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

Jefferson Room
Capitol Plaza Hotel and Convention Center
415 West McCarty Street
Jetterson City, Missouri
January 27 and 28, 2020

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 27, 2020 in the Jefferson 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
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. 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
Karen Payne, Administrative Coordinator
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.

Overview of Safety and Evacuation Plans

Mr. Davis presented the "Safety and Evacuation Plan" for the Board's January 2020 meeting. He advised of 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. Mr. Davis also stated that the Capitol Plaza Hotel does not have an AED on the property. Mr. Davis reminded the Board that he along with Chairman Hartnett are CPR certified. Mr. Davis also reminded Board Members that Ms. Kempker is the Primary Contact Person when there is an emergency. Chairman Hartnett stated he had just completed training on the use of the AED equipment.

Personal Appearance: Chloral Lindley-Myers, Director of the Department of Commerce and Insurance; Sarah Ledgerwood, Professional Registration Acting Director; and, Wes Sutton, Professional Registration Legislative Liaison appeared at the Board's request to give an update on the happenings of the Department and Division as well as to discuss Board Member Appointments and legislative issues that may have an impact on the Board or the four professions it regulates.

Department Director Lindley-Myers advised that the change in departmental structure occurred on August 28, 2019 by adding the Office of Public Council and the Public Service Commission to the Department along with a name change to the Department of Commerce and Insurance. Director Lindley-Myers was pleased to welcome the Public Service Commission and Office of Public Council to the Department. She also commented that the change went smoothly.

Acting Division Director Ledgerwood stated she assumed the duties of Acting Division Director after the departure of Katie Steele Danner. She was pleased with the transition and felt it had been a real learning experience for her. She also commended the Board for addressing safety matters at the beginning of the meeting. Ms. Ledgerwood stated she is currently working on safety for the Division of Professional Registration as well as working to improve the morale of the Division employees.

Professional Registration Legislative Liaison Wes Sutton thanked the Board for inviting him to the meeting and said that he looked forward to working with Ms.
Kempker and the Board in the 2020 Legislative session. He said that if there was anything he could help the Board with that he’d be glad to be of assistance.

It should be noted that Matthew Thomas, PLS-2000148668 and member of the public, joined the meeting at approximately 8:15 a.m.

Please note that at approximately 8:25 a.m., Jerald "Rusty" Saunders, PLA-000007 and representative of the Missouri Association of Landscape Architects, joined the meeting.

**Motion To Close Meeting**

At approximately 8:30 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 and 9, RSMo, for the purpose of discussing investigative reports, complaints and/or other information pertaining to licensees or applicants; Section 610.021 subsection (1) RSMo, for the purpose of discussing legal actions, causes of action or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under Section 610.021 RSMo, which authorizes this agency to go into closed session during those meetings. Mr. Adewale seconded the motion. A roll call vote was taken and it unanimously carried. Chairman Hartnett asked that all visitors leave the room. Upon the departure of Ms. Myers, Ms. Ledgerwood, Mr. Sutton, Mr. Saunders and Mr. Thomas, Chairman Hartnett declared the meeting closed to the general public.

**Return to Open Session**

At approximately 9:25 a.m., the Board reconvened its open meeting for the purpose of recessing until later in the day so the Divisions could conduct their separate meetings.

**Recess**

At approximately 9:25 a.m., the Board recessed its open meeting until later in the day.
Full Board Reconvenes

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects reconvened in open session at 2:30 p.m.

Approval of Minutes

A motion was made by Mr. Skibiski to approve the minutes for the October 28 and 29, 2019 Open Board Meeting as submitted. The motion was seconded by Ms. John and unanimously carried.

Mr. Skibiski made a motion to approve the minutes of the January 21, 2020 Open Pre-Board Meeting Conference Call of the Committee of the Chairs and Public Member. Motion was seconded by Mr. Shottts and unanimously carried with Bob Hartnett, JC Rearden, Kevin Skibiski, Mike Freeman, Bob Shottts, and Sherry Cooper all voting in favor of the motion.

Public Comment – 10 minutes

No one from the Public was present. However, Ms. Kempker stated that she had been contacted by Joe Gibbs who had planned to meet with the Board but fell ill. She said Mr. Gibbs is requesting the Board put something in place on how to clean up records when someone passes away and a new licensee comes in to the office. He was specifically wanting to know what a licensee should do in this case and how long he/she needs to keep the old records. After much discussion, Mr. Skibiski stated that he will write an article for the Board’s newsletter on this subject and ask for feedback from the public. Mr. Frownfelter stated that he will write an article for the newsletter regarding succession planning.

