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CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes of the June 21, 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
Joyce Hastings, PLS
Daniel Caron, PE
Ronald Willey, PE, Vice Chairman
Paul Tsang, PE
Azu Etoniru, PE, PLS
Maurice Pilette, PE
Joanne Linowes, Public Member

Board Members Absent

Erin Joyce, PE

Members of the Public Present

David Petersile, PE Exam Applicant

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
Paul Franzese, Prosecuting Counsel

1. Chairman Paul Tyrell opened the meeting at 9:40AM and notified attendees of the evacuation procedures.
2. The Board reviewed the minutes of the May 24, 2018 Open Meeting. Dennis Drumm moved, seconded by Dan Caron, to accept the meeting minutes. Motion passed with a vote of 9-0.
3. Sheila York informed the Board that there was no new information to report on the status of the draft regulations for Continuing Professional Competency (CPC).
4. Sheila York informed the Board that the draft policy language on the Use of the Title Engineer was still in draft form and should remain on the agenda.
5. Sheila York informed the Board that the draft Policy on the Professional Land Surveyor Massachusetts Jurisprudence Exam Sub Committee was complete and has moved to the next step in the process, which is Agency approval. Sheila stated that the item will remain on the agenda for further updates.



6. Sheila York informed the Board that at this time there are no pending legal matters that require discussion.
7. The Board discussed an email from Michelle Learned, Assistant City Solicitor for the City of Waltham, City of Waltham Law Department, dated June 7, 2018, inquiring whether the City Engineer can sign a betterment/temporary construction easement plan to reconstruct a fixed public sidewalk under Sec. 81 D's exception providing that a PE "may perform land surveying incidental to his engineering work for locating or relocating any of the fixed works embraced within the practice of civil engineering excluding property line determination" where the property lines have already been determined on a Professional Land Surveyor prepared and signed plan.

Additionally, the Board had received an email from Stephen A. Casazza, PE, City Engineer, City of Waltham, dated June 7, 2018, inquiring whether it is the responsibility of a professional engineer to prepare and record a plan for taking of easements and right of ways and whether a professional engineer is permitted to certify by means of stamping a plan for recording at the registry of deeds, that creates easements for taking by a municipality.

Sheila York explained to the Board that both of these emails pertain to the same matter.

Dennis Drumm summarized the matter for the Board. He further stated that easement and/or temporary easement plans fall under the purview of Land Surveying and can only be signed/stamped by a licensed L.S.

Azu Etoniru and Joyce Hastings both agreed with Dennis Drumm that the matter as described pertains to boundary lines which is the practice of Land Surveying.

Sheila York indicated that she would respond to Michelle Learned as well as Stephen A. Casazza.

8. Chairman Paul Tyrell recognized PE Exam Applicant David Petersile was in attendance and gave him an opportunity to address the Board. Before the applicant addressed the Board, Maurice Pilette recused himself from the meeting as he had previously worked with David Petersile on a project. David Petersile then stated that he felt that Chairman Paul Tyrell should also be recused from the discussion. He stated that this was because of how he felt the Chairman treated him during his oral interview in February 2018 as well as a discussion that they had at an industry event that took place several weeks after the interview. David Petersile further stated that he and Chairman Paul Tyrell were seated at the same table and during conversation, the Chairman had indicated to him that he would need to recuse himself from further involvement with the determination of his license application.

Chairman Paul Tyrell requested that the minutes reflect that that is not his recollection of the events of that interaction. Chairman Paul Tyrell stated that he was seated at a table adjacent to the one David Petersile was seated at and that he was approached by David Petersile who proceeded to speak to him about what transpired at the Board meeting on February 15, 2018. Chairman Paul Tyrell stated that he informed David Petersile that he was not comfortable speaking with him about such matters outside of the Board meeting setting and that it was not appropriate for him to try to discuss Board matters at the event. Sheila York advised that Chairman Tyrell's interactions with Mr. Petersile during Mr. Petersile's interview as part of the application process was part of Chairman Tyrell's duties as a board member and not sufficient to warrant recusal on the Board's discussion of Mr. Petersile's application. If Mr. Petersile has concerns about an interaction that occurred outside of board offices, he can submit

documentation of his concerns and the discussion of his application could be tabled to allow time to obtain and review all relevant information.

David Petersile then indicated that he would like to withdraw his previous statement and apologized to Chairman Paul Tyrell. Mr. Petersile stated that he was withdrawing his request for Chairman Tyrell's recusal and asked the Board to proceed with discussion of his application.

Clinton Dick requested that David Petersile provide the Board with a brief overview of why he was in attendance at the meeting. David Petersile stated that he wished to speak to the full Board with respect to his ongoing concerns following his oral interview on February 6, 2018 and the subsequent discussion that took place at the February 15, 2018 Board meeting as well as to discuss or provide additional context to the supplemental work experience documentation that he submitted to the Board on May 15, 2018.

