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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 September 26, 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
Erin Joyce, PE
Paul Tsang, PE
Joyce Hastings, PLS
Azun Etoniru, PE, PLS
Maurice Pilette, PE
Shannon Slaughter, Esq. Public Member

Board Members Absent

Daniel Caron, PE

Members of the Public Present

Abbie Goodman, TECET

Division Staff Members Present at Various Times during the Meeting:

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

1. Chairman Paul Tyrell opened the meeting at 9:00AM and notified attendees of the evacuation procedures.
2. The Board reviewed the minutes of the August 22, 2019 Open Meeting. Azun Etoniru moved, seconded by Ron Willey, to accept the meeting minutes. Motion passed with a vote of 9-0.
3. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on October 24, 2019.
4. Azun Etoniru made a motion to nominate Chairman Paul Tyrell for the position of Treasurer of NCEES. The Nomination was seconded by Ronald Willey. Motion passed with a vote of 9-0.
5. 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.
6. 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.



7. 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 has undergone revision to update the regulatory citations as well as the FAQ's and provided copies of the revised document for review and comment.

Following a brief discussion, Chairman Paul Tyrell asked how the Board would like to proceed. Dennis Drumm suggested that two (2) members should take point and provide comment back to Board Counsel regarding further revisions and any items that should be considered for addition to the guide.

Chairman Paul Tyrell and Paul Tsang agreed to provide Board Counsel with feedback.

8. Sheila York informed the Board that the draft clarification language intended to provide guidance on 250 CMR 5.01 (2) and more specifically, 250 CMR 5.01 (2) (a), needed to be provided to DPL senior management for review.
9. Sheila York reminded the Board that mandatory Ethics Training should be completed as soon as possible.

Sheila York requested that all Board members notify her in writing of any other organizations that they are involved with where they hold officer positions.

10. Matt Keigan updated the Board regarding the process for receiving and reporting discipline to other jurisdictions. He stated that NCEES has an Enforcement Exchange function where reported discipline for all jurisdictions can be reviewed.

Matt Keigan further stated that after a review of the information currently available on the Enforcement Exchange for discipline in the past 30 days, it was noted that Paul Serrano PE License # 43114 who is currently licensed in Massachusetts appears on the Enforcement Exchange as having been disciplined in another jurisdiction. He stated that Mr. Serrano has not yet notified the MA Board of such discipline but that the licensee still had thirty (30) days to do so. The Board reviewed the information presented and directed staff to open a complaint against Mr. Serrano. License # 43114.

11. Matthew Keigan stated that the Board received the monitoring report per the Consent Agreement in the matter of Docket No. 20140625EN27-IT-ENF.

Joyce Hastings was recused from the discussion and Ronald Willey had a prior engagement and would not be participating further in the meeting.

Matthew Keigan informed the Board that he contacted the licensee Mr. Rrapi to remind him that he is required to provide the quarterly monitoring reports per the consent agreement.

Erin Joyce and Dennis Drumm stated that the information provided by Mr. Rrapi on his spreadsheet did not provide a clear picture of the number and scope of jobs performed per the agreement and suggested that the Board contact each PE and PLS listed to provide additional context and confirmation of work performed.

Sheila York stated that such a request could be made and that the Mr. Rrapi should be reminded that he must comply with the terms of the consent agreement.

12. Matthew Keigan informed the Board that he received the required quarterly monitoring report for Licensee No. 34623-LS.

Matthew Keigan stated that he had to contact the licensee to obtain the information as he had not submitted it per the terms of the consent agreement. Further, he stated that the licensee still has not been able to find a licensed Land Surveyor to monitor his work which was a term of the agreement.

Sheila York stated that the licensee's attorney has been in contact regarding the situation.

Shannon Slaughter suggested that the Board request that the licensee identify any work that is being done outside his own business entity (i.e. work that the licensee is sub-contracting to other licensed surveyors or unlicensed individuals).

Board was in agreement that such a request be sent to the licensee.

13. Matthew Keigan stated that the Board received a Self-Report of discipline from Maida Engineering, Inc. The firm was disciplined by the SC Board for failure to obtain a Certificate of Authorization from the Board prior to transacting business in South Carolina. The SC Board fined the firm \$500. Matthew Keigan informed the Board that the Licensee had properly reported such discipline to MA.

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

14. Matthew Keigan provided the Board with a copy of an email from Stephanie Davies, Senior Land Use Planner, City of Attleboro, dated September 4, 2019, regarding street acceptance plans.

Chairman Paul Tyrell stated that the documentation provided by Ms. Davies is in fact an As-built plan and does not constitute the practice of engineering as it does not show any engineering design.

Sheila York stated that a draft response would be provided to Chairman Paul Tyrell for review prior to being sent to Ms. Davies.

15. Matthew Keigan provided the Board with a copy of an email from John Sweet, Director Project Management, Waldron Engineering & Construction, Inc., dated September 4, 2019, regarding 250 CMR 5.05, Business Entities.

After discussion, the Board agreed with Sheila York that informing Mr. Sweet that the firm would need to comply with 250 CMR 5.04 would be the appropriate response.

