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Minutes of the November 18, 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
Paul Tsang, PE

Board Members Absent

Members of the Public Present

Abbie Goodman, TECET

Division Staff Members Present
at Various Times during the Meeting:

Matthew Keigan, Executive Director
Jenna Hentoff, Board Counsel
Sheila York, Board Counsel
Jodi Greenberg, Prosecuting Counsel
Eric Funk, Board Administrator

1. Vice Chairman Ronald Willey opened the meeting at 9:01AM and indicated that he did not have a safety topic for this month's meeting.
2. The Board reviewed the minutes of the October 28, 2021 Open Meeting. Azu Etoniru moved, seconded by Kenneth Anderson, to accept the meeting minutes with minor edits to #6 and #10. Motion passed with a vote of 9-0. Members in Favor: Ronald Willey, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Azu Etoniru, Dan Caron, Maurice Pilette, and Paul Tsang. Members opposed: None.
3. Vice Chairman Ronald Willey informed the Board that the next meeting is scheduled to take place on December 23, 2021. No conflicts were noted among the Board.

4. Vice Chairman Ronald Willey advised the Board that meetings will continue to be held on the fourth Thursday of each month in 2022 unless otherwise noted.

Executive Director Matthew Keigan stated that there has been no update regarding in-person meetings. He further stated that calendar invites will be sent to members for the 2022 meeting dates.

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 continues to work with Jenna Hentoff to bring her up to speed on the subcommittee's discussions. She further stated that the focus right now is on the legal aspects of converting the JP exam to a CBT format and any impacts that may have on the Board's contract with its vendor, Professional Credential Services, Inc.

Executive Director Matthew Keigan informed the Board that NCEES has provided guidance regarding CBT exams and indicated that the 16 hour Structural exam, the only remaining paper and pencil exam, may move to a regional offering in April 2022.

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

6. Vice Chairman Ronald Willey noted that the subcommittee working to clarify areas of "common" practice between the PLS and Civil PE met at 8am and will meet again at 8am on December 23, 2021. An update will be provided to the Board at the December Board meeting.
7. Chairman Paul Tyrell joined the meeting at 9:11AM.
8. The Board took up discussion of Dan Caron's question related to consistency within the Board during the application review and approval process.

Dan Caron acknowledged that there are differing opinions as to what meets Board requirements among the Board members when reviewing applications. While the Board typically relies on information provided by applicants regarding work experience when determining eligibility for examination, having a set of guidelines when reviewing such information for all exam and non-MLE (non-Model Law Engineer) applicants to ensure a level of consistency would be a valuable tool.

The Board agreed and Dan Caron stated that he would provide a draft for Board consideration and discussion at the December meeting with the goal of creating a FAQ for posting on the website as well.

9. The Board was provided with a copy of the FAQ regarding PE Certification of Site Plans that was reviewed by Dan Caron who suggested edits for Board consideration.

Kenneth Anderson stated that he was unable to review the suggested edits and requested that the topic be tabled until the December 23, 2021 meeting. Azu Etoniru indicated that he too needed additional time for review and consideration.

Executive Director Matthew Keigan stated that the PLS/PE subcommittee would discuss and if necessary, incorporate the topic at their meeting on December 23, 2021.

10. Sheila York stated that this would most likely be her final Legal Report as Jenna Hentoff will be assuming the lead on all Board legal matters.

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 becomes available.

11. 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 again check with General Counsel Clinton Dick regarding the status and an update would be provided as soon as one becomes available.
12. Sheila York informed the Board that that Dan Walsh at the Board of Building Regulations and Standards (BBRS) will be sent a copy of the draft language regarding draft language in "Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts" and asked for his feedback.
13. Sheila York stated that there were no further legal topics for discussion.
14. Executive Director Matthew Keigan informed the Board that 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 six (6) licensees who reported discipline to NCEES and are currently within the thirty (30) day window to report the discipline to Massachusetts.
15. Executive Director Matthew Keigan advised the Board that the case tracking spreadsheet that was distributed to all members had been updated.
16. Vice Chairman Ronald Willey 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 10-0. Members in Favor: Ronald Willey, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Azu Etoniru, Dan Caron, Maurice Pilette, Paul Tsang, and Paul Tyrell. Members opposed: None.
17. Vice Chairman Ronald Willey presented an email from Jeff Fontaine, dated November 3, 2021, regarding PE requirements in the new DPU natural gas regulations.

