

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF ARCHITECTS**

DRAFT MINUTES OF THE MARCH 30, 2021 OPEN PUBLIC MEETING

A regularly scheduled open public meeting of the Massachusetts Board of Registration of Architects (“the Board”) was held remotely due to Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20, dated March 12, 2020. All board members and staff appeared by videoconference.

Board Members Present:

John Pesa, Chair
Holly Cratsley, Vice Chair
Aelan Tierney, Secretary

DPL Staff Present at various times during the remote meeting:

Matthew Keigan, Executive Director
Lynn Read, Legal Counsel
Doris Lugo, Investigator
Alan VanTassel, Investigator
Jodi Greenburg, Prosecutor

1. Meeting was called to order @ 9:11 a.m. by J. Pesa. Mr. Pesa confirmed attendance of Board members by roll call to ensure quorum.

A. Tierney - Aye
H. Cratsley – Aye
J. Pesa – Aye

2. The Board reviewed the public meeting minutes from the Architect Board Meeting held on January 26, 2021. A MOTION was made by H. Cratsley, second by A. Tierney, to approve the minutes with an added line to cite the adjournment of the meeting. The Chair called for a Roll Call Vote:

A. Tierney – Aye
H. Cratsley– Aye
J. Pesa – Aye

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3. The Board received a request from licensee WW, license number 8535-AR-R, to have his continuing education requirements for the 2019-2020 license cycle waived due to personal reasons. The Board reviewed the request and supporting documentation provided by the licensee. A MOTION was made by J. Pesa, second by H. Cratsley, to approve the request made by the licensee. The Chair called for a Roll Call Vote:

A. Tierney – Aye

H. Cratsley– Aye

J. Pesa – Aye

4. The Board discussed a policy for using a digital seal on architectural plans. The Board reviewed an advisory memo from the State of New Jersey on using a digital signature and seal, regulations from the Massachusetts Board of Engineers and Land Surveyors, and NCARB’s model law for sealing provisions. The Board asked the staff to bring a draft Policy re: the use of a digital seal to the next Board meeting.
5. The Board discussed the “Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts.” L. Read gave an update on the workflow of the guidebook. The Engineering Board has received the revisions made by the Architect Board. J. Pesa provided commentary to the Board. The Board decided to table the commentary provided by J. Pesa for the next meeting.
6. The Board reviewed reinstatement application # 2021-0502-REIN. The Board noted the application was incomplete and agreed to table the matter until the applicant provided a completed application.
7. L. Read spoke about the Board potentially delegating authority to the staff to issue for disciplinary decisions by default. Ms. Read also advised the Board that delegations of other routine functions to the staff should be discussed and voted on periodically. The Board took the following votes:

Disciplinary Decisions by Default – Delegation of Authority

MOTION to delegate authority to the Board’s Executive Director or the Deputy Director for Boards and Policy, in consultation with Board Counsel, to find respondents in default based on failure to respond to Orders to Show Cause or otherwise appear in an adjudicatory proceeding, and to impose sanctions and issue Final Decisions and Orders consistent with the Board's usual guidelines: revoking licenses, upholding fines previously recommended by the Board, or fining for unlicensed practice. This delegation of authority shall remain in effect and force unless and until overridden by a subsequent vote of the Board. A MOTION was made by A. Tierney, seconded by H. Cratsley to approve this delegation. The Chair called for a Roll Call Vote.

A. Tierney – Aye

H. Cratsley– Aye

J. Pesa – Aye

Authority to Execute Orders, Decisions and Agreements

MOTION: To grant the Board’s Executive Director, or if not available, the Associate Executive Director, and/or the Deputy Commissioner of the Division of Professional Licensure, the authority to sign on behalf of the Board Orders to Show Cause, Consent Agreements, and Final Decisions, consistent with terms established by the Board, and to sign off on case closings. This delegation of authority shall remain in effect and force unless and until overridden by a subsequent vote of the Board. A MOTION was made by A. Tierney, seconded by H. Cratsley, to approve this delegation. The Chair called for a Roll Call Vote.