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

Mr. Freeman stated the Professional Land Surveying Division reviewed the current listing and found no new changes to the “Acceptable Surveying Coursework” list since it is updated often; therefore no further action is need at this time.

Report from the Electronic Outreach Committee regarding results of recent survey
Mr. Lucas stated he had nothing new to report. However, he asked Ms. Kempker to set up a conference call after the renewal cycle but prior to the next Board meeting to determine if any further action is needed.

**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, and 64 of MDA's rules including proposed changes to Board Rule 20 CSR 2030-16.030(3)(C) regarding additional monumentation for subdivision surveys**

Mr. Freeman said that he continues to work with the Missouri Department of Agriculture on this matter. Mr. Skibiski stated that he just recently found an error in Section 327.041.3, RSMo, which needs to replace the Department of Natural Resources with the Department of Agriculture.

**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 stated that he had learned that Representatives Robert Ross and/or Rocky Miller may sponsor a bill with the Board's proposed changes to Chapter 327, RSMo. Ms. Kempker stated that she anticipates Representative Ross will make changes to add that a candidate may take the PLS exam early similar to the changes for a candidate to take the PE exam early.

**Review and discussion of 2020 Legislative Bills of interest**

Ms. Kempker gave an update on the status of the following bills of interest to the Board.

**HB 1307, Neely, Eliminates license suspensions for nonpayment of child support** – January 9, 2020 Read second time (H).

**HB 1358, Ellebracht, Changes the laws regarding sale of land so that a sale of 10 or more acres requires a survey** – January 9, 2020, Read second time (H).

**HB 1366, Ellebracht, Modifies provision of close meetings of governmental bodies** – February 4, 2020 Reported Do Pass (H).
HB 1442, Helms, Modifies and adds provisions relating to professional licensure – February 12, 2020, referred: Rules – Administrative Oversight.

HB 1452, Schroer, Modifies provisions relating to professional licensing reciprocity – January 15, 2020 HCS reported do pass (H).

HB 1458, Shaul, Changes the laws regarding the Small Business Regulatory Fairness Board – January 9, 2020, Read second time (H).

HB 1511, Lynch, Modifies provisions relating to professional licensing reciprocity – February 20, 2020 Public hearing scheduled (S).

HB 1567, Billington, Prohibits an employer from terminating an employee for having a firearm in the employee's vehicle on the employer's premises – February 13, 2020 Referred: General Laws.

HB 1603, Mayhew, Changes the laws regarding land surveying – January 9, 2020 read second time (H).

HB 1658, Proudie, Specifies that limited liability companies that own real property in St. Louis County must designate a contact person with the county clerk – February 12, 2020 Voted Do Pass (H).


HB 1796, Hicks, Modifies provisions relating to the “Science, Technology, Engineering, and Mathematics initiative” (STEM) – February 24, 2020 Voted Do Pass (H).

SB 560, Onder, Requires any state agency or regulatory board to issue a permanent license or certificate to a nonresident military spouse – February 4, 2020, Bill combined (with SCS SBs 673 and 560).

SB 578, Crawford, Provides processes for the recorder of deeds to record electronic documents and procedures for remote online notarization – February 12, 2020, Hearing conducted S Local government and Elections Committee.
SB 610, Slater, Enacts new provision allowing employer policies relating to employee drug use – February 20, 2020 Hearing conducted S Small Business and Industry Committee.

SB 613, Emery, Modifies provisions regarding fees for access to public records and authorizes closure of certain constituent and legislative records of members of the General Assembly – February 18, 2020, Hearing conducted S Government Reform Committee.

SB 647, Koenig, Establishes the Fresh Start Act of 2020 – February 18, 2020, SCS Voted Do Pass S General Laws Committee (3567S.04C)

SB 661, Bernskoetter, Establishes the Prescribed Burning Act which protects a landowner from liability for a prescribed burn – February 17, 2020 SCS Voted DO Pass S Agriculture, Food Production and Outdoor Resources Committee (3636S.03C)

SB 673, Brown, Allows any resident of Missouri, resident military spouse, or nonresident military spouse to apply for licensure in Missouri – February 25, 2020, Formal Calendar S Bills for Perfection--SBs 673 & 560-Brown, with SCS

SB 689, Emery, Modifies provisions relating to licensing requirements for certain professionals – February 25, 2020, Formal Calendar S Bills for Third Reading--SCS for SB 689.

