**Motion to go back into Closed Session**

At approximately 9:45 a.m., Chairman Hartnett called for a motion to go back into closed session for the purpose of preparing for the disciplinary hearings of William A. Jacob and John M. Norwood 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 discuss disciplinary hearings of William A. Jacob and John M. Norwood as well as any confidential or privileged communication between this agency and its attorney. Mr. Adewale seconded the motion. A roll call vote was taken unanimously carried. Chairman Hartnett asked that all visitors leave the room. Upon the departure of Mr. Blake Murray, Chairman Hartnett declared the meeting closed to the general public.

**Return to Open Session**

At 10:04 a.m., the Board reconvened its open meeting for the purpose of holding disciplinary hearings in the matters of the Board versus William A. Jacob and the Board versus John M. Norwood.

**Disciplinary Hearing for William A. Jacob**

At approximately 10:04 a.m., the Board conducted a Disciplinary Complaint Hearing in the matter of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects vs. William A. Jacob. Mr. Jacob personally appeared without legal counsel. However, Mr. Jacob's wife, Michelle, did appear. The Board's Legal Counsel, Edwin Frownfelter appeared for the Board. Chairman Hartnett stated for the record that the hearing had convened. The record was established by a certified court reporter and a copy made a part of the Board's file in Case No. 2016-001716. When the hearing was concluded (at approximately 11:05 a.m., Mr. and Mrs. Jacob and Mr. Frownfelter were told that the Board would issue an Order soon after it has completed its deliberations. They then departed.
Disciplinary Hearing for John M. Norwood

At 11:20 a.m., the Board conducted a Disciplinary Complaint Hearing in the matter of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects vs. John M. Norwood. Mr. Norwood personally appeared with legal counsel, Johnny Richardson. The Board’s Legal Counsel, Edwin Frownfelter, appeared for the Board. Chairman Hartnett stated for the record that the hearing had convened. The record was established by a certified court reporter and a copy made a part of the Board’s file in Case No. 2018-000797. When the hearing was concluded (at approximately 12:35 p.m.), Mr. Norwood, Mr. Richardson and Mr. Frownfelter were told that the Board would issue an Order soon after it has completed its deliberations. They then departed.

Please note that at approximately 12:35 p.m., the Board recessed its meeting for lunch.

Motion to go back into Closed Session

At approximately 1:25 p.m., Chairman Hartnett called for a motion to go back into closed session for the purpose of conducting deliberations and votes taken in rendering final decisions after disciplinary hearings of William A. Jacob and John M. Norwood 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 conduct deliberations and votes taken in rendering final decisions after disciplinary hearings of William A. Jacob and John M. Norwood as well as any confidential or privileged communication between this agency and its attorney. Mr. Adewale seconded the motion. A roll call vote was taken unanimously carried. Chairman Hartnett asked that all visitors leave the room. Upon the departure of Mr. Frownfelter, Chairman Hartnett declared the meeting closed to the general public.

Return to Open Session

At 2:20 p.m., the Board reconvened its open meeting for the purpose of continuing the discussion of the remaining open agenda items.

It should be noted that Mr. Frownfelter rejoined the meeting at approximately 2:20 p.m.
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

Chairman Hartnett asked Board Members if they knew of any legislative priorities for the 2020 legislative session. Ms. Kempker stated that the revisions to Chapter 327, RSMo, which were approved by the Board last year and forwarded to the Design Alliance for filing but never actually got filed that the Board wants to move forward will need to be reaffirmed at the Board’s next meeting. These approved changes will be provided to the Design Alliance for possible filing in the 2020 Legislative Session. Mr. Raarden then stated that changes to Section 327.191, RSMo, will need to be made pursuant to an inquiry from architect Harlan Hill with the City of Springfield. Upon discussion of his inquiry, the Board decided to add the residential exemption into the engineering section of the law. The proposed revisions to this Section include the changes that the Architectural Division is proposing be made to Section 327.091, RSMo, which appear in the version that was approved for filing last year. The Board will need to review the proposed revisions to Section 327.191, RSMo, and, if found acceptable, vote at its next meeting to move forward with the changes by incorporating them into the preapproved document that it plans to share with the Design Alliance for possible filing in the 2020 Legislative Session.

