



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup Professionals
ONE WINTER STREET, 3rd Floor
BOSTON, MA 02108

PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on April 19, 2017

Approved on June 1, 2017

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 March 21, 2017
3. Active Case List

1. Call to Order: Co-chairperson James N. Smith called the meeting to order at approximately 1:29 p.m. The Board members in attendance were Maria Pinaud, Debra Listernick, Dr. Gail Batchelder, Farooq Siddique, David Austin, and Kathleen Campbell. Board member Kirk Franklin was absent. Staff members present were Beverly Coles-Roby and Lori Williamson. Wendy Rundle, Executive Director of the LSP Association ("LSPA"), Wes Stimpson of WES Associates, Rebecca Woolley of MassDEP, and Mike Toomey were also present.

2. Previous Minutes: The draft minutes of the meeting held on March 21, 2017, were approved as written. Mr. Siddique abstained from voting to approve the minutes.

3. Old Business:

4. Status of Complaint Review Teams and Active Case Table

At Mr. Smith's request, the Complaint Review Teams ("CRT") reported on progress made since the January 18, 2017 meeting. Ms. Coles-Roby gave the reports on the status of each case as reflected in the Active Discipline Case List.

Ms. Coles-Roby explained that in 05C-07, the case would be discussed in Quasi-Judicial Session at the conclusion of today's Board meeting.

Ms. Coles-Roby also reported that the LSP's brief was filed on March 31, 2017, which was followed by filing a Reply Brief on behalf of the Board on April 14, 2017 in 08C-03. She added that unless the Presiding Officer requests further briefing or argument on a particular topic the next step is waiting for the issuance of the Recommended Final Decision ("RFD"). Dr. Batchelder asked whether there was a regulatory timeframe for issuing the RFD. Ms. Coles-Roby responded by saying that the regulations state that the "Presiding Officer shall render a written decision as promptly as administratively feasible in accordance with G.L. c. 30A, § 11(8)." *See* 801 CMR 1.00(11). Ms. Coles-Roby reminded the Committee that the decision in 05C-07 did not issue for a year. Dr. Batchelder asked if the Office of Appeals and Dispute Resolution ("OADR") was rendering the decision. Ms. Coles-Roby answered yes. She added that the current case is being handled by the same Presiding Officer who tried the past two LSP Board matters, Timothy Jones.

She reiterated that the status of 10C-01 remains unchanged as set out in the Active Discipline Case List, with a date for finalization set by the Massachusetts Superior Court of April 16, 2018.

Ms. Coles-Roby informed the Committee that an offer of settlement was made to the LSP's legal counsel in 11C-04, based on the CRT's recommendation for discipline.

In the matter of 12C-01, Ms. Coles-Roby indicated that the reconstituted CRT had received the material documents and set a conference call for May 11, 2017. The next step will be to schedule the LSP's interview.

The CRT in 16C-01 reviewed the documents, and it will hold a second conference call on May 2, 2017. Mr. Toomey asked whether CRT Conference call notes are available to members of the public. Ms. Coles-Roby told him that they were not because the matter is in its investigatory stage.

Ms. Coles-Roby stated that in 17C-01 the Screening Team held one meeting and decided to review more documents.

5. New Business:

No new business was discussed.

6. Future Meetings: June 21, 2017—MassDEP SERO.

7. Adjournment: The meeting was adjourned at approximately 1:40 p.m.