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Commonwealth of Massachusetts
Division of Occupational 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
OCCUPATIONAL LICENSURE

Minutes of the October 28, 2021 Open Meeting

Meeting was held remotely by video conference and telephone pursuant to Chapter 20 of the Acts of 2021: *An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency* signed into law on June 16, 2021.

The following attendance was recorded:

Board Members Present

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

Board Members Absent

Paul Tsang, PE

Members of the Public Present

Todd Clark, BSCES
John Mallin, PE Comity Applicant
Chris Josefowski, PE Comity Applicant

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

Esther Laine, Deputy Commissioner
Sheila York, Board Counsel
Eric Funk, Board Administrator

1. Chairman Paul Tyrell opened the meeting at 9:02AM and stated with the recent storm damage and power outage on the south shore, now would be the time to service their generator, purchase fuel, and test the generator to ensure it is working properly.
2. The Board reviewed the revised minutes of the September 24, 2021 Open Meeting. Azu Etoniru moved, seconded by Kenneth Anderson, to accept the meeting minutes with the edits to #4 and #19 indicated by Vice Chair Ronald Willey. Motion passed with a vote of 8-0-1. Members in Favor: Dan Caron, Shannon Slaughter, Erin Joyce, Maurice Pilette, Azu Etoniru, Kenneth Anderson, Paul Tyrell, and Ronald Willey. Members opposed: None. Members abstained: Joyce Hastings.
3. Deputy Commissioner of Boards Esther Laine provided the Board with a quick update regarding the State's COVID vaccine mandate and Eric Funk asked the members if any of them had been contacted by the Governor's Office regarding the vaccine mandate or

their current vaccination status. Board members confirmed that none of them had been contacted by the Governor's Office or anyone else regarding the vaccine mandate.

4. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on November 18, 2021. No conflicts were noted among the Board.
5. Board Counsel Sheila York provided the Board with a quick update on the transition of the paper and pencil State Specific Jurisprudence (JP) exam to a Computer Based Testing (CBT) format.

Sheila York stated that she is working with Jenna Hentoff to bring her up to speed on the subcommittee's discussions. She further stated that Board Counsel will reach out to PCS and would report back to the Board at a future meeting.

This topic will remain on the Board's agenda moving forward.

6. Sheila York stated that she had no update on the email from James Hall, dated November 9, 2020, regarding the Swansea Board of Health's proposal for "local licensure." Sheila York stated that the topic would remain on the agenda and an update would be provided as soon as one became available.
7. Sheila York informed the Board that there was no new update on the status of draft language regarding Continuing Professional Competency (CPC). She stated that she would check with General Counsel Clinton Dick regarding the status and report back to the Board when she had an update.
8. Sheila York informed the Board that there was no new update on the draft language in "Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts."
9. Sheila York stated that there were no further legal topics for discussion.
10. Joyce Hastings gave the Board a report on the two (2) interviews that were conducted by the Land Surveyor Interview Committee. She informed the Board that there was one (1) in-state applicant and one (1) out-of-state applicant interviewed. One (1) applicant was not recommended to move forward. The full breakdown is as follows:

- Applicant 1022870: Committee recommends this applicant be approved to take the Jurisprudence exam; Ronald Willey motioned to adopt the committee's recommendation, seconded by Azu Etoniru. Motion passed with a vote of 9-0. Members in Favor: Dan Caron, Shannon Slaughter, Erin Joyce, Maurice Pilette, Azu Etoniru, Kenneth Anderson, Paul Tyrell, Ronald Willey, and Joyce Hastings. Members opposed: None.
- Applicant 1020947: Committee found that the applicant was unfamiliar with several survey standards such as avulsion and reliction; Massachusetts laws and regulations; as well as land court research process. Committee recommends applicant take a course or courses on Legal Principles, Rules of Evidence, and Massachusetts Survey Law; Ronald Willey motioned to adopt the committee's recommendation, seconded by Azu Etoniru. Motion passed with a vote of 9-0. Members in Favor: Dan Caron, Shannon Slaughter, Erin Joyce, Maurice Pilette, Azu Etoniru, Kenneth Anderson, Paul Tyrell, Ronald Willey, and Joyce Hastings. Members opposed: None.