SB 808, Crawford, Repeals the Small Business Regulatory Fairness Board – February 13, 2020, Second Read and Referred S Government Reform Committee.

Review and discussion of letter dated December 31, 2019 from Architect Lawrence Goldblatt regarding an informal question on “Sealing”

Ms. Kempker stated that she sent a letter to Mr. Goldblatt regarding sealing issues that he is having with a Missouri municipality. The municipality has asked that apart from his submittal for a building permit, the city staff demanded that he submit a letter stating his replies to the City permit staff separate from the permit submittal. The letter shall be signed and sealed. Mr. Goldblatt states that the way he reads the licensing regulation on seals, if he seals a document of any type as part of architectural services it must be with the title block for the project. On January 3, 2020, Ms. Kempker provided Mr. Goldblatt with a response. Ms. Kempker advised Mr. Goldblatt that the Board is not permitted to render advisory opinions on whether a particular scenario of facts represents a violation of the statutes or regulations, or
whether any particular set of facts warrants investigation but she did note that Board Rule 20 CSR 2030-2.050(1) requires a licensee to affix a title block to “all drawings, exhibits, plans, plats, maps, and surveys that are required to be signed and sealed by Chapter 327, RSMo, and these regulations.” Upon discussion, the Board was satisfied with Ms. Kempker’s response to Mr. Goldblatt and decided no further response was necessary.

**Report from Architectural Division**

Mr. Rearden reported that the Architectural Division held elections earlier in the day and reported that no positions have changed. Mr. Rearden will continue to serve as the Division Chair; Mr. Popp will continue to serve as the Vice Chair of the Division and Ms. John will continue to serve as the Audit Chair.

Mr. Rearden stated that he is on the Education Committee for NCARB and that he recently attended an Education Committee meeting in Oklahoma City, Oklahoma. Mr. Rearden then stated that the NCARB regional meeting is in Cambridge, Massachusetts and the NCARB Annual meeting is scheduled to be held in Austin, Texas. Mr. Rearden, Mr. Popp, Ms. John, Ms. Cooper and Ms. Kempler all wish to attend the Annual Meeting. However, only Mike Popp and Martha John are available to attend the Regional Meeting.

**Report from Professional Engineering Division**

Mr. Skibiski reported that the Professional Engineering Division held elections earlier in the day and no positions have changed. Mr. Skibiski will continue to serve as the Chair of the Division; Mr. Adewale will continue to serve as the Vice Chair; and, Craig Lucas will continue to serve as the Audit Chair.

Mr. Skibiski stated that the NCEES Joint Zone meeting is scheduled for April in Houston, Texas. He stated he wished to attend this meeting along with Messrs. Adewale and Lucas. Mr. Skibiski also stated that the NCEES Annual meeting is to be held in Chicago, Illinois. Again, Messrs. Skibiski, Adewale and Lucas wished to attend this meeting. Ms. Cooper stated she is also interested in attending the NCEES Annual meeting in Chicago.

Mr. Skibiski advised the Board that he had a conversation with Ben Ross, PE. Mr. Ross is a member of the S.A.V.E. coalition and is requesting, on behalf of over 900 members, professional development hours to Professional Engineers and Health Safety and Welfare (HSW) continuing education units for Architects for hours spent performing building safety evaluations in the field. Upon discussion, the Board directed Ms. Kempker to advise Mr. Ross that 2 PDHs/CEUs will be awarded each renewal period to a licensee who is an active member of the S.A.V.E. Coalition and one PDH/CEU will be awarded for each hour of a S.A.V.E. seminar/training session.
that a licensee attends. However, Board Rules do not currently allow credit for hours spent performing building safety evaluations in the field. The Board also directed Ms. Kempker to inquire via List Serve if any other boards allow PDHs for this type of volunteer service. If a majority of boards do, then this Board will revisit this matter to determine if a rule change is in order.

**Report from Professional Land Surveying Division**

Mr. Hogan reported that he is now the new Division Chair for the Professional Land Surveying Division because of the impending departure of Mr. Freeman on January 31, 2020. At this time, Chairman Hartnett thanked Mr. Freeman for his years of service to the Board. Mr. Hogan then stated that Dan Govero will continue to serve as the Vice Chair and Exam Chair of the Division. Mr. Hogan also stated that he is still the Audit Chair for the Professional Land Surveying Division and will serve in this capacity until another Professional Land Surveying Division Member is appointed to the Board.