Mr. Skibiski stated that the Professional Engineering Division wishes to make changes to Section 327.191, RSMo, to add residential exemption to the engineering section of the law. Mr. Skibiski stated that the Division will review this statute and make changes at its next meeting and directed Ms. Kempker to add this item to the Board’s October 2019 open agenda.

Mr. Shotts then stated that the Professional Landscape Architectural Division would like to revise Sections 327.421 and 327.465, RSMo, if Chapter 327 is opened up during the next legislative session to include reference to landscape architects. Ms. Kempker stated she would have a draft of the revisions for the Board to review at the October 2019 meeting. If the revisions are found acceptable, the Board will need to vote at its next meeting to move forward with the changes by incorporating them into the preapproved document that it plans to share with the Design Alliance for possible filing in the 2020 Legislative Session.

The Board then directed Ms. Kempker to forward the draft proposed changes to Board Members prior to the October 2019 meeting so they will have sufficient time to review the proposed changes. The Board Members are to let her know in advance of the meeting any edits they deem necessary so that they can be made before the Board votes on the final version at its October meeting.

The Board then directed Mr. Frownfelter to draft some language for Chapter 327, RSMo, which would make it clear that only licensed individuals can use the titles of architect, professional engineer, professional land surveyor, and professional
landscape architect. As soon as he has that drafted, it is to be forwarded to Ms. Kempker to then be forwarded to the Board for their review.

**Review and discussion of 2019 Truly Agreed and Finally Passed Legislative Bills**

Ms. Kempker provided the Board with an update on the 2019 Truly Agreed and Finally Passed Legislative Bills. The following are the bills of had a direct impact on this Board.

**HB 7, Smith** – Appropriates money for the departments of Economic Development; Insurance, Financial Institutions and Professional Registration; and Labor and Industrial Relations – was truly agreed and passed on May 9, 2019 and was then signed by Governor Parson on June 10, 2019.

**HB 355, Plocher** – Modifies provisions relating to utilities – was truly agreed and passed on May 17, 2019 and was then signed by Governor Parson on July 11, 2019.

**Update on NCEES Joint Zone Meeting in Portsmouth, NH and the NCARB Annual Meeting in Washington D.C.**

**A. NCEES Joint Zone meeting held in Portsmouth, New Hampshire** – Mr. Skibiski reported that he along with Messrs. Adewale, Lucas, Freeman, Hogan, Ms. Cooper and Ms. Kempker attended this meeting. Mr. Skibiski stated that the “hot button issue” was licensing anyone with an engineering technology degree.

**B. NCARB Annual Meeting held in Washington, D.C.** – Mr. Rearden reported that he along with Mr. Popp, Ms. John, Chairman Hartnett and Ms. Kempker attended the NCARB Annual Meeting in Washington, D.C. Mr. Rearden stated NCARB had an open house at their new headquarters which is also located in Washington, D.C. Mr. Rearden advised that he is now on the Education Committee for NCARB. Ms. John reported that she is on the Certification Alternative Review Team (CART) committee. Mr. Popp then reported that he was appointed to the Continuing Education Evaluation Workgroup. Ms. Cooper announced that she is on the Professional Conduct Committee.
Update on the 2019 CLARB Annual Meeting in St. Louis from September 26th-28th

Chairman Hartnett and Mr. Fehr reminded the Board that CLARB is holding its 2019 Annual Meeting in St. Louis this year and all Board Members are invited to attend since it is being held in Missouri. The dates for the CLARB Annual meeting is September 26, 27 and 28. Mr. Fehr reported that he is working on a "walking tour" for the St. Louis Arch grounds. Chairman Hartnett stated that he is going to give the "Welcome Address" which is limited to three (3) minutes or less and will include information about the Stanley Cup. Ms. Kempker then asked for a show of hands of who is presently planning to attend this meeting. Chairman Hartnett, Bob Shotts, Noel Fehr, Eric Davis, Sherry Cooper and Ms. Kempker all indicated they are attending the CLARB Annual meeting.

