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Commonwealth of Massachusetts
Division of Professional Licensure
Board of Registration of Professional Engineers
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UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes of the August 27, 2020 Open Meeting

Meeting was held remotely by video conference and telephone as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts dated March 12, 2020 suspending certain provisions of the open meeting law.

The following attendance was recorded:

Board Members Present

Paul Tyrell, PE, PLS, Chairman
Ronald Willey, PE, Vice Chairman
Erin Joyce, PE
Kenneth Anderson, PLS
Joyce Hastings, PLS
Azun Etoniru, PE, PLS
Maurice Pilette, PE
Shannon Slaughter, Public Member
Paul Tsang, PE

Board Members Absent

Daniel Caron, PE

Members of the Public Present

Abbie Goodman, TECET
Jerson Olano, P.E. Exam Applicant

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. With the meeting being held via conference call there was no discussion of evacuation procedures. However, Chairman Paul Tyrell did remind members that with the winter months approaching they should consider switching their warm weather supplies for their cold weather supplies in the car.
2. The Board reviewed the minutes of the July 23, 2020 Open Meeting. Azun Etoniru moved, seconded by Ronald Willey, to accept the meeting minutes as written. Motion passed with a vote of 9-0. Members in Favor: Paul Tyrell, Joyce Hastings, Azun Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce, Ronald Willey, and Kenneth Anderson. Members opposed: none.
3. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on September 24, 2020.



4. Executive Director Matthew Keigan provided the Board with an update on how the Governor's stay-at-home/safer-at-home directive due to COVID-19 is impacting the Division of Professional Licensure (DPL) and the Engineer/Land Surveyor Board. He reminded the Board that the NCEES Virtual Business Meeting was scheduled to take place later in the evening at 5:30pm.

Executive Director Matthew Keigan informed the Board that PCS was successful in securing testing locations in both Worcester and Boston for the October exam. The Worcester test location will be on the UMass campus and the Boston location will be at the Copley Marriott. He also extended a thank you to Abbie Goodman who had offered assistance during the process.

In addition to the above, the Board was notified that the October offering for the NCEES PE Electrical and Computer: Power exam was cancelled as NCEES was moving up the transition to computer based testing (CBT) for the exam. Registration for the Principles and Practice of Engineering (PE) Electrical and Computer: Power exam would now be year-round at Pearson VUE test centers beginning December 1, 2020.

Executive Director Matthew Keigan notified the Board that due to COVID-19 capacity restrictions, NCEES will offer a regional pencil-and-paper exam administration in January 2021 for PE Civil examinees. Registration for the regional PE Civil exam administration will open November 1, 2020, and close December 13, 2020, at 3:00 p.m. EST.

The Board was also informed by Executive Director Matthew Keigan that interviews/oral examinations were held on August 14, 2020 and August 26, 2020 via video conference. The Subcommittee interviewed six (6) Land Surveyor candidates and one (1) Fire Protection candidate. The Subcommittee will provide their report later in the meeting.

5. Chairman Paul Tyrell provided the Board with a summary of his presentation to the Architecture Board regarding the updating of Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts. The Architect Board was supportive of the proposed updating and indicated that their comments would be provided at a later date.

Maurice Pilette inquired about the addition of Chapter 143 of the Massachusetts General Laws to the guide. Sheila York stated that she would check the draft to see if it had been added and if necessary, the Board could discuss the topic at the next meeting.

6. Sheila York updated the Board on the status of draft regulations regarding Continuing Professional Competency (CPC). She informed the Board that she has received a number of questions from upper management which is working to move the draft forward.
7. Sheila York briefed the Board regarding an email from James Hall, dated August 25, 2020, inquiring about whether or not the word "registered" was required to appear on a Board stamp/seal. He stated that the regulations were not clear on the matter but that all stamp manufacturing companies have it on their templates.

Sheila York stated that while the word Registered is not required to be on the stamp per Board regulations, M.G.L. Chapter 112, Section 81M does state that *Each registrant hereunder shall, upon registration, obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "Registered Professional Engineer" or "Registered Professional Land Surveyor"*.

Chairman Paul Tyrell asked Maurice Pilette and Ronald Willey for their input on the topic. Maurice Pilette stated that statute cannot be overwritten or superseded by

regulation. Sheila York concurred and indicated that this can be clarified during the regulatory update that is currently underway.