A. Tierney – Aye
H. Cratsley– Aye
J. Pesa – Aye

Hearing Officers

MOTION: To delegate the authority to act as a Presiding Officer to a Division of Professional Licensure Hearings Counsel for all adjudicatory proceedings conducted pursuant to 801 Code Mass. Regs. §§ 1.00 et seq., in all cases where the Board has voted to issue an order to Show Cause, Summary Suspension Order, Denial of License or other adjudicatory matter or where an Order to Show Cause will be issued, and to instruct the Board staff to invite a Board member to every adjudicatory hearing. This delegation of authority shall remain in effect and force unless and until overridden by a subsequent vote of the Board. A MOTION was made by A. Tierney, seconded by H. Cratsley, to approve this delegation. The Chair called for a Roll Call Vote.

A. Tierney – Aye
H. Cratsley– Aye
J. Pesa – Aye

Orders of Summary Suspension

MOTION: To delegate the authority to the Executive Director and the Deputy Commissioner for Policy and Boards, in consultation with the Board Chair, to issue a written Order of Summary Suspension, pending a 10-day hearing pursuant to G.L. c. 112, § 65B, after determining, based on sworn affidavits and documentary evidence, that a licensee’s continued practice poses an immediate and serious threat to the public health, safety or welfare. This delegation of authority shall remain in effect and force unless and until overridden by a subsequent vote of the Board. A MOTION was made by A. Tierney, seconded by H. Cratsley, to approve this delegation. The Chair called for a Roll Call Vote.

A. Tierney – Aye
H. Cratsley– Aye
J. Pesa – Aye

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8. The Board discussed the next meeting date. Due to outstanding issues, the Board decided to meet on April 20, 2021.

9. Adjourn Open Meeting

J. Pesa made a MOTION, second by H. Cratsley, to end the Open meeting, enter into a **Quasi-Judicial session pursuant to G.L. c. 30A §18(d)** and then move into closed **Investigative Conference pursuant to G.L. c. 112, § 65C** . The Chair announced that the Open Meeting would not resume. The Chair called for a Roll Call Vote:

Holly Cratsley, Aye
Aelan Tierney, Aye
John Pesa, AYE

Motion Passed.

During the closed Quasi-Judicial Session, the Board voted to take the following action:

- 2020-000481-IT-ENF Determined Final Decision and Order

Report of actions taken in Investigative Conference:

- 2020-000950-IT-ENF Dismissal confirmed after re-review
- 2020-001566-IT-ENF Forwarded to Prosecution
- 2020-001683-IT-ENF Forwarded to Prosecution
- 2020-001636-IT-ENF Forwarded to Prosecution
- 2020-001551-IT-ENF Forwarded to Prosecution
- 2020-001640-IT-ENF Forwarded to Prosecution
- 2020-001634-IT-ENF Forwarded to Prosecution
- 2020-001538-IT-ENF Forwarded to Prosecution
- 2020-001152-IT-ENF Forwarded to Prosecution
- 2020-001184-IT-ENF Forwarded to Prosecution
- 2020-001154-IT-ENF Forwarded to Prosecution
- 2020-001537-IT-ENF Forwarded to Prosecution
- 2020-001180-IT-ENF Forwarded to Prosecution
- 2020-001181-IT-ENF Forwarded to Prosecution
- 2020-001135-IT-ENF Forwarded to Prosecution
- 2020-001534-IT-ENF Forwarded to Prosecution
- 2020-001536-IT-ENF Forwarded to Prosecution
- 2020-001535-IT-ENF Forwarded to Prosecution
- 2020-001173-IT-ENF Forwarded to Prosecution

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- 2020-001710-IT-ENF Forwarded to Prosecution
- 2020-001687-IT-ENF Dismiss without Prejudice

Respectfully submitted,

Matthew Keigan

Matthew Keigan
Executive Director

Documents used in public session:

- Agenda for the March 30, 2021 open meeting
- Draft Minutes of the January 26, 2021 open meeting
- Supporting documentation for W.W. continuing education waiver request
- Draft Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts.
- 2021 NECARB Spring Binder
- Supporting documentation for reinstatement application # 2021-0502-REIN
- Draft delegations prepared by Attorney Lynn Read.
- New Jersey Digital Seal Memo
- Regulations from Massachusetts Professional Engineer & Land Surveyor Board. 250 CMR 5.02 (2) & 5.02 (11)
- NCARB model law Article IV – Practice Requirements Section 4.01 (0) Section 4.01 (1)