



COMMONWEALTH OF MASSACHUSETTS  
**Board of Registration**  
**of**  
**Hazardous Waste Site Cleanup Professionals**  
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**PROFESSIONAL CONDUCT COMMITTEE**

Minutes of Meeting on November 19, 2015

Approved on January 21, 2016

**Prepared by:** Beverly Coles-Roby

**Meeting Location:** MassDEP CERO  
8 New Bond Street  
Worcester, MA 01606

**List of Documents Used at the Meeting:**

1. Agenda
2. Draft Minutes of Meeting on October 15, 2015
3. Active Case List

- 1. Call to Order:** Co-Chairperson James Smith called the meeting to order at approximately 1:45 p.m. The Board members in attendance were Ben Ericson, Robert Rein, Debra Listernick, Dr. John Guswa, David Austin, Farooq Siddique, Gail Batchelder, and Kathleen Campbell. Board member Kirk Franklin was absent. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present was Wendy Rundle, Executive Director of the LSP Association ("LSPA"), Rebecca Woolley of MassDEP, and Wes Stimpson of WES Associates.
- 2. Previous Minutes:** The draft minutes of the meeting held on October 15, 2015, were approved as amended. James Smith and Dr. Guswa abstained from voting to approve the minutes.
- 3. Old Business**

**Status of Complaint Review Teams & Active Case Table**

At Mr. Smith's request, the Complaint Review Teams ("CRT") reported on progress made since the October 2015 meeting. Ms. Coles-Roby gave the reports on the status of each case as reflected in the Active Discipline Case List.

Ms. Coles-Roby stated that the Final Decision in 05C-07 will be discussed in the Quasi-Judicial Session today.

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She also informed the Committee in 08C-03 she has begun witness preparation and Ms. Williamson is compiling the trial exhibits. Witness testimony must be filed with the Office of Appeals and Dispute Resolution by February 26, 2016.

Ms. Coles-Roby indicated that the information regarding 10C-01 remains the same as set by an Associate Justice of the Suffolk Superior Court. Dr. Batchelder asked whether the dates are realistic since resolution of the matter will not occur until April 2018. Ms. Coles-Roby explained the Massachusetts judicial system's Standing Order which sets resolution deadlines based on the type of case and the parties involved. Dr. Guswa wanted to know what would happen if the court ruled against the Board. Ms. Coles-Roby stated that this is a case with a proposed settlement pending. She went on to say that if the court's decision is that the Board has neither inherent nor express statutory or regulatory authority to issue a press release then the matter will be prosecuted and accordingly remanded to a Complaint Review Team.

Ms. Coles-Roby asserted that Ms. Williamson is currently drafting interview questions that will be submitted to the CRT for their comments/additions. Ms. Williamson added that it is a large case comprised of two sites with multiple RTNs. The Committee discussed whether 11C-04 should be reassigned to another Board member.

Ms. Coles-Roby told the Committee that 13C-01 will be resolved in a Quasi-Judicial Session after the Board meeting today.

Mr. Stimpson requested that the date appear on the Active Cases Table. Ms. Williamson explained that it was a technical issue that occurred during printing and will be corrected.

### **5. Future Meetings: January 21, 2016.**

### **6. Adjournment:** The meeting was adjourned at approximately 1:58 p.m.