11. Vice Chairman Ronald Willey gave the Board a report on the five (5) interviews that were conducted by the Engineering Interview Committee. He informed the Board that all

five (5) candidates were 20 year experience applicants. There were two (2) in-state applicants and three (3) out-of-state applicants interviewed. All five (5) applicants were recommended to move forward. The full breakdown is as follows:

- Applicant 1023030: Committee recommends this applicant move forward in the process for licensure by comity; Ronald Willey motioned to adopt the committee's recommendation, seconded by Joyce Hastings. Motion passed with a vote of 9-0. Members in Favor: Dan Caron, Shannon Slaughter, Erin Joyce, Maurice Pilette, Azu Etoniru, Kenneth Anderson, Paul Tyrell, Ronald Willey, and Joyce Hastings. Members opposed: None.
- Applicant 1024063: Committee recommends this applicant move forward in the process for licensure by comity; Ronald Willey motioned to adopt the committee's recommendation, seconded by Joyce Hastings. Motion passed with a vote of 9-0. Members in Favor: Dan Caron, Shannon Slaughter, Erin Joyce, Maurice Pilette, Azu Etoniru, Kenneth Anderson, Paul Tyrell, Ronald Willey, and Joyce Hastings. Members opposed: None.
- Applicant 1022388: Committee recommends this applicant be approved to sit for the PE exam; Ronald Willey motioned to adopt the committee's recommendation, seconded by Joyce Hastings. Motion passed with a vote of 9-0. Members in Favor: Dan Caron, Shannon Slaughter, Erin Joyce, Maurice Pilette, Azu Etoniru, Kenneth Anderson, Paul Tyrell, Ronald Willey, and Joyce Hastings. Members opposed: None.
- Applicant 1022778: Committee recommends this applicant move forward in the process for licensure by comity; Ronald Willey motioned to adopt the committee's recommendation, seconded by Joyce Hastings. Motion passed with a vote of 9-0. Members in Favor: Dan Caron, Shannon Slaughter, Erin Joyce, Maurice Pilette, Azu Etoniru, Kenneth Anderson, Paul Tyrell, Ronald Willey, and Joyce Hastings. Members opposed: None.
- Applicant 1024119: Committee recommends this applicant move forward in the process for licensure by comity; Ronald Willey motioned to adopt the committee's recommendation, seconded by Joyce Hastings. Motion passed with a vote of 9-0. Members in Favor: Dan Caron, Shannon Slaughter, Erin Joyce, Maurice Pilette, Azu Etoniru, Kenneth Anderson, Paul Tyrell, Ronald Willey, and Joyce Hastings. Members opposed: None.

12. Eric Funk informed the Board after review of the NCEES Enforcement Exchange, there were no new complaints opened against licensees for failure to notify Massachusetts of the discipline in another jurisdiction within the thirty (30) day window to report such discipline as outlined in the regulations. He further stated that there were no items that required monitoring this month.

13. Eric Funk advised the Board that the case tracking spreadsheet that was distributed to all members was identical to last month as there were no updates.

14. Chairman Paul Tyrell presented the application review report provided by Eric Funk for Board consideration. Azu Etoniru moved, seconded by Kenneth Anderson, to accept the report and ratify the application approvals. Motion passed with a vote of 9-0. Members in Favor: Dan Caron, Shannon Slaughter, Erin Joyce, Maurice Pilette, Azu Etoniru, Kenneth Anderson, Paul Tyrell, Ronald Willey, and Joyce Hastings. Members opposed: None.

15. Sheila York advised the Board that applicant #1024508 had indicated that he had applied to the Indiana (IN) Board for licensure as a PE but was denied because he did not meet the state requirements at the time of submission. Applicant did not reapply to the IN Board.

Azu Etoniru moved, seconded by Kenneth Anderson, to allow applicant #1024508's application to move forward. Motion passed with a vote of 9-0. Members in Favor: Dan Caron, Shannon Slaughter, Erin Joyce, Maurice Pilette, Azu Etoniru, Kenneth Anderson, Paul Tyrell, Ronald Willey, and Joyce Hastings. Members opposed: None.

16. Sheila York advised the Board that applicant #1024530 had indicated that his license was temporarily suspended in MO due to back taxes per MO RSMo. Section 324.010. It was reinstated after the tax issue was resolved. He also indicated that he voluntarily surrendered his P.Eng. license in Canada after being laid off as the license was no longer needed.

Kenneth Anderson motioned, seconded by Azu Etoniru, to request that applicant #1024530's application to move forward. Motion passed with a vote of 9-0. Members in Favor: Dan Caron, Shannon Slaughter, Erin Joyce, Maurice Pilette, Azu Etoniru, Kenneth Anderson, Paul Tyrell, Ronald Willey, and Joyce Hastings. Members opposed: None.

17. Sheila York advised the Board that applicant #1024646 had indicated that his UT PE application was denied in the fall of 2019 because his NCEES Council Record was not submitted within 30 days. He reapplied after NCEES Council Record was received and was issued a PE license on 11/12/2019. His UT license is active and in good standing.