Maurice Pilette asked Abbie Goodman if this question has come up within the industry. Abbie Goodman stated that clarification on the use of the term would be greatly appreciated. Sheila York advised that clarification could be added to the Professional Practice Guide as well.

Sheila York indicated that the matter will be brought back before the Board at a later date.

8. Executive Director Matthew Keigan informed the Board that there were no new action items on the NCEES Enforcement Exchange.
9. Executive Director Matthew Keigan informed the Board that Board received the final scheduled monitoring report per the Consent Agreement in the matter of Docket No. 20150326EN015-IT-ENF.

Shannon Slaughter motioned, seconded by Azu Etoniru to accept the report. Motion passed with a vote of 9-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce. Members opposed: none.

10. Chairman Paul Tyrell presented the application review report provided by Eric Funk for Board consideration. Azu Etoniru motioned, seconded by Shannon Slaughter to accept the report and ratify the application approvals. Motion passed with a vote of 9-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce. Members opposed: none.
11. Joyce Hastings gave the Board a report on the six (6) interviews that were conducted by Land Surveyor Interview Committee. She informed the Board that there were three (3) in-state applicants and three (3) out-of-state applicants interviewed. One (1) applicant was not recommended to move forward. The full breakdown is as follows:

- Applicant 1019295: Committee recommends this applicant obtain an additional 6 months of experience identifying and collecting record evidence to perform original boundary (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 250CMR. In addition, the committee recommends that the applicant obtain six credit hours of classes in the legal aspects of Land Surveying; Kenneth Anderson motioned to adopt the committee's recommendation, seconded by Ronald Willey. Motion passed with a vote of 9-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce. Members opposed: none.
- Applicant 1017601: Committee recommends this applicant be approved to take the Jurisprudence exam; Kenneth Anderson motioned to adopt the committee's recommendation, seconded by Ronald Willey. Motion passed with a vote of 9-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce. Members opposed: none.
- Applicant 1017620: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam; Kenneth

Anderson motioned to adopt the committee's recommendation, seconded by Ronald Willey. Motion passed with a vote of 9-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce. Members opposed: none.

- Applicant 1018455: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam; Kenneth Anderson motioned to adopt the committee's recommendation, seconded by Ronald Willey. Motion passed with a vote of 9-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce. Members opposed: none.
- Applicant 1019169: Committee recommends this applicant be approved to take the Jurisprudence exam; Kenneth Anderson motioned to adopt the committee's recommendation, seconded by Ronald Willey. Motion passed with a vote of 9-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce. Members opposed: none.
- Applicant 1019189: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam; Kenneth Anderson motioned to adopt the committee's recommendation, seconded by Ronald Willey. Motion passed with a vote of 9-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce. Members opposed: none.

12. Maurice Pilette gave the Board a report on the one (1) interview that was conducted by the Engineering Interview Committee:

- Applicant 1018430: Committee recommends this applicant be approved to sit for the PE exam; Azu Etoniru motioned to adopt the committee's recommendation, seconded by Joyce Hastings. Motion passed with a vote of 9-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce. Members opposed: none.

13. Maurice Pilette acknowledged Chairman Paul Tyrell for his recent NCEES Northeast Zone Distinguished Service Award. Ronald Willey had nominated Chairman Tyrell for the award which was announced during the July 1, 2020 webinar.

14. At 9:55AM, the Board voted to end the Open Session of the video conference call and enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a vote of 9-0.

Report of actions taken during closed investigate conference:

- 2020-000483-IT-ENF: Forward to Prosecutions
- 2020-000489-IT-ENF: Dismiss with Advisory Letter
- 2020-000477-IT-ENF: Dismiss with Advisory Letter
- 2020-000247-IT-ENF: Forward to Prosecutions
- 2019-000683-IT-ENF: Discussed settlement terms with Prosecutor (Azu Etoniru Recused)

Respectfully submitted by,

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- Eric Funk
Documents used at the public meeting
- Board of Registration of Professional Engineers a...
Agenda for August 17, 2020 Meeting
 - Draft Minutes of July 23, 2020 Open Meeting
 - Email from James Hall, dated August 25, 2020, inquiring about whether or not the word
“registered” was required to appear on a Board stamp/seal.