

Minutes of Professional Conduct Meeting--May 19, 2016



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

Minutes of Meeting on May 19, 2016

Approved on June 16, 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 April 21, 2016
3. Active Case List
4. Redacted Rules of Professional Conduct Inquiry

- 1. Call to Order:** Board member James N. Smith called the meeting to order at approximately 1:02 p.m. The Board members in attendance were Maria Pinaud, Farooq Siddique, Robert Rein, Debra Listernick, Kathleen Campbell, David Austin, Kirk Franklin, 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"), and Rebecca Woolley of MassDEP.
- 2. Previous Minutes:** The draft minutes of the meeting held on April 21, 2016, were approved as amended. James Smith and Kirk Franklin 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 March 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 said that there are just a few noteworthy changes to the Active Case Table. She indicated that the Final Decision in 05C-07, approved by the Board in Quasi-Judicial

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Session on December 2, 2015, will be ready for signatures by non-recused Board members during Quasi-Judicial Session at the June 2016 Board meeting. In 08C-03 she informed the committee that the LSP's testimony was filed on April 28, 2016, and the Board filed the Parties' Joint Exhibit List with the Presiding Officer on April 29, 2016. The Presiding Officer changed the trial dates from August to October 2016 as indicated. The LSP in 11C-04 asked to supplement his submissions. Staff will begin work on 12C-01 so that an August or September interview can be scheduled with the LSP. Finally she told the committee that 16C-02 would be discussed in Quasi-Judicial Session after the Board meeting today.

4. New Business:

The Committee considered a redacted inquiry dated May 6, 2016, that was forwarded to Ms. Coles-Roby. Among other things, the person asked for advice on filing a complaint against a LSP who in his/her words "is dangerously misusing her license against and LSP's obligations regarding the public's welfare, safety and health." Mr. Austin said that there was not enough information in the inquiry. Mr. Siddique wanted to know whether the committee could act without a formal complaint. Ms. Batchelder asked if Ms. Coles-Roby had spoken to the person. To which Ms. Coles-Roby responded, "Yes." Similarly, Ms. Campbell asked how the committee could act on what was before it. Ms. Coles-Roby was instructed to inform the person that he/she could file a complaint, or at Mr. Franklin's suggestion, the person could provide information to the Board so that it could file a complaint on its own. Ms. Pinaud wanted to know whether the Board had received anonymous complaints in the past. Ms. Williamson stated that the Board had prior complaints that were filed anonymously. Mr. Franklin added alternatively, the person could go to MassDEP and ask it to file the complaint.

5. Future Meetings: June 16, 2016--MassDEP SERO.

6. Adjournment: The meeting was adjourned at approximately 1:20 p.m.