Kenneth Anderson motioned, seconded by Ronald Willey, to request that applicant #1024646's application to move forward. Motion passed with a vote of 9-0. Members in Favor: Dan Caron, Shannon Slaughter, Erin Joyce, Maurice Pilette, Azu Etoniru, Kenneth Anderson, Paul Tyrell, Ronald Willey, and Joyce Hastings. Members opposed: None.

18. Sheila York advised the Board that applicant #1024064 had indicated that he was licensed by the North Carolina (NC) Board for 2 years but voluntarily surrendered his license because the renewal dates for individual license and firm license were staggered by 6 months and it was necessary to avoid paying additional firm licensing fees. Board requested additional information which clarified that per the requirements of the NC Secretary of State, applicant was required to surrender his NC PE license as he had withdrawn his certificate to operate an engineering firm in NC.

Kenneth Anderson motioned, seconded by Ronald Willey, to request that applicant #1024064's application to move forward. Motion passed with a vote of 9-0. Members in Favor: Dan Caron, Shannon Slaughter, Erin Joyce, Maurice Pilette, Azu Etoniru, Kenneth Anderson, Paul Tyrell, Ronald Willey, and Joyce Hastings. Members opposed: None.

19. Eric Funk presented an email from Aaron Ford, dated October 18, 2021, regarding out-of-state firms soliciting business in Massachusetts.

Chairman Paul Tyrell stated that since the Board does not license firms, soliciting of business requirements fall under the jurisdiction of the Massachusetts Secretary of State's Office. He recommended responding with a copy of the regulations and a link to the Secretary of State's Office.

20. Kenneth Anderson presented an email from Katherine Fletcher, dated October 9, 2021, regarding site plans for special permit requests.

Erin Joyce stated that there is a level of confusion among the public and local agencies regarding who can stamp/seal site plans. She further stated that the preparation of site plans for special permit requests would not fall under the purview of the Board unless an issue arose regarding the engineer or land surveyor stamp associated with a plan or document submitted with such a request and that the local zoning or planning Board would be the proper authority to address this question. The Board directed staff to respond to Ms. Fletcher with this information.

21. Sheila York presented an email from Joseph McNichols, dated October 13, 2021, regarding a request for an advisory ruling.

Chairman Paul Tyrell stated that based on the documentation provided it appears that the town did not request a survey for a street acceptance plan, and the surveyor explicitly limited the purpose for which the plan was intended to be used. The Board did not think it was appropriate to issue an advisory opinion as requested by the surveyor. The Board recommends that the surveyor bring his concerns regarding the town's use of his survey plan to the town, including the appropriate local board. The Board directed staff to respond to Mr. McNichols with this information.

22. Chairman Paul Tyrell opened the meeting for Public Comment.

There were no public comments to report.

23. Chairman Paul Tyrell noted that there were no further topics for discussion at the Open Session of the Public Meeting.

24. At 9:58AM, the Board voted to enter into Closed Quasi-Judicial Session pursuant to G.L. c. 30A, §18 to discuss John Wilson's request, dated October 20, 2021, to re-open the closed adjudicatory matter: 2020-000132-IT-ENF. Motion passed with a vote of 8-0. Members in Favor: Dan Caron, Shannon Slaughter, Erin Joyce, Maurice Pilette, Azu Etoniru, Kenneth Anderson, Paul Tyrell, and Joyce Hastings. Members opposed: None.

Report of actions taken in quasi-judicial session:


- 2020-000132-IT-ENF: Discussed with Board Counsel.

25. At 10:15AM, the Board voted to enter into Closed Investigative Session to discuss investigative matters under M.G.L. c. 112 §65C. Motion passed with a vote of 9-0. Motion passed with a vote of 9-0. Members in Favor: Dan Caron, Shannon Slaughter, Erin Joyce, Maurice Pilette, Azu Etoniru, Kenneth Anderson, Paul Tyrell, Ronald Willey, and Joyce Hastings. Members opposed: None.

Report of actions taken during closed investigate conference:

- 2021-000530-IT-ENF: Table until November meeting
- 2021-000538-IT-ENF: Refer to Prosecutions
- 2021-000550-IT-ENF: Refer to Prosecutions

Respectfully submitted by,


Eric Funk
Board Administrator

Documents used at the public meeting

- Agenda for October 28, 2021, Meeting
- Draft Minutes of September 24, 2021, Open Meeting

- Email from Aaron Ford, dated October 18, 2021, regarding out-of-state firms soliciting business in Massachusetts.
- Email from Katherine Fletcher, dated October 9, 2021, regarding site plans for special permit requests.
- Email from Joseph McNichols, dated October 13, 2021, regarding a request for an advisory ruling.