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PROFESSIONAL LICENSURE

## Minutes of the April 26, 2018 Open Meeting

*Board members arrive early and begin processing applications. The following attendance was recorded:*

### Board Members Present

Paul Tyrell, PE, PLS, Chairman  
Dennis Drumm, PLS  
Erin Joyce, PE  
Daniel Caron, PE  
Ronald Willey, PE, Vice Chairman  
Paul Tsang, PE  
Azu Etoniru, PE, PLS  
Joyce Hastings, PLS  
Joanne Linowes, Public Member  
Maurice Pilette, PE

### Board Members Absent

### Members of the Public Present

Abbie Goodman, TECET

### Division Staff Members Present at Various Times during the Meeting:

Sheila York, Board Counsel  
Clinton Dick, Executive Director  
Eric Funk, Board Administrator  
Seth Henderson, Prosecuting Counsel

1. Chairman Paul Tyrell opened the meeting at 9:20AM and notified attendees of the evacuation procedures.
2. The Board reviewed the minutes of the January 25, 2018 Open Meeting for the purposes of correction. Dennis Drumm moved, seconded by Ron Willey, to accept the meeting minutes. Azu Etoniru abstained from the vote. Motion passed with a vote of 9-0.  
  
The Board reviewed the minutes of the February 15, 2018 Open Meeting. Ron Willey moved, seconded by Dennis Drumm, to accept the meeting minutes with the addition of Vice Chairman added next to his name. Maurice Pilette, abstained from the vote. Motion passed with a vote of 9-0.
3. Sheila York provided the Board with a brief update on Continuing Professional Competency (CPC). She informed the Board that the draft policy language that will be provided to DPL Administrative staff for their review was in process and that once complete, it would pass to the Jim Read, Chief Prosecutor and Kevin Scanlon, General Counsel for DPL. She further explained that after DPL has reviewed and approved the draft policy it would pass to Consumer Affairs, followed by the Secretariat of the Commonwealth and, if approved, it would be scheduled for a public hearing.



4. Sheila York addressed the email from Paul Tsang regarding a student's eligibility to take the FE exam prior to graduation. The email is in reference to the new Environmental Engineering program at Northeastern University. Sheila requested that this item be held over as additional legal research will need to be conducted.
5. Sheila York and Chairman Paul Tyrell addressed the Board regarding the Policy Outlining the Purpose and Responsibility of the Exam Committee. Paul Tyrell reminded the Board of the importance of adding new members to the committee now that Board staff has undergone several changes over the past few months.

Sheila York distributed the most recent draft Policy on the Professional Land Surveyor Massachusetts Examination Sub Committee language for discussion purposes.

Dennis Drumm took the Board members through a review of the draft and discussed potential edits to the language. After discussion, several edits were identified by the Board. Sheila York stated that she would make the recommended edits and distribute the updated policy draft at a future Board meeting.

6. Sheila York and Eric Funk briefed the Board regarding an email that had been received by licensee 51333-EN-HV requesting that his license discipline be changed from HVAC (HV) to Mechanical (M) as he had mistakenly checked the wrong box on his initial application and would like to have the discipline amended prior to renewing his license.

After a brief discussion and review of the licensees educational and exam background Dennis Drumm moved, seconded by Ron Willey, to change the discipline from HVAC to Mechanical. Motion passed with a vote of 10-0.

7. Chairman Paul Tyrell noted that with the departure of Peter Hale, the Board no longer has a Secretary and requested a volunteer for the position.
8. Clinton Dick informed the Board that all members who submitted forms had been approved for the 2018 NCEES Northeast Zone Meeting to be held May 17-19 in Portland, Maine.
9. Sheila York distributed the most recent draft Policy Regarding the Use of the Title Engineer to the Board for review and discussion.

Maurice Pilette and Dennis Drumm agreed that the language related to unlicensed practice requires clarification.

Joanne Linowes asked if using just "engineer" was an acceptable alternative.

Paul Tyrell stated that it's a consumer protection issue as the public may be misled by the use of the title engineer and whether that means they are licensed in MA to do the work of an engineer.

Sheila York provided the Board with a brief explanation of why the Board has the authority to address this matter.

Joanne Linowes asked if there could be an advisory campaign to clarify and elevate the Professional Engineer title/designation and make just the word engineer a job description.

Dennis Drumm stated that the Board does not have the capacity/ability to offer such a campaign.

Sheila York informed the Board that the Attorney General's Office issued an opinion on this topic in 1965 which holds true today.

Dennis Drumm indicated that the section related to certified/certification should be revised.

