

PROFESSIONAL CONDUCT MEETING MINUTES



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 August 6, 2019

Approved on September 23, 2019

Prepared by: Beverly Coles-Roby, Esq.

Meeting Location:

**MassDEP NERO
205B Lowell Street
Wilmington, MA 01887**

1. List of Documents Used at the Meeting:

- Agenda
- Draft Minutes of Meeting on June 19, 2019
- Active Disciplinary Cases Table
- Docket Nos.: 05C-07; 08C-03; 12C-01; 18C-01; and 18C-02

- 1. Call to Order:** Co-chairperson James N. Smith called the meeting to order at approximately 12:55 p.m. Board members present were Maria Pinaud, David Austin, Dr. Gail Batchelder, Kathleen Campbell, Debra Listernick, Gregg McBride, Farooq Siddique, and James N. Smith. Board members Kirk Franklin and Marc J. Richards were absent. Staff member present was Beverly Coles-Roby. Also present were Wendy Rundle, Executive Director of the LSP Association (“LSPA”); David LaPusata, MassDEP NERO Section Chief, BWSC, and Wesley Stimpson of WES Associates.
- 2. Previous Minutes:** The draft minutes of the meeting held on June 19, 2019, were approved as amended.
- 3. Old Business: None**

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5. Status of Complaint Review Teams and Active Case List

Ms. Coles-Roby reported on progress made since the June 19, 2019 meeting, giving reports on the status of each case as reflected in the Active Discipline Case List. She prefaced her comments by stating that all recent developments were catalogued in the Active Case List.

Ms. Coles-Roby said that 05C-07 would be discussed in Executive Session. She also stated she had produced an additional one hundred thirty-three sets of documents from the Administrative Hearing conducted by Timothy Jones to the assistant attorney general assigned to the case, to enable her to assemble the Administrative Record, which must be filed in Middlesex Superior Court.

She said 08C-03 would be discussed during the Executive Session at the conclusion of today's Board meeting.

Ms. Coles-Roby indicated that 12C-01 would similarly be discussed during the Executive Session at the conclusion of today's Board meeting. She noted that Presiding Officer, Timothy Jones had denied the LSP's Motion to Dismiss, and the matter may be set for trial this coming fall. She added that there have been several recent filings.

In 18C-01, Ms. Coles-Roby reported that Richard Friend had begun a draft Complaint Review Team ("CRT") report that she needed to review further. She added that the draft had a hydrogeology-centered focus and needed more MCP content.

Ms. Coles-Roby indicated that the CRT in 18C-02 had agreed that she would create a first draft of interview questions, and that the CRT planned to interview the LSP in October 2019.

6. Future Meetings: September 10, 2019 MassDEP WERO

7. **Adjournment:** The meeting was adjourned at approximately 1:01 p.m.