Mr. Hogan further stated that he was interested in attending the NCEES Joint Zone meeting in Houston and the annual meeting in Chicago.

**Report from Professional Landscape Architectural Division**

Mr. Shotts reported the Professional Landscape Architectural Division also held elections and he will remain as the Division Chair. Mr. Fehr will continue to serve as Vice Chair of the Division and Mr. Davis will continue to serve as the Audit Chair.

Mr. Shotts stated that the CLARB annual meeting is scheduled for September 10 and 11 in New York City. Mr. Shotts said he was interested in attending this meeting as well as Mr. Fehr, Mr. Davis, Chairman Hartnett, Ms. Kempker and Ms. Cooper.

Mr. Shotts also reported that Jeffrey L. Bruce, PLA, passed away on January 7, 2020. He said that Mr. Bruce was instrumental in obtaining licensure for Professional Landscape Architects.

**Executive Director Report**

Ms. Kempker presented the most recent information regarding the Board’s Financial Report. She advised the Board that as of January 24, 2020, the financial balances were as follows:

Personal Service Balance was $214,741. Originated with $381,678.
E&E (Expense & Equipment) Balance was $167,759. Originated with $301,397.

The Board’s current Fund Balance is $3,197,920. Per Section 327.081, in order to avoid a sweep of the Board’s fund, our balance needs to be kept under approximately $3,957,003 or 3 times our appropriation (3 x $1,319,001). Ms. Kempker announced that the Board is currently $759,083 below its sweep limit but is also at its peak income with renewals.

Ms. Kempker reported that the Board currently has no vacancies on the Board. However, the Board does have 13 of the 15 members serving on expired terms. The only members who are not serving on expired terms are Jerrod and David whose terms are both due to expire on September 30, 2020. However, at the end of this month, she reported the Board will have a vacancy on the Professional Land Surveying Division due to Mike Freeman’s upcoming resignation. Ms. Kempker said Mike has served on the Board since May 2, 2007; almost 13 years and we really appreciate his service and stated that he will definitely be missed. Ms. Kempker announced that the Board will host a dinner in Mike’s honor later this year. Mike will let Ms. Kempker know which meeting works best for him and his family members to attend. Ms. Kempker stated that Chairman Hartnett has been staying in contact with Kyle Aubuchon, Director of Boards and Commissions. At this point, Chairman Hartnett said that he had recently talked with Mr. Aubuchon and was advised that the Board should expect three (3) new members by its May 2020 meeting. Chairman Hartnett stated that he continues to stress to Mr. Aubuchon not to sweep the Board with all new members.

Next, Ms. Kempker reported that the Fall/Winter 2019 newsletter had been finalized and was distributed as scheduled on the first of November. The next edition is targeted to go out on May 1st. Ms. Kempker advised that she will need all articles by no later than April 1st.

Ms. Kempker announced that all of the Board Members should have received their notice to file their Personal Financial Disclosure Statement with the Missouri Ethics Commission. If they have not received the notice, she said she needs to know so she can get them the information needed in order to timely file the Personal Financial Disclosure Statement. Ms. Kempker stated she has filed hers and it was very quick and easy, especially since it saves all past information submitted. For the next several months, Ms. Kempker will periodically be following up with those who have not yet submitted their statements in an effort to prevent them from incurring late fees which run $10/day starting May 1st. Ms. Kempker then asked Board Members to send her an email once they have filed their statements. She then thanked everyone who has already filed their Personal Financial Disclosure Statements.

Ms. Kempker announced that the Proposed Changes to Chapter 327, RSMo, that the Board previously agreed upon were discussed at the Design Alliance Meeting in December and approved for filing. Mark Rhoads who is the lobbyist for MSPE
indicated Representative Robert Ross is interested in sponsoring the bill with the stipulation that the same change made in the engineering section of the law which allows applicants to take the exam before they complete their four years of experience also be allowed for land surveying applicants. Ms. Kempker reported that she has not yet seen the bill but will continue watching for it.

Next, Ms. Kempker provided an update on the Board Rules and Rule Status. The status of current rule changes that the Board previously approved for promulgation are:

20 CSR 2030-1.040 Board Member Emeritus Status (*this Proposed Rule outlines the policy for a former Board Member to earn emeritus status*).

