



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup Professionals

ONE WINTER STREET, 3rd Floor
BOSTON, MA 02108

PHONE: (617) 556-1091 FAX: (617) 292-5872

PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on February 18, 2016

Approved on March 17, 2016

Prepared by: Beverly Coles-Roby

Meeting Location: MassDEP NERO
205 Lowell Street
Wilmington, MA 01887

List of Documents Used at the Meeting:

1. Agenda
 2. Draft Minutes of Meeting on January 21, 2016
 3. Active Case List
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1. **Call to Order:** Co-Chairperson Kirk Franklin called the meeting to order at approximately 1:36 p.m. The Board members in attendance were Maria Pinaud, Farooq Siddique, Robert Rein, Debra Listernick, James N. Smith, Kathleen Campbell, David Austin, Dr. Gail Batchelder, and Dr. John Guswa. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Wendy Rundle, Executive Director of the LSP Association ("LSPA"), Wes Stimpson of WES Associates, and David DelMarco (LSP).
 2. **Previous Minutes:** The draft minutes of the meeting held on January 21, 2016, were approved as amended.
 3. **Old Business:**

Status of Complaint Review Teams & Active Case Table

At Mr. Franklin's request, the Complaint Review Teams ("CRT") reported on progress made since the January 2016 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, approved by the Board in Quasi-Judicial Session on December 2, 2015 will be ready for signatures by non-recused Board members during Quasi-Judicial Session at the March 2016 Board meeting.

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She reported that witness preparation is on-going in 08C-03, adding that the Board's witnesses' testimony must be filed by February 26, 2016. She again asserted that the matter is still on track for trial in August 2016.

Ms. Coles-Roby informed the Committee that the only issue is whether the Board has the statutory and/or regulatory authority to issue press releases. She said that she contacted the Assistant Attorney General assigned to represent the Board in 10C-01 to determine whether the matter could be resolved by motions if the parties could agree on a briefing schedule but had not yet received a response.

In the matter of 11C-04, Ms. Coles-Roby informed the Board that the CRT met today to finalize its report and the interview questions for the LSP. The CRT plans to interview the LSP in March or April 2016 depending on the parties' schedules.

Ms. Coles-Roby told the Committee that documents are being gathered in 12C-01.

Ms. Coles-Roby stated that in the Board's most recent case 16C-01, the LSP's response is due on February 29, 2016.

4. New Business:

Disciplinary History Spreadsheet

Dr. Batchelder reported in light of her recent participation in the LSP Board Disciplinary Workshop held on February 9, 2016, she is working on a spreadsheet that she hopes will encapsulate all of the disciplinary cases prosecuted thus far. The spreadsheet will delineate statistics such as: the numbers of complaints per LSP; what cities or towns were involved; whether the matters were decided by consent order; what discipline was imposed; and whatever else seems reasonable to clarify the nature of the complaint. In the end, she hopes that the spreadsheet will show how discipline has evolved over time. Dr. Batchelder thinks that once completed the spreadsheet will prove to be a useful tool in comparing and contrasting cases thereby preventing the same or similar offenses from having different outcomes. She will seek assistance as needed from the LSP Board staff.

5. Future Meetings: March 17, 2016--MassDEP Boston.

6. Adjournment: The meeting was adjourned at approximately 1:56 p.m.