Chairman Paul Tyrell reminded the Board that recognition of a PE discipline for licensure in MA takes into consideration the current exam disciplines offered by NCEES. He further stated that if applicant levels fall below a certain percentage for a specific amount of time, NCEES may determine not to offer that exam discipline any longer. At this time, NCEES no longer offers the Corrosion Engineering exam.

Eric Funk advised the Board that an engineer who is currently licensed in PE Corrosion in another U.S. state or jurisdiction/territory could apply for licensure in PE Corrosion in MA via comity.

Sheila York stated that the Board shall recognize all fundamental branches of engineering per M.G.L. Chapter 112, Section 81E which states the following: "The board, for the purposes of registration of professional engineers, shall recognize all the fundamental branches of engineering which shall include, without limiting the generality thereof by specific enumeration, the following fields:— aeronautical, chemical, civil, electrical, heating and ventilating, and air conditioning, industrial, mechanical, metallurgical, mining, safety, fire protection, sanitary and structural."

The Board acknowledged that someone with a background in corrosion engineering could look at taking other NCEES exams to obtain licensure in MA based on their specific knowledge and experience, including Mechanical, Chemical, Electrical, Fire Protection, or Structural.

Chairman Paul Tyrell indicated that he would work with Sheila York and Jenna Hentoff on the Board's response to Mr. Fontaine.

18. Vice Chairman Ronald Willey presented an email from Stuart Walesh, dated November 10, 2021, regarding PE requirements in the new DPU natural gas regulations.

Vice Chairman Ronald Willey stated that the email subject matter appeared to be outside the purview of the Board.

Dan Caron stated that the Board is already aware of the new DPU regulations and does not believe that any action is necessary.

Sheila York acknowledged that no Board action was required and indicated that staff would mark the email as received and make note of such in the minutes.

19. Vice Chairman Ronald Willey opened the meeting for Public Comment.

There were no public comments to report.

20. Vice Chairman Ronald Willey noted that there were no further topics for discussion at the Open Session of the Public Meeting.

21. At 9:57AM, the Board voted to enter into closed session to discuss final decision and orders in Closed Quasi-Judicial Session pursuant to G.L. c. 30A, §18 and investigative matters in Closed Investigative Session pursuant to G.L. c. 112, § 65C. Motion passed with a vote of 10-0. Members in Favor: Ronald Willey, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Azu Etoniru, Dan Caron, Maurice Pilette, Paul Tsang, and Paul Tyrell. Members opposed: None.

Jenna Hentoff was recused from the discussion of 2019-000154-IT-ENF only.

Report of actions taken in quasi-judicial session:

- 2019-000154-IT-ENF: Board voted to issue a final decision and order
- 2020-000610-IT-ENF: Board voted to issue a final decision and order

Report of actions taken during closed investigate conference:

- 2020-000516-IT-ENF: Guidance given to Prosecutor
- 2020-001144-IT-ENF: Guidance given to Prosecutor

Respectfully submitted by,



Eric Funk
Board Administrator

Documents used at the public meeting

- Agenda for November 18, 2021 Meeting
- Draft Minutes of October 28, 2021 Open Meeting

- Draft FAQ regarding PE certification of site plans
- Email from Jeff Fontaine, dated November 3, 2021, regarding PE requirements in the new DPU natural gas regulations.
- Email from Stuart Welsh, dated November 10, 2021, regarding PE requirements in the new DPU natural gas regulations.