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**Commonwealth of Massachusetts**  
**Division of Occupational Licensure**  
**Board of Registration of Professional Engineers**  
**and Land Surveyors**  
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**LAYLA R. D'EMILIA**  
COMMISSIONER, DIVISION OF  
OCCUPATIONAL LICENSURE

**Minutes of the February 24, 2022 Open Meeting**

Meeting was held remotely by video conference and telephone pursuant to Chapter 22 of the Acts of 2022: *An Act Making Appropriations for the Fiscal Year 2022 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects* signed into law on February 12, 2022.

*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  
Paul Tsang, PE  
Maurice Pilette, PE

**Board Members Absent**

Shannon Slaughter, Public Member  
Erin Joyce, PE

**Members of the Public Present**

Abbie Goodman, TECET  
Sean Walters, FE Exam Applicant

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

Clinton Dick, General Counsel  
Jenna Hentoff, Board Counsel  
Jodi Greenberg, Prosecuting Counsel  
Eric Funk, Board Administrator

1. Chairman Paul Tyrell opened the meeting at 9:02AM and advised the Board of the dangers associated with the moving/removal of snow. He stated that each winter there is an increase in accidents such as slip and falls, shovel/snowblower malfunctions, and heart attacks around larger snow events. Making sure that your equipment is in good working condition in advance of a storm and monitoring your well-being while shoveling/snow blowing is important.
2. The Board reviewed the minutes of the January 27, 2022 Open Meeting. Azu Etoniru moved, seconded by Joyce Hastings, to accept the meeting minutes as written. Motion passed with a vote of 8-0. Members in Favor: Dan Caron, Ronald Willey, Azu Etoniru, Paul Tyrell, Joyce Hastings, Kenneth Anderson, Maurice Pilette, and Paul Tsang. Members opposed: None.

3. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on March 24, 2022. No conflicts were noted among the Board.
4. Jenna Hentoff informed the Board that on February 12, 2022, Governor Baker signed into law the Fiscal Year 2022 supplemental budget bill. The new law, Chapter 22 of the Acts of 2022, included a provision allowing for the extension of remote meetings until July 15, 2022.
5. Azu Etoniru left the meeting to attend to a prior engagement.
6. Eric Funk reminded 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. PCS has informed the Board that they have secured a test location in Boston that will be able to accommodate numerous test takers.

The Board inquired about the JP exam scoring process and whether or not PCS played a role in scoring the exam. They were informed that PCS handles the proctoring of the exam but the JP exam subcommittee was responsible for the scoring.

Eric Funk stated that he would reach out to Dennis Drumm on the subcommittee for a detailed description of how the process works and would report back at the next Board meeting in March.

7. Board Counsel Jenna Hentoff informed the Board that she was working with former Counsel Sheila York to finalize an email to PCS regarding the possible transition of the paper and pencil State Specific Jurisprudence (JP) exam to CBT (computer-based testing) format under the Board's current contractual agreement with PCS.
8. 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 a brief discussion, the Board made the determination that additional input would be obtained from Chairman Paul Tyrell and Azu Etoniru, in order 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.

9. Dan Caron's suggested edits to the FAQ regarding PE Certification of Site Plans was reviewed by Kenneth Anderson who recommended additional edits for Board review and discussion. The Board discussed the edits and decided that the best course of action was for Chairman Paul Tyrell, Azu Etoniru, Joyce Hastings, and Kenneth Anderson to hold a subcommittee meeting on March 1, 2022, to discuss the edits and draft a final version for Board consideration and discussion at the March meeting.
10. Eric Funk provided the Board with a copy of the yearly breakdown of currently licensed engineers by discipline. The Board inquired about and discussed which of the disciplines are still being offered as NCEES exams.
11. Chairman Paul Tyrell asked Board Counsel Jenna Hentoff what would be required to add a "retired" licensure status. He was informed that it would require a legislative change.
12. Board Counsel Jenna Hentoff informed the Board that the Swansea Board of Health's proposal for "local licensure" was still under review by General Counsel Clinton Dick.

General Counsel Clinton Dick joined the meeting to provide an update on the status of the review. He stated that the matter posed a very unique situation as it involves preemption, which may occur when state law conflicts with a municipal ordinance or regulation.

General Counsel Clinton Dick stated that because Cities/Towns have the authority to regulate within their jurisdiction, the DOL must consider any and all potential impacts before moving forward. He further stated that he or Board Counsel Jenna Hentoff would report back to the Board when an update was available.