Report from Architectural Division

Mr. Rearden stated that he had nothing more to report since he reported NCARB information earlier in the day.

Report from Professional Engineering Division

Mr. Skibiski reported that for the first time in a long time he is not on a committee for NCEES. Mr. Adewale is currently the Vice Chair of the Central Zone and is on the EPC committee. Mr. Lucas has not yet been appointed to a committee for NCEES.

Report from Professional Land Surveying Division

Mr. Freeman stated that, at this time, the Professional Land Surveying Division did not have anything to report.

Report from Professional Landscape Architectural Division

Mr. Shotts reported that the Professional Landscape Architectural Division held a discussion regarding the Ballot/Vote sheet for the CLARB Board of Directors and Committee on Nominations Elections. Mr. Shotts stated that the Division decided to support the following people for offices: Michael Beresnak for President Elect; Les Smith for Vice President; Allison Fleury for Treasurer; and, Chad Danos and Deborah Peters for Committee on Nominations. Mr. Shotts stated that the Division Members needed additional time to review CLARB's Resolutions. Therefore, Mr. Shotts directed Ms. Kempker to set up a conference call for some time in September so the Division Members can decide on how to proceed with voting on the CLARB Resolutions.
Executive Director's Report

Ms. Kempker presented the most recent information regarding the Board’s Financial Report. She advised the Board that as of July 26, 2019, the financial balances were as follows:

Personal Service Balance was $358,613. Originated with $381,678.

E&E (Expense & Equipment) Balance was $279,944. Originated with $301,397.

The Board’s current Fund Balance is $2,987,205. This is the first time in a long time, the Board’s fund balance has been below $3,000,000. Per Section 327.081, RSMo, in order to avoid a sweep of the Board’s fund, the balance needs to be kept under $3,895,600 or 3 times our appropriation (3 x $1,298,600). Ms. Kempker announced that the Board’s Balance is currently $908,595 below the sweep limit.

The only change in the Board’s FY 2020 appropriation (which is determined by HB 7) is a reduction of $20,421 in the Personal Service appropriation which is a result of the Board giving a vacant position to the State Committee for Social Workers which we had not used in over 15 years. By giving them the vacant position, the Board still has another which can be filled if ever needed. This reduced the Board’s Personal Service appropriation from $402,099 to $381,678. Ms. Kempker advised the Board that at the conclusion of FY2019, it lapsed approximately $27,297 in its E&E fund and $76,707 in its Personal Service fund.

Ms. Kempker stated that David Smith was appointed to replace former Board Member Kelley Cramm. Therefore, the Board has no vacancies at this time. However, the Board does have 12 of its 15 members serving on expired terms. The only members who are not serving on expired terms are Eric (whose term is due to expire on September 30th of this year), and Jerrod and David whose terms are both due to expire on September 30, 2020. Ms. Kempker announced that Kyle Aubuchon has been selected to fill the position of Director of Boards and Commissions. Chairman Hartnett stated that he has been in contact with Mr. Aubuchon and has been told that the Governor’s Office has just recently made 27 appointments. Mr. Aubuchon assured Chairman Hartnett that his office is continuing to look at appointments and re-appointments. Mr. Aubuchon did request that Chairman Hartnett let the Board Members know that the associations should be encouraged to consider diversity factors when making nominations.

Ms. Kempker announced that the last newsletter went out the first part of May as planned. The next newsletter is scheduled to go out around the first part of November so she will need all articles by no later than October 1st.

APEPLSPLA Board
Open Minutes
July 29 and 30, 2019
The changes to Chapter 327, RSMo, that the Board agreed upon at its January meeting, did not get filed by the Design Alliance so those changes are ones we will want to keep in mind for the next session and make plans to re-forward them to the Design Alliance right after our October Board Meeting so the associations’ lobbyists can perhaps get them filed in early December.