Ms. Kempker reported that this Proposed Rule was approved at the Board’s April 2019 meeting. It was sent to Professional Registration Administration (PR Admin) for review and approval on 6/11/19 and is still pending. The Board may recall Ms. Kempker sharing 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 is not sure if this rule will get approved or not. As of October 25, 2019, it has not yet been approved to go to the Governor’s Office for review. In fact, she said there has been no activity on it since June 12, 2019.

Other proposed rules and/or amendments which were voted on and approved at the Board’s July 2019 meeting are 20 CSR 2030-5.080, 20 CSR 2030-5-110, and 20 CSR 2030-4.100.

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.

Ms. Kempker said these two rule amendments were filed with Secretary of State (SOS), Joint Committee on Administrative Rules (JCAR) and Small Business Regulatory Fairness Board (SBRFB) on July 18, 2019. They appeared in the Missouri Register on September 3, 2019. The last day for comment was October 3, 2019. We received no comments so the Final Orders of Rulemaking were filed with JCAR and S3RFB on October 15, 2019 and with the SOS on November 15th. The Final Order appeared in the Missouri Register on December 16, 2019 and
in the Code of State Regulations (CSR) on December 31, 2019. They will become effective on January 30, 2020.

**20 CSR 2030-4.100 Applications – Formerly Licensed (this Proposed Rule sets timelines and procedures by in which former licensees whose license has been revoked or surrendered may apply for relicensure).**

This Proposed Rule was sent to the Governor’s Office for approval on October 2, 2019 and was approved to be filed on November 4, 2019. It was then filed on November 6, 2019 with the SOS, JCAR & SBRFB. It appeared in the *Missouri Register* on December 16, 2019 and the last day for comments was January 15, 2020. The Board received no comments so the Final Orders of Rulemaking are now ready to be filed.

At the Board’s October 2019 meeting, it voted to amend 20 CSR 2030-2.040, *Evaluation Criteria For Building Design* which was being amended for housekeeping purposes to correct some technical errors in the last two sentences. It was sent to the Governor’s Office for approval on November 22, 2019. It was approved to be filed on December 23, 2019. On December 27, 2019, it was filed with the SOS, JCARB & SBRFB. It is scheduled to appear in the *Missouri Register* for comment on February 3, 2020.

Next, Ms. Kempker discussed direct registration for the PE exam. This was a recent change made after the Board approved it at the July 2019 meeting. So far, she said this change has been very well received and seems to working just fine.

Ms. Kempker stated that another major change was decoupling, which was the result of an action voted on and approved by the Board at its July 2019 meeting. This is similar to the Direct Registration process and this change has also been very well received. So far, Board staff have not had any problems with either the Direction Registration or Decoupling processes.

Ms. Kempker reminded everyone that Ms. Katie Steel Danner vacated her position as the PR Division Director on September 2nd. Since then, Sarah Ledgerwood, General Counsel for the Division of PR, has been named the Acting Director. As of now, Ms. Kempker still has no indication as to when a permanent replacement will be named.

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

Ms. Kempker then stated that Mike Popp and Martha John have all been approved to attend the NCARB Regional Summit Meeting in Cambridge, Massachusetts in early March and NCARB is funding all expenses for both of them.
Ms. Kempker further reported that Kevin Skibiski, Abe Adewale, Craig Lucas, and Jerrod Hogan have all been submitted for approval to attend the NCEES Joint Zone Meeting in Houston, Texas in late April. Messrs. Skibiski, Lucas and Hogan will be attending as funded delegates and since Mr. Adewale is an officer, NCEES will also be funding him.

Ms. Kempker reported that 15,602 renewals were mailed the first part of October and so far a total of 14,682 (approximately 94%) have been renewed (86% online and 14% by paper).

Lastly, Ms. Kempker stated that if any Board Member wants to order any Board shirts they will need to coordinate their order with Ms. Robinson.

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 for architectural corporations as well as the licenses of Architects for the period October 1, 2019 to December 31, 2019. The motion was seconded by Mr. Popp and unanimously carried.

- **Professional Engineers** – Mr. Skibiski made a motion to ratify the licenses for engineering corporations as well as the licenses of Professional Engineers for the period October 1, 2019 to December 31, 2019. The motion was seconded by Mr. Adewale and unanimously carried.

