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Commonwealth of Massachusetts
Division of Professional Licensure
Board of Registration of Professional Engineers
and Land Surveyors

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EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

DIANE SYMONDS
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes of the August 22, 2019 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
Ronald Willey, PE, Vice Chairman
Daniel Caron, PE
Paul Tsang, PE
Erin Joyce, PE
Joyce Hastings, PLS
Azul Etoniru, PE, PLS
Maurice Pilette, PE
Shannon Slaughter, Public Member

Board Members Absent

Members of the Public Present

Division Staff Members Present at Various Times during the Meeting:

Matthew Keigan, Executive Director
Sheila York, Board Counsel
Eric Funk, Board Administrator

1. Chairman Paul Tyrell opened the meeting at 9:03AM and notified attendees of the evacuation procedures.
2. The Board reviewed the minutes of the July 25, 2019 Open Meeting. Azul Etoniru moved, seconded by Ron Willey, to accept the meeting minutes with a minor edit on page 2. Motion passed with a vote of 7-0-3, with Erin Joyce, Ron Willey and Joyce Hastings abstaining from the vote.
3. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on September 26, 2019.
4. Chairman Paul Tyrell, Erin Joyce, Ronald Willey, and Azul Etoniru attended the NCEES Annual Meeting, held August 14-17, in Washington, DC.

Erin Joyce provided the Board with a brief recap of the topics discussed and motions put forward at the meeting.

Dennis Drumm and Erin Joyce described the role of NCEES and the MA Board in relation to the licensure process for the benefit of new Board member Shannon Slaughter.



5. Dennis Drumm gave the Board a report on the eleven (11) interviews that were conducted by Land Surveyor Interview Committee. He informed the Board that there were seven (7) in-state applicants and four (4) out-of-state applicants interviewed. The two (2) applicants that were not recommended to move forward were both from Massachusetts. The full breakdown is as follows:
- Applicant 1014703: Committee recommends this applicant obtain an additional six months of experience identifying and collecting the record evidence necessary to perform a retracement (perimeter) type survey and the subsequent reconciliation of that record evidence with the physical evidence found marking the boundaries in compliance with the Rules of Evidence and 250 CMR.; Ron Willey motioned to so approve, seconded by Dan Caron. Motion passed with a vote of 10-0.
 - Applicant 1013514: Committee recommends this applicant obtain an additional 6 credit hours (*or the equivalent thereof via workshops, seminars, etc.*) of education addressing the legal aspects of land surveying as it pertains to the collection, weight and sufficiency of boundary line evidence; as well as obtain an additional six months of experience identifying and collecting the record evidence necessary to perform a retracement (perimeter) type survey and the subsequent reconciliation of that record evidence with the physical evidence found marking the boundaries in compliance with the Rules of Evidence and 250 CMR.; Ron Willey motioned to so approve, seconded by Dan Caron. Motion passed with a vote of 10-0.
 - Applicant 1015449: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Dan Caron. Motion passed with a vote of 10-0.
 - Applicant 1001133: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Dan Caron. Motion passed with a vote of 10-0.
 - Applicant 1015303: Committee recommends this applicant be approved to take the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Dan Caron. Motion passed with a vote of 10-0.
 - Applicant 1013953: Committee recommends this applicant be approved to take the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Dan Caron. Motion passed with a vote of 10-0.
 - Applicant 1015689: Committee recommends this applicant be approved to take the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Dan Caron. Motion passed with a vote of 10-0.
 - Applicant 1015558: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam; Ron

Willey motioned to so approve, seconded by Dan Caron. Motion passed with a vote of 10-0.

- Applicant 1015441: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Dan Caron. Motion passed with a vote of 10-0.
 - Applicant 1014972: Committee recommends this applicant be approved to take the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Dan Caron. Motion passed with a vote of 10-0.
 - Applicant 1014692: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Dan Caron. Motion passed with a vote of 10-0.
6. Dennis Drumm and Joyce Hastings provided Shannon Slaughter with a quick overview of the Oral Interview requirement for land surveyor applicants.
7. Chairman Paul Tyrell gave the Board a report on the six (6) interviews that were conducted by the Engineering Interview Committee:
- Applicant 1013815: Committee recommends this applicant be approved to sit for the PE exam; Ron Willey motioned to so approve, seconded by Dennis Drumm. Motion passed with a vote of 10-0.
 - Applicant 1013765: Committee recommends this applicant, a 20 year applicant, be approved to sit for the PE exam; Ron Willey motioned to so approve, seconded by Dennis Drumm. Motion passed with a vote of 10-0.
 - Applicant 1012442: Committee recommends this applicant, a 20 year applicant, be approved to sit for the PE exam; Ron Willey motioned to so approve, seconded by Shannon Slaughter. Maurice Pilette recused himself and Dennis Drumm abstained from the vote. Motion passed with a vote of 5-3.
 - Applicant 1002175: Committee recommends this applicant, a 20 year applicant, be approved to sit for the PE exam; Ron Willey motioned to so approve, seconded by Dennis Drumm. Motion passed with a vote of 10-0.
 - Applicant 1015656: Committee recommends this applicant, a 20 year applicant, be approved to sit for the PE exam; Ron Willey motioned to so approve, seconded by Dennis Drumm. Motion passed with a vote of 10-0.
 - Applicant 1015452: Committee recommends this applicant, a 20 year applicant, be approved to sit for the PE exam; Ron Willey motioned to so approve, seconded by Dennis Drumm. Motion passed with a vote of 10-0.