Ms. Kempker provided information regarding the Board’s proposed amendment to Board Rule CSR 2030-2.040 – Evaluation Criteria for Building Design. She advised the Board is changing reference to the 2015 IDC code to 2018. Ms. Kempker previously reported that no comments had been received so the Final Order was filed with Joint Committee on Administrative Rules (JCAR) on March 29, 2019 and with the Secretary of State (SOS) on April 29, 2019. The Final Order appeared in the Missouri Register on June 3, 2019 and in the Code of State Regulations on July 1, 2019. The rule is scheduled to go into effect on July 30, 2019.

The other rule changes the Board previously approved at its January meeting for promulgation are:

20 CSR 2030-4.090 Evaluation—Comity Applications—Professional Landscape Architects (this amendment will allow for an “equivalent” degree in landscape architecture to be accepted for licensure)

20 CSR 2030-5.105 Reexaminations—Professional Engineers (amends the rule to accommodate the policy for transition to computer based testing)

20 CSR 2030-5.150 Standards for Admission to Examination—Professional Landscape Architects (amends the rule to allow applicants to take the LARE examination while obtaining their experience, which we are already allowing so it brings the rule up to date with our current practice and it provides applicants admission to the exam if they have either an accredited degree or one deemed equivalent)

20 CSR 2030-10.010 Application for Certificate of Authority (amends the rule to require the Managing Agent of a LA corporation to be a PLA)

These rule changes were filed with SOS, JCAR and the Small Business Regulator Fairness Board (SBRFB) on April 18, 2019. They appeared in the Missouri Register on June 3, 2019. The last day for comment was July 3, 2019. We received no comments so the Final Orders of Rulemaking were filed with JCAR and SBRFB on July 18, 2019 and will be filed with the SOS on August 19, 2019.
Other proposed rules and/or amendments which were voted on and approved at the Board’s April 2019 meeting are 20 CSR 2030-1.040, 20 CSR 2030-5.080, and 20 CSR 2030-5-110.

20 CSR 2030-1.040 – Board Member Emeritus Status – This rule outlines the policy for a former Board Member to earn emeritus status. This proposed rule was sent to PR Adnin for review and approval on June 11, 2019 and is still pending. Ms. Kempker advised the Board that she had shared some emails from the Division’s legal counsel raising questions as to whether the Board has the authority to convey emeritus status as an honorary title; therefore, she was not sure if this rule will get approved or not.

20 CSR 2030-5.080 Standards for Licensure—Professional Engineers – This rule is being amended to allow decoupling and to clarify an engineering technology degree does not meet the educational standards requirement for licensure as a PE.

20 CSR 2030-5-110 Standards for Admission to Examination—Professional Land Surveyors – This is the rule change that was brought forth at the request of Rep. Don Mayhew which will allow up to one year of experience while in the military which does not have to be completed under the immediate personal supervision of a PLS.

These two rule amendments were filed with SOS, JCAR and SBRFB on July 18, 2019. They are scheduled to appear in the Missouri Register on September 3, 2019 and the end of comment period is October 3, 2019.

Next, Ms. Kempker discussed the Department name change. She advised that on August 28, 2019, the Department of Insurance, Financial Institutions and Professional Registration will be changed to the Missouri Department of Commerce and Insurance. Everyone is getting new business cards to reflect the name change. As soon as Ms. Kempker receives the business cards, they will be forwarded to each Board Member.

Ms. Kempker announced that the licensing system is still a work in progress but currently, Office of Administration IT staff is still working on the enhancements to PROMO.

Ms. Kempker advised the Board Members that their next conference call will be scheduled through WebEx. WebEx will provide the same services we have been receiving and gives us the ability to set the calls up from our own computer. There is not a limit on the number of parties able to participate on the call and best of all it is FREE to use!
Ms. Kempker announced that the Board had one joint presentation of the Board with area licensees and code officials scheduled earlier in the day. She advised that approximately 35 licensees and/or code officials signed up to attend but only 29 were in attendance. She stated she will continue to schedule future Board Presentations in the area of the upcoming Board Meetings on the second day of the meeting as one Joint Session of all four professions until the Board directs her otherwise.