Sheila York stated that she will make the requested edits to the policy language and redistribute the updated draft along with a copy of the AG's policy opinion from 1965 for the Board to review.

10. Clinton Dick stated that the Board received a First Quarterly Report from Licensee #50744-E in Docket No. EN-16-502. The Licensee had been disciplined by the Missouri Board for allowing his stamp to be affixed to plans not prepared by him or under his immediate supervision. Clinton Dick further stated that the report was an FYI to the Board that did not require any action at this time

The Board determined that no action was required at this time.

Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #52316-ST. The Licensee was reporting action taken against his license by the TX Licensing Board.

The Board requested that Investigator Matt Runge investigate the matter further.

11. Chairman Paul Tyrell recognized PE Exam Applicant Christopher Betourney's attendance and requested that he present his case to the Board as to why they should reconsider their initial assessment that his PE exam application did not meet the requirements for approval. Christopher Betourney briefed the Board about his engineering work experience and how he believed it met the requirements for approval but accepts the Board's decision and is now seeking clarification for the purpose of submitting additional documentation that would meet the Board's requirements. Paul Tyrell informed the applicant that the Board is looking for clear documentation of engineer design work performed by the applicant under the direct supervision of a licensed P.E.

Eric Funk informed Christopher Betourney that an email outlining the information discussed would be sent to him within a few days after the meeting.

12. Chairman Paul Tyrell recognized PE Exam Applicant Thomas Renaud attendance and requested that he present his case to the Board as to why they should reconsider their initial assessment that his PE exam application did not meet the requirements for approval. Thomas Renaud had provided a new packet of work experience that he believed would meet the Board's requirements. The Board took several minutes to review the additional documentation provided by Thomas Renaud. After consideration of the new material presented, Ron Willey motioned, seconded by Paul Tyrell, to approve Thomas Renaud's PE exam application. Motion passed with a 10-0 vote.
13. At 11:25 am Dennis Drumm motioned, seconded by Dan Caron to enter into Closed Quasi-Judicial Session pursuant to G.L. c. 30A, §18 to discuss the Final Decision and Order in Docket Number EN-15-008.

14. Public session resumed at 11:31 am.

15. At 11:32 am Dennis Drumm motioned, seconded by Dan Caron to enter into Closed Investigative Session under M.G.L. c. 112 §65C to discuss settlement terms. Motion was unanimous.
16. Report of actions taken during closed investigate conference:
- 2015-001471-IT-ENF: Guidance provided to Prosecutor
  - 2016-000292-IT-ENF: Guidance provided to Prosecutor
  - 2015-001491-IT-ENF: Guidance provided to Prosecutor
  - 2016-000599-IT-ENF: Guidance provided to Prosecutor

Maurice Pillete reused himself from the discussion involving 2015-001471-IT-ENF.

17. Open session resumed at 12:28PM.

18. Clinton Dick provided the Board with a copy of an email from Jade Brewer, dated January 22, 2018, asking if site maps can be created by an unmanned aircraft system (UAS) operator without a surveyor license so long as the maps are not being interpreted by the operator.

Sheila York and Dennis Drumm stated that 250 CMR 5.01 (2)(B) addresses this in part as it deals with boundary lines. Sheila York stated that she would respond to Jade Brewer's email citing the regulations.

19. Clinton Dick provided the Board with a copy of an email from Sean McDonald, dated March 14, 2018, regarding land/sea jurisdiction.

Sheila York stated that any response that the Board provides should cite the specific statute regarding nautical jurisdiction. Sheila York further stated that she would respond to Sean McDonald that the Board declines to opine on jurisdictional issues without specific facts in the record.

20. Chairman Paul Tyrell requested that the email from Tom Lorentz regarding as-built drawings be held over to the next Board meeting due to time constraints.

Clinton Dick stated that the correspondence would be added to the next Board agenda for discussion.

21. At 12:38PM the Chair noted that there were no further topics for the public Board meeting. Dan Caron motioned to adjourn. Joanne Linowes seconded. Motion passed.

Respectfully submitted by,



Eric Funk  
Board of Registration of Professional Engr...

Documents used at the public meeting

- January 25, 2018 Public Session
- February 15, 2018 Public Session (draft)
- Policy on the Professional Land Surveyor Massachusetts Examination Sub Committee (draft)
- Email from Jade Brewer, dated January 22, 2018
- Email from Tom Lorentz, dated March 6, 2018
- Email from Sean McDonald, dated March 14, 2018

- Letter from Licensee #50744-E, dated January 22, 2018, regarding self-report of discipline by other jurisdictions.
- Letter from Licensee #52316, dated March 3, 2018, regarding self-report of discipline by other jurisdictions.