8. Sheila York described the current Board process for receiving and reporting discipline to other jurisdictions. She stated that the Board relies on applicants and current licensees to notify the Board when disciplinary action is taken against their license in another jurisdiction.

Sheila York indicated that when the Board disciplines a licensee, NCEES is notified of such action by the Board.

Sheila York informed the Board that additional research would be conducted to determine what, if any, additional reporting mechanisms were available to the Board for disseminating disciplinary actions taken by the Board to other jurisdictions and an update would be provided at a future meeting.

9. Sheila York briefed the Board on the status of draft language regarding Continuing Professional Competency (CPC) stating that it was still under review internally here at the DPL. She stated that the draft may need to be amended to add discipline reporting. She further stated that next steps would include scheduling a meeting with DPL's Chief Legal Counsel and Chief Prosecutor. She will update the Board on the status of the regulation review at future meetings.
10. Sheila York informed the Board that the approved draft clarification language regarding the Use of the Title Engineer had been provided to DPL staff for review and the review was ongoing.
11. Sheila York briefed the Board on DPU's proposed emergency regulations, docket# 19-43.

Erin Joyce stated that she spoke with an engineer from Michigan who indicated that there may be some movement on the Federal level by the Pipeline and Hazardous Materials Safety Administration (PHMSA) under the Pipes Act of 2016.

Sheila York stated that the matter is being closely monitored and updates would be provided when available.

12. Sheila York informed the Board that an internal meeting was held regarding update of "Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts." She stated that the Professional Practice booklet was currently undergoing review to update the regulatory citations as well as the FAQ's. She further stated that progress would be made regarding scheduling a meeting with appropriate DPL staff and an update would be provided at the next meeting.
13. Sheila York provided the Board with a copy of the updated draft clarification language intended to provide guidance on 250 CMR 5.01 (2) and more specifically, 250 CMR 5.01 (2) (a) which states, "A Professional Engineer qualified in the Branch of civil engineering may also perform land surveying incidental to his or her engineering work relative to locating or relocating any of the Fixed-works embraced within the practice of civil engineering, but excluding the determination of property lines."

After Board review and consideration, it was determined that the language as drafted was sufficient and Sheila York indicated that the draft would be provided to DPL staff for review and approval.

14. Matthew Keigan informed the Board that an application had been received that indicated a Good Moral Character (GMC) issue in Maine (ME). The application did not provide much detail regarding the incident. He further stated that he had reached out to the applicant and requested additional information in the form of court documentation or other official documentation be submitted to the Board for review.

Matthew Keigan stated that the applicant's MA CORI came back negative.

Sheila York asked the Board to comment on whether or not the additional documents requested should be reviewed prior to a determination being made to which the Board responded, yes.

15. Matthew Keigan notified the Board that a request for reinstatement of suspended license had been received on August 8, 2019 from Licensee No. 20828-C.

Matthew Keigan informed the Board that the licensee was actually on probation and that when the probationary period was up, the probation status would automatically be lifted on the licensee's record.

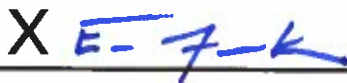
16. Matthew Keigan informed the Board that he received the required quarterly monitoring report for Licensee No. 51900-AR.
17. Matthew Keigan informed the Board that he received the 7th quarterly monitoring report from Licensee No. 50744-E.
18. At 10:50AM, the Board voted to enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a vote of 10-0.

Report of actions taken during closed investigate conference:

- EN-2019-0503: Dismissed without prejudice
- EN-2019-0166: Forward to Office of Prosecutions

19. Open session resumed at 10:58AM.
20. At 11:00AM Chairman Paul Tyrell noted that there were no further topics for the public Board meeting. Ron Willey motioned to adjourn. Dennis Drumm seconded. Motion passed unanimously.

Respectfully submitted by,



Eric Funk
Board of Registration of Professional Enqin...

Documents used at the public meeting

- **Agenda for August 22, 2019 Meeting**
- **Draft Minutes of July 25, 2019 Open Meeting**
- **Request for reinstatement of suspended license from Licensee #20828-C**
- **Draft FAQ re: Civil PE certifying site plan which references a property line determination that was previously completed by a PLS.**