David Petersile briefed the Board on his concerns which he had previously stated in a letter to the Board that was discussed at the February 15, 2018 Board meeting. He then detailed the supplemental documentation that he provided to the Board in May 2018. David Petersile reiterated to the Board that he felt that he had provided all the necessary documentation for the Board to approve his application to sit for the examination. He also again expressed his concerns regarding Maurice Pilette recusing himself from the discussion as well as noting that Erin Joyce, who was a participant in his interview in February 2018, was not present at the Board meeting which he felt placed him in an unfavorable situation as he did not feel that Chairman Paul Tyrell should be the sole person making a determination on his application.

Chairman Paul Tyrell provided David Petersile with an overview of the application review process and recommended that his most recent document submission and a determination of his application status be held over to the next Board meeting on July 19, 2018 so that Erin Joyce could be in attendance and review the new documents as well as to allow other members of the Board an opportunity to review his entire application and participate in the discussion and determination of his application.

David Petersile thanked the Board and indicated that he would be in attendance at the July 19, 2018 meeting.

9. At 10:12 AM, Dennis Drumm motioned, seconded by Azu Etoniru, to enter into Executive Session pursuant to G.L. c. 30A, §21(a) (1) to discuss the character, rather than competency of Licensee L.O. Motion passed with a roll call vote of 9-0: Members in favor: Paul Tyrell, PE, PLS; Dennis Drumm, PLS; Joyce Hastings, PLS; Daniel Caron, PE; Ronald Willey, PE; Paul Tsang, PE; Azu Etoniru, PE, PLS; Maurice Pilette, PE; Joanne Linowes, Public Member. Members opposed: none.

The Chairman estimated that the open session would resume in approximately five minutes.

Clinton Dick noted that there were two additional individuals referenced on the agenda for character review but those matters would be held over until the July 19, 2018 meeting.

10. Open session resumed at 10:15AM.

11. Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #41140-C. He further noted that the license number on the Board agenda was incorrect and should have read 41140-C. The Licensee had failed to renew his license

in both LA and NM in a timely manner and both the LA and NM Licensing Boards took action against his license.

The Board determined that they will take no action against Licensee at this time.

12. Dennis Drumm provided the Board with the Jurisprudence Exam Sub Committee report on the April 2018 exam results. There is a recommendation to set the passing rate at 70%. There were thirteen exam takers. Nine of the exam takers were MA residents and ten were first time takers. Of the thirteen exam takers, six achieved a passing score of at least 70%. Ron Willey motioned to accept the recommendation, seconded by Azu Etoniru. Motion passed with a vote of 8-0 as M. Pilette had briefly stepped outside the room.

Chairman Paul Tyrell thanked Dennis Drumm and Ron Willey for their work on the Jurisprudence Exam Sub Committee.

13. Ron Willey motioned, seconded by Dennis Drumm to enter into Closed Investigative Session under M.G.L. c. 112 §65C to discuss open investigatory matters and settlement terms. Motion was unanimous.

Report of actions taken during closed investigate conference:

- 20140625EN027-IT-ENF: Consent terms provided to Prosecuting Counsel
- 20150326EN015-IT-ENF: Consent terms provided to Prosecuting Counsel
- 2017-001439-IT-ENF: Consent terms provided to Prosecuting Counsel
- 2017-000075-IT-ENF: Consent terms provided to Prosecuting Counsel
- EN-2014-026: Dismiss without prejudice
- 2017-001026-IT-ENF: Dismiss without prejudice
- 2018-000321-IT-ENF: Dismiss with an Advisory Letter
- 2017-000064-IT-ENF: Dismiss without prejudice
- 2017-000545-IT-ENF: Forward to the Office of Prosecutions


14. Open session resumed at 12:02PM.

15. The Chair asked that going forward the next meeting date be added as a discussion item in order to confirm whether members will be in attendance.

16. The Chair informed Clinton Dick that NCEES planned on visiting the Board at its meeting on July 19, 2018.

17. At 12:05PM the Chair noted that there were no further topics for the public Board meeting. J. Linowes motioned to adjourn. R. Willey seconded. Motion passed.

Respectfully submitted by,



Eric Funk
Board of Registration of Professional Enqin...

Documents used at the public meeting

- Agenda for June 21, 2018 Meeting
- Draft Minutes of May 24, 2018 minutes
- Email from Michelle Learned, Assistant City Solicitor for the City of Waltham, City of Waltham Law Department, dated June 7, 2018,

- Email from Stephen A. Casazza, PE, City Engineer, City of Waltham, dated June 7, 2018,