16. Matthew Keigan provided the Board with a copy of an email from Tony Centurelli, Consulting Engineer, Engineering Design & Testing Corp., dated August 30, 2019, regarding signature on a PE seal.

Sheila York stated that the answer to this question can be found in 250 CMR 5.03 (6), which states, "any document bearing the Registrant's seal must also be appropriately dated and signed with either a legible hand written Signature adjacent to (not obscuring) the seal or a properly encrypted digital Signature, in compliance with 250 CMR." A response will be provided to Mr. Centurelli advising him of the regulatory language.

17. Matthew Keigan provided the Board with a copy of an email from John Ting, Professor of Civil Engineering and Graduate Program Coordinator, Emeritus Dean of Engineering, University of Massachusetts Lowell, dated August 22, 2019, regarding a new graduate program offering a Master of Science in Engineering Management. Professor Ting asks whether a graduate of the new program would be credited a year of qualifying experience and thus reduce the necessary work experience to three years.

Chairman Paul Tyrell and Dennis Drumm both indicated that Engineering Management is not currently considered the practice of engineering.

Paul Tsang stated that while management courses are beneficial to one's skillset, there isn't enough focus on health, safety, and welfare and is not in his opinion, the practice of engineering.

Azu Etoniru stated that he found the program's description and course components to be sufficient for considering the program for a one (1) year credit as a qualifying advanced engineering degree.

Chairman Paul Tyrell recognized Abbie Goodman who wished to comment on this issue. Ms. Goodman opined that the program appeared to be lacking in technical courses therefore it could not be considered as a qualifying degree program.

Chairman Paul Tyrell stated that it was his belief that the NCEES exam contained a topic on engineering management. He stated that he would research this further and if it is a topic offered on the NCEES exam, the Board should consider accepting the program as a qualifying advanced engineering degree for which a graduate could receive a one year credit towards work experience.

18. Matthew Keigan provided the Board with an update in the matter of Docket No. EN-16-000076. The Board was informed that the one (1) year probationary period for Licensee No. 48193-LS had ended and was automatically lifted as the licensee had no further violations.
19. Matthew Keigan stated that the Board received a Self-Report of discipline from A2H, Inc. The firm was disciplined by the LA Board for unlicensed practice. The LA Board fined the firm \$3,300. Matthew Keigan informed the Board that the Licensee had properly reported such discipline to MA.

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

20. At 10:37AM, Dennis Drumm moved, seconded by Azu Etoniru, to enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a vote of 8-0.

Report of actions taken during closed investigate conference:

- 2018-000872-IT-ENF: Dismissed without prejudice
- EN-2019-000472: Forward to Office of Prosecutions
- EN-2019-0468: Forward to Office of Prosecutions
- EN-2019-0656: Dismissed without prejudice
- EN-2019-0655: Dismissed without prejudice (Dennis Drumm recused)
- EN-2019-0650: Dismissed without prejudice
- EN-2019-0560: Dismissed without prejudice

21. Open session resumed at 11:03AM.

22. Eric Funk provided the Board with an email from Robert Joseph, dated September 17, 2019, regarding limited practice of a Professional Engineer performing Land Surveying.

After review of the email and supporting documents, Chairman Paul Tyrell and Dennis Drumm confirmed that the scenario described by Mr. Joseph in his email included the determination of property lines and thus must be performed by a PLS. For this reason, Mr. Joseph would not be able to prepare a sketch and apply his PE stamp.

23. Dennis Drumm motioned, seconded by Azu Etoniru, to suspend the open session and enter into Closed Executive Session pursuant to G.L. c. 30A, §21(a) (1) to discuss the character, rather than competency of Licensee S.O. Members in favor: Chairman Paul Tyrell, Dennis Drumm, Erin Joyce, Joyce Hastings, Shannon Slaughter, Maurice Pilette, Paul Tsang, and Azu Etoniru. Members opposed: None. The Chair stated that he expected to be in Executive Session for approximately five (5) minutes.

24. Open session resumed at 11:11AM.

25. At 11:12AM Chairman Paul Tyrell noted that there were no further topics for the public Board meeting. Joyce Hastings motioned to adjourn. Azu Etoniru seconded. Motion passed unanimously.

Respectfully submitted by,

Eric Funk
Board of Registration of Professional Enqin...

Documents used at the public meeting

- Agenda for September 26, 2019 Meeting
- Draft Minutes of August 22, 2019 Open Meeting
- Email from Stephanie Davies, Senior Land Use Planner, City of Attleboro, dated September 4, 2019, regarding street acceptance plans.
- Email from John Sweet, Director Project Management, Waldron Engineering & Construction, Inc., dated September 4, 2019, regarding 250 CMR 5.05, Business Entities.
- Email from Tony Centurelli, Consulting Engineer, Engineering Design & Testing Corp., dated August 30, 2019, regarding signature on a PE seal.
- Email from John Ting, Professor of Civil Engineering and Graduate Program Coordinator, Emeritus Dean of Engineering, University of Massachusetts Lowell, dated August 22, 2019,

regarding a new graduate program offering for Master of Science in Engineering Management.

- Email from Robert Joseph, dated September 17, 2019, regarding limited practice of a Professional Engineer performing Land Surveying.