- **Professional Land Surveyors and Land Surveyors-in-Training** – Mr. Hogan made a motion to ratify the licenses for land surveying corporations as well as the licenses of Professional Land Surveyors for the period October 1, 2019 to December 31, 2019. The motion was seconded by Mr. Govero and unanimously carried.

- **Professional Landscape Architects** – Mr. Shotts made a motion to ratify the licenses for landscape architectural corporations as well as the licenses of Professional Landscape Architects for the period October 1, 2019 to December 31, 2019. The motion was seconded by Mr. Davis and unanimously carried.

**Selection of Date and Location for January 2021 Board Meeting**

The Board Members set the January 2021 meeting for February 1 and 2, 2021 to be held in Jefferson City, Missouri. The Board feels that free Wi-Fi is a valuable tool to be used during all quarterly meetings since there has been numerous occasions where a search of the internet was helpful in deciding on an issue that has come
before the Board. Board staff will continue to inform Board Members of the Wi-Fi password at the start of each Board meeting.

**Motion To Close**

At approximately 3:55 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. 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, he declared the meeting closed to the general public.

**Return to Open Session**

At approximately 5:00 p.m., the Board reconvened its open meeting for the purpose of recessing until Tuesday, January 28, 2020.

**Recess**

At approximately 5:00 p.m., the Board recessed its open meeting until Tuesday, January 28, 2020 at 8:00 a.m.

**TUESDAY, JANUARY 28, 2020 AT 8:00 A.M.**

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects reconvened at 8:00 a.m. on Tuesday, January 28, 2020 in the Jefferson 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
Abidun "Abe" Adewale, Member of the Professional Engineering Division
Craig M. Lucas, Member of the Professional Engineering Division
David Smith, Member of the Professional Engineering Division
Jerrold L. Hogan, Chair of the Professional Land Surveying Division
Michael C. Freeman, Member of the Professional Land Surveying Division
Daniel L. Govero, 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.

Motion To Close

At approximately 8:05 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. There being none, he declared the meeting closed to the general public.

**Return to Open Session**

At approximately 9:30 a.m., the Board reconvened its Open Session for the purpose of holding a Probation Violation Hearing for Phillip C. Pecord.

**Probation Violation Hearing for Phillip C. Pecord**

At 9:33 a.m., the Board conducted a Probation Violation Hearing in the matter of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects vs. Phillip C. Pecord. Mr. Pecord did not 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 was made a par. of the Board’s file in Case No. 2018-000798. When the hearing was concluded (at approximately 9:50 a.m.), Mr. Frownfelter was told that the Board would issue an Order soon after it has completed its deliberations. Mr. Frownfelter then departed the meeting.

**Motion to go back into Closed Session**

At approximately 9:50 a.m., Chairman Hartnett called for 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. 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. Upon the departure of Mr. Frownfelter, Chairman Hartnett declared the meeting closed to the general public.

**Return to Open Session**

At approximately 10:10 a.m., the Board reconvened its Open Session for the purpose of continuing to discuss its open agenda items and adjournment.

**Email from Donald Swanson regarding Engineering Stamping Requirements**
Ms. Kempker advised the Board that she received an email from Donald Swanson, PE, stating that in his business, they are involved with a variety of different types of projects and he wants to make certain he understands when the work his firm does is required to be stamped by a Professional Engineer, licensed to do engineering in the state of Missouri. His goal is to educate his staff, both professional and non-professional, as to the engineering stamping requirements, so they comply with the laws and rules of Missouri. Upon discussion, Mr. Smith volunteered to respond to Mr. Swanson’s email. He will advise Mr. Swanson that his response is based on his own interpretations of the applicable laws and rules and does not represent an official opinion of the Board. He will also “cc” Ms. Kempker on his response.

**Board Met with its Staff**

At approximately 10:30 a.m., Board Staff members Karen Payne, Shyra Rutherford, Donna Bergmann, Sherrie Owen, and Cheri Bishop joined the meeting. Before proceeding with lunch Chairman Hartnett asked each staff member to provide Board Members information about themselves and what their primary duties are. Chairman Hartnett then opened the floor to the Board Members to ask questions of the staff. Upon answering the questions asked, Chairman Hartnett thanked the staff for all their hard work and dedication.

**Adjournment**

There being no further business to come before the Board in open session, Mr. Freeman made a motion to adjourn the meeting. The motion was seconded by Mr. Smith. The meeting adjourned at approximately 11:00 a.m. on Tuesday, January 28, 2020.

ATTEST:

Approved on: May 4, 2020