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Division of Occupational Licensure
Board of Registration of Professional Engineers
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UNDERSECRETARY OF CONSUMER
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REGULATION

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

Minutes of the January 27, 2022 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
Joyce Hastings, PLS
Daniel Caron, PE
Kenneth Anderson, PLS
Azu Etoniru, PE, PLS
Erin Joyce, PE
Maurice Pilette, PE
Paul Tsang, PE

Board Members Absent

Shannon Slaughter, Public Member

Members of the Public Present

Abbie Goodman, TECET
Sebastian Pivnicka, PE Comity
Applicant
Tobin Brown, PE Comity Applicant

Division Staff Members Present
at Various Times during the Meeting:

Esther Laine, Deputy Commissioner
Jenna Hentoff, Board Counsel
Mary Pixley, Prosecuting Counsel
Jodi Greenberg, Prosecuting Counsel
Eric Funk, Board Administrator

1. Chairman Paul Tyrell opened the meeting at 9:04AM and reminded the Board to be cautious of both their surroundings and their physical well-being when shoveling or doing any snow removal.
2. The Board reviewed the minutes of the November 18, 2021 Open Meeting. Dan Caron moved, seconded by Azu Etoniru, to accept the meeting minutes as written. Motion passed with a vote of 9-0. Members in Favor: Kenneth Anderson, Maurice Pilette, Ronald Willey, Azu Etoniru, Erin Joyce, Paul Tsang, Paul Tyrell, Dan Caron, and Joyce Hastings. Members opposed: None.
3. Esther Laine, Deputy Commissioner of Boards, informed the Board that she would be the acting Executive Director for the Board until such time that a new Executive Director has been selected by the Division of Occupational Licensure (DOL).

4. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on February 24, 2022. No conflicts were noted among the Board.
5. Eric Funk advised the Board that calendar invites will be sent to members for all remaining 2022 Board meeting dates as well as invites for the next JP exam subcommittee meeting and PE/LS Oral Exam/Interviews.
6. Eric Funk informed the Board that the April 2022 NCEES 16-hour Structural exam would be held regionally in Hartford, CT. Because the 16-hour Structural exam will not be held in MA, PCS will proctor the State Specific Jurisprudence (JP) exam at just one (1) location in Massachusetts, most likely in the Boston area.
7. The Board was planning to take up the discussion of Dan Caron's question related to consistency within the Board during the application review and approval process. However, after some additional discussion, the Board made the determination that Chairman Paul Tyrell, Azu Etoniru, and Dan Caron would work together to draft a set of parameters to be distributed and discussed at a future Board meeting.

This topic will remain on the Board's agenda.

8. Dan Caron's suggested edits to the FAQ regarding PE Certification of Site Plans was tabled until the February 24, 2022 meeting to allow Kenneth Anderson additional time to review.
9. Joyce Hastings provided the Board with the Jurisprudence Exam Education Subcommittee report on the October 2021 exam results. This was the second administration of the exam since the reduction in the number of exam questions from 50 to 40. The subcommittee's recommendation was to set the pass rate at 70%.

There were ten (10) exam takers. Six (6) of the 10 exam takers were Massachusetts residents and two (2) of the 10 exam takers were first time takers of the exam. Of the ten (10) exam takers, five (5) achieved a passing score of at least 70%.

Ronald Willey motioned to accept the recommendation of the subcommittee, seconded by Kenneth Anderson. Motion passed with a vote of 9-0. Members in Favor: Kenneth Anderson, Maurice Pilette, Ronald Willey, Azu Etoniru, Erin Joyce, Paul Tsang, Paul Tyrell, Dan Caron, and Joyce Hastings. Members opposed: None.

10. Board Counsel Jenna Hentoff provided the Board with an update regarding the Swansea Board of Health's proposal for "local licensure." She stated that she was finishing up her research and would be providing an update to General Counsel Clinton Dick. She stated that she would report back to the Board when an update was available.

Chairman Paul Tyrell indicated that the continued delay in responding to this issue is becoming a detriment.

11. Board Counsel Jenna Hentoff informed the Board that there was no new update on the status of draft language regarding Continuing Professional Competency (CPC) regulations. 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. Board Counsel Jenna Hentoff informed the Board that that Dan Walsh at the Board of Building Regulations and Standards (BBRS) was sent a copy of the draft language in "Professional Practice: A Guide to the Practice of Architecture, Engineering, and Land

Surveying in Massachusetts” and he provided his feedback. She further stated that she would discuss with AR Board Counsel Lynn Read.

13. Board Counsel Jenna Hentoff stated that there were no further legal topics for discussion.
14. Eric Funk 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 five (5) licensees who had reported discipline to NCEES and were now outside of the thirty (30) day window to report the discipline to Massachusetts. Complaints may be opened if notification to the Board is not found in former Executive Director Matthew Keigan’s email.
15. Eric Funk advised the Board that the case tracking spreadsheet that was distributed to all members had been updated.
16. Chairman Paul Tyrell presented the application review report provided by Eric Funk for Board consideration. Ronald Willey moved, seconded by Azu Etoniru, to accept the report and ratify the application approvals. Motion passed with a vote of 9-0. Members in Favor: Kenneth Anderson, Maurice Pilette, Ronald Willey, Azu Etoniru, Erin Joyce, Paul Tsang, Paul Tyrell, Dan Caron, and Joyce Hastings. Members opposed: None.
17. Chairman Paul Tyrell opened the meeting for Public Comment.

Abbie Goodman expressed the importance of moving the Swansea Board of Health’s proposal for “local licensure” matter forward.
18. Chairman Paul Tyrell noted that there were no further topics for discussion at the Open Session of the Public Meeting.
19. At 10:08AM, 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 9-0. Members in Favor: Kenneth Anderson, Maurice Pilette, Ronald Willey, Azu Etoniru, Erin Joyce, Paul Tsang, Paul Tyrell, Dan Caron, and Joyce Hastings. Members opposed: None.

Report of actions taken in quasi-judicial session:

- 2020-000483-IT-ENF: Board voted to issue a Final Decision and Order

Report of actions taken during closed investigate conference:

- 2020-000207-IT-ENF: Guidance given to Prosecutor
- 2020-001604-IT-ENF: Guidance given to Prosecutor
- 2020-000711-IT-ENF: Guidance given to Prosecutor
- 2020-001144-IT-ENF: Guidance given to Prosecutor
- 2021-000832-IT-ENF: Refer to Prosecutions

Respectfully submitted by,



Eric Funk
Board Administrator

- Documents used at the public meeting
- Agenda for January 27, 2022 Meeting
 - Draft Minutes of November 18, 2021 Open Meeting