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Commonwealth of Massachusetts
Division of Professional Licensure
BOARD OF REGISTRATION OF PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

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UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

CHARLES BORSTEL
DIRECTOR, DIVISION OF
PROFESSIONAL LICENSURE

Minutes of the June 25, 2015 Open Meeting

Board members arrive early and begin processing applications. The following attendance was recorded:

Board Members Present

Dennis Drumm, PLS, Chairman
Joel Goodmonson, PE, Vice Chair
Peter Hale, PLS, Secretary
Scott Cameron, PLS
John Duff Jr., PE
Daniel Caron, PE (arrived at 9:25)
Paul Tyrell, PE-PLS
Ronald Willey, PE (arrived at 9:35)
Edward Englander, Esq. Public Member

Members of the Public

Kenneth Anderson, TEC
Anthony Puntin, BSCES
David Humphrey, MALSCE

Board Members Absent

Maurice Pilette, PE

Division Staff Members present at various times during the meeting:

Erin LeBel, Executive Director
Clinton Dick, Executive Director
Sheila York, Board Counsel
Susan Coco, Board Administrator
Eboni Lewis, Board Administrator

1. Chairman Dennis Drumm opened the meeting at 9:00.
2. The Chairman confirmed that all attendees were aware of the building's emergency evacuation procedures.
3. The Chairman opened the listening session. Board Counsel provided a brief introduction informing those in attendance that the listening session was intended to solicit comments to assist the Board in performing its review of existing regulations as required by Governor Baker's Executive Order No. 562. The following individuals provided comment during the listening session.
 - Kenneth Anderson, PLS representing the Engineering Center Educational Trust, spoke in favor of establishing continuing education requirements for engineers and land surveyors.
 - Tony Putin, PE: representing Boston Society of Civil Engineers, voiced strong support for establishing CE requirements for registrants. Mr. Putin noted that all registrants have a duty to stay current with advancing technologies. He noted that Massachusetts is one of approximately six states that don't require CE.



- David Humphrey from Schofield Brothers, representing Massachusetts Association of Land Surveyors and Civil Engineers, (MALSCE), stated that he and MALSCE strongly support Continuing Education requirements for registrants. Mr. Humphrey added that he finds the new regulations in good order and does not see that any changes are needed or necessary at this time.

Board counsel noted that written comments will be accepted until June 30th.

4. At 9:25, the Chair noted that there were no further members of the public seeking to provide oral comment on the existing regulations and closed the listening session.
5. Mr. Robert Fortes was introduced to the Board. Mr Fortes is the new Deputy Director for Policy and Boards and instructed board members interested in re-appointment, to resubmit requests to be reappointed if the member's term is expired or due to expire.
6. Mr. Clinton Dick and Eboni Lewis were introduced to the Board. Mr. Dick is the new Executive Director and Ms. Lewis is the new administrator for the Board of Professional Engineers and Land Surveyors.
7. Scott Cameron moved, seconded by Edward Englander, to accept the minutes from the May 28, 2015 open meeting. Motion to accept the minutes passed.
8. Dennis Drumm informed the Board that he wishes to step down as the Chairman and would like to hold a new election of officers at the next meeting. It will be put on the agenda for the July meeting.
9. Dennis Drumm also indicated that the emails sent to the Board members as secure are difficult to access and would like to know if the information can be sent by email in the regular way. Clinton will check into it.
10. Email from Guy Carbone re: Professional Seal. Mr. Tyrell noted that the use of two professional seals may create confusion and concerns about fraud among members of the public. Board Counsel noted that the regulations do not specifically prohibit the use of two professional seals, so long as both seals comply with Board requirements. Board members agreed that Mr. Carbone should be informed that while it is not prohibited by regulation, the Board does not recommend that a licensee use two professional seals. Mr. Hale further noted that the title Mr. Carbone indicated that he was going to use on at least one seal "Registered Structural Engineer" would not comply with 250 CMR 5.03(1), which requires the words "Professional Engineer" and then permits inclusion of licensee's licensed branch, e.g. "Professional Engineer – Structural" for an engineer licensed in the discipline of structural. Board Counsel will inform Mr. Carbone of the Board's response.
11. Email from Howard Gerber re: Digital Signatures. Mr. Gerber inquired as to how to ensure the integrity of an electronic file containing multiple pages of engineering plans. He understood the need to properly authenticate the signature and to ensure the signature protects all pages of the plan, as required by Board regulations. However, Mr. Gerber was concerned that if changes are made to the

electronic file and then the file is printed out, only the first page of the plans would indicate that the digital signature was no longer valid. The Board noted that when a licensee applies a digital signature to an electronic set of engineering plans, it is the electronic file that is the official properly-authenticated set of plans. Once printed out, the printed pages constitute unofficial copies of the plans and should no longer be relied upon as an authentic document. To avoid unwarranted reliance upon printed out copies of electronically sealed and signed documents, the Board recommends that Registrants NOT include a visible image of their handwritten signature on electronic plans that they have properly electronically signed pursuant to 250 CMR 5.03(11). Board counsel will provide Mr. Gerber with the Board's response.