Ms. Kempker advised that Messrs. Skibiski, Lucas, Freeman and Hogan have all been approved to attend the NCEES Annual Meeting in Washington, DC from August 14, 15, 16 and 17 as funded delegates; and, since Mr. Adewale is an officer, NCEES is also covering his expenses. Ms. Kempker announced that she is not attending since she will be in California waiting for the arrival of her grandson.

Ms. Kempker stated that she, along with Chairman Hartnett, Bob Shotts, Noel Fehr, Eric Davis, and Sherry Cooper will be attending the CLARB Annual Meeting which will be held in St. Louis from September 26th-28th. Since both Mr. Fehr and Ms. Cooper live in the area, they will not be approved for lodging.

Ms. Kempker announced that since Cherie Bishop is no longer working full-time, she will be hiring a new person for the front desk duties. Ms. Kempker and Ms. Payne interviewed some people last week and submitted the name of Sherrie Owen to PR Admin for approval to hire. Once Ms. Owen is approved and hired, the Board staff will finally be back up to full occupancy.

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 licenses and the reauthorizations of corporate licenses for architectural corporations as well as the licenses and relicensures of Architects for the period April 1, 2019 to June 30, 2019. The motion was seconded by Mr. Popp and unanimously carried.

- **Professional Engineers and Engineer Interns** – Mr. Skibiski made a motion to ratify the licenses and reauthorizations of corporate licenses for engineering corporations, the licenses, relicensures and reactivations of Professional Engineers, and the enrollments for Engineer Interns for the April 1, 2019 to June 30, 2019. The motion was seconded by Mr. Adewale and unamiously carried.

- **Professional Land Surveyors and Land Surveyors-in-Training** – Mr. Freeman made a motion to ratify the licenses and reauthorizations of corporate licenses for land surveying corporations, the licenses and
relicensures of Professional Land Surveyors and the enrollments for Land Surveyors-in-Training for the period April 1, 2019 to June 30, 2019. The motion was seconded by Mr. Govero and unanimously carried.

- **Professional Landscape Architects** – Mr. Shotts made a motion to ratify the licenses and reauthorizations of the corporate licenses and licenses of Professional Landscape Architects for the period April 1, 2019 to June 30, 2019. The motion was seconded by Mr. Fehr and unanimously carried.

**Date and Location of July/August 2020 Board Meeting**

The Board Members set the July/August 2020 meeting for July 27 and 28, 2020 to be held in Springfield, 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.

**Due to the dates of the 2020 NCEES Combined Zone Meeting having recently been changed from May 14-16, 2020 to April 23, 24 and 25, 2020, does the Board want to select a different date for its April 2020 meeting in St. Louis other than the previously selected date of April 20-21?**

Ms. Kempker advised the Board that she just learned that the 2020 NCEES Combined Zone Meeting has recently been change from May 14, 15 and 16, 2020 to April 23, 24 and 25, 2020. The Board selected April 20 and 21, 2020 for its quarterly meeting. Ms. Kempker asked the Board Members if they wanted to keep the present dates of the April 2020 meeting or make a change. Upon discussion, the Board decided to change its meeting to May 4 and 5, 2020 and keep the meeting location in the St. Louis, Missouri area.

**Additional Agenda Items, if any**

Since there were no additional agendas items presented, no specific issue was discussed.

**Motion to go back into Closed Session**

At approximately 3:31 p.m., Chairman Hartnett called for a motion to go back into closed session for the purpose continuing its discussion of 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 for the purpose of continuing its discussion of pending litigation and
complaint matters as well as any confidential or privileged communication between this agency and its attorney. Mr. Adewale seconded the motion. A roll call vote was taken unanimously carried. Chairman Hartnett asked that all visitors leave the room. There being none, Chairman Hartnett declared the meeting closed to the general public.

**Return to Open Session**

At 5:26 p.m., the Board reconvened its open meeting for the purpose of adjournment.

**Adjournment**

Mr. Govero made a motion to adjourn the meeting. The motion was seconded by Mr. Popp and unanimously carried. The meeting adjourned at 5:26 p.m. on Tuesday, July 30, 2019.

**ATTEST:**

![Signature]

Executive Director

Approved on: **October 28, 2019**