12. At 10:00 AM, applicant 100303 appeared before the Board to request reconsideration of its prior determination that he did not have sufficient work experience to qualify to sit for the principles and practice examination. The applicant presented a book of additional work experience and described the kind of work his job requires. Some of the Board members asked him questions relating to his work and told him they will review the new information and let him know their decision. Further discussion was tabled.
13. John Duff Jr. recused himself from the next topic of discussion and left the room. The Board reviewed two letters from Mr. Vela, both dated 5/26/2015. The first letter was in response to the Board's request for comments regarding its existing regulations per E.O. 562. Mr. Vela's letter will be considered along with any other oral and written comments received regarding the Board's existing regulations. The Board then reviewed the second letter from Mr. Vela, which pertained to his application for licensure in the discipline of sanitary engineering. Per his request, Mr. Vela has been sent copies of the minutes of the Board's 1/29/15, 2/26/15, 3/26/15, and 4/30/15 meetings.
14. John Duff, Jr. returned to the meeting.
15. Board Counsel provided an update on the regulation review process. Board members should review the Board's existing regulations to determine if they meet the criteria in Section 3 of EO. 562 or if revisions should be made. Please submit feedback on the regulations to Board staff. The Board will continue to evaluate the existing regulations and make recommendations in light of EO 562. There are a few technical revisions that Board may be able to make as part of this review.
16. Dennis Drumm instructed staff to add 'Application Questions' as an item on the monthly agenda.
17. Applicant 1001222 reported disciplinary action in another state in which he paid a fine for having 'PE' on his business card when his license was expired. Ron Willey moved, seconded by Edward Englander to take no action and move forward in the licensure process. Motion Passed.
18. At 10:35 Peter Hale moved, seconded by John Duff Jr., to suspend the public meeting and enter into closed investigative session under G.L. c. 112, § 65C to discuss recommendations of the Complaint Committee pertaining to cases EN 15-011; EN14-016; SA-EN15-004; SA EN 15-005; and SA-EN-15-010. Motion passed.

Public Session resumed at 10:45 am.

19. Report of actions taken in Investigative Conference:
 - EN15-011 Ron Willey moved, seconded by Edward Englander, to dismiss with advisory; Motion passed.
 - EN 14-016 Peter Hale moved, seconded by Joel Goodmonson to dismiss; Motion passed.
 - SA EN-15-004 Ron Willey moved, seconded by Joel Goodmonson to close the staff assignment and not open a complaint at this time; Motion passed.
 - SA EN-15-005 Ron Willey moved, seconded by Joel Goodmonson to close the staff assignment and not open a case; Motion passed.
 - SA-EN-15-010-Peter Hale moved, seconded by Edward Englander, to close this staff assignment and not open a complaint at this time. Motion passed.
20. Ron Willey requested and proposed to change #24 of the application to include a column for a list of completed degrees. Dennis will make the changes.
21. Application 1001980 – The Board had questions regarding some of the applicant's experience. The Board would like him to come in for the sub-committee interview in August to discuss his experience.
22. Applicant 54926 was mailed a letter in Feb 2014 stating that the Board was approving him to sit for the PLS jurisprudence examination one more time, but that this attempt would be his last attempt. He was further notified that failure to pass the examination would result in the Board's denial of his application for licensure. The applicant took the examination in April, 2014 and has sent a request to sit for the exam again. Joel Goodmonson moved, seconded by Peter Hale, to deny the applicant's request for approval to retake the examination and to deny his application for licensure based on his failure to meet the examination requirements. Board Counsel will send applicant a letter notifying him of the Board's decision.
23. Applicant 100303 was discussed. The Board found that the work that he is doing is a review of other people's work and does not constitute acceptable engineering experience. The information he provided does not warrant changing its prior determination that his experience does not qualify him to sit for the principle and practices examination under Board regulations. He will be informed that the Board suggests that he withdraw his application until he obtains the requisite amount of qualifying engineering experience.
24. The Continuing Education Committee will be meeting on July 14th and will need a projector.
25. Licenses approved for reinstatement: 28054; 38127; 37093.
26. At 11:15, the Open Board meeting adjourned.

Respectfully submitted,

Susan Coco

Susan Coco

Board Administrator

Board of Professional Engineers and Land Surveyors

Documents Used at the public session of the Board Meeting:

Agenda of June 25, 2015 meeting

Draft Minutes of the May 28, 2015 Open meeting

Email from Guy Carbone dated 6/3/15

Email from Howard Gerber dated 6/2/15

Letter from Joseph Vela dated 5/26/15 Public outreach meeting

Letter from Joseph Vela dated 5/26/15 sanitary engineering application