13. General Counsel Clinton Dick informed the Board that there was no new update on the status of draft language regarding Continuing Professional Competency (CPC) regulations. He stated that the matter had been discussed with DOL Commissioner Layla D'Emilia and several questions arose regarding the audit and disciplinary language in the draft regulations.

Abbie Goodman stated that The Engineering Center Education Trust (TECET) supports an audit requirement as it is an important ethical component to licensure.

Dan Caron stated that only nine (9) states do not require CPC or PDH (Professional Development Hours) as part of licensure.

Kenneth Anderson stated that while he was supportive of continuing education, especially with the field of surveying due to rapid advances in technology, he worried that audit requirements could overwhelm Board staff and place an undue burden on the State.

Maurice Pilette proposed that since the original decision to move forward with CPC regulations was made prior to and without the input of several of the current Board Members, the current Board should undertake a review of the draft regulations.

Board Counsel Jenna Hentoff stated that she would provide the Board with the final, red-lined version of the draft CPC regulations for their review and consideration at a future Board meeting.

General Counsel Clinton Dick stated that he would wait for an update from the Board.

14. Board Counsel Jenna Hentoff informed the Board that she was working to update the draft language in "Professional Practice: A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts" after the edits suggested by Dan Walsh at the Board of Building Regulations and Standards (BBRS). She further stated that she met with AR Board Counsel Lynn Read to review those edits and indicated that the updated FAQ that the Board is working on may also be incorporated into the final version.
15. Board Counsel Jenna Hentoff stated that there were no further legal topics for discussion.
16. 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.
17. Eric Funk advised the Board that the case tracking spreadsheet that was distributed to all members had been updated.
18. Chairman Paul Tyrell presented the application review report provided by Eric Funk for Board consideration. Maurice Pilette moved, seconded by Joyce Hastings, to accept the report and ratify the application approvals. Motion passed with a vote of 6-0. Members

in Favor: Dan Caron, Ronald Willey, Paul Tyrell, Joyce Hastings, Maurice Pilette, and Paul Tsang. Members opposed: None.

19. Kenneth Anderson lost internet connection and was unable to return to the meeting.
20. Joyce Hastings gave the Board a report on the ten (10) interviews that were conducted by the Land Surveyor Interview Committee. She informed the Board that there was six (6) in-state applicants and four (4) out-of-state applicants interviewed. Four (4) applicants were not recommended to move forward. The full breakdown is as follows:
  - Applicant 1024955: Committee recommends this applicant be approved to take the Jurisprudence exam. Maurice Pilette motioned to adopt the committee's recommendation, seconded by Joyce Hastings. Motion passed with a vote of 6-0. Members in Favor: Dan Caron, Ronald Willey, Paul Tyrell, Joyce Hastings, Maurice Pilette, and Paul Tsang. Members opposed: None.
  - Applicant 1024869: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam. Maurice Pilette motioned to adopt the committee's recommendation, seconded by Joyce Hastings. Motion passed with a vote of 6-0. Members in Favor: Dan Caron, Ronald Willey, Paul Tyrell, Joyce Hastings, Maurice Pilette, and Paul Tsang. Members opposed: None.
  - Applicant 1014702: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam. Maurice Pilette motioned to adopt the committee's recommendation, seconded by Joyce Hastings. Motion passed with a vote of 6-0. Members in Favor: Dan Caron, Ronald Willey, Paul Tyrell, Joyce Hastings, Maurice Pilette, and Paul Tsang. Members opposed: None.
  - Applicant 1022679: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam. Maurice Pilette motioned to adopt the committee's recommendation, seconded by Joyce Hastings. Motion passed with a vote of 6-0. Members in Favor: Dan Caron, Ronald Willey, Paul Tyrell, Joyce Hastings, Maurice Pilette, and Paul Tsang. Members opposed: None.
  - Applicant 1022667: Committee recommends this applicant be approved to take the Jurisprudence exam. Maurice Pilette motioned to adopt the committee's recommendation, seconded by Joyce Hastings. Motion passed with a vote of 6-0. Members in Favor: Dan Caron, Ronald Willey, Paul Tyrell, Joyce Hastings, Maurice Pilette, and Paul Tsang. Members opposed: None.
  - Applicant 1024040: Committee recommends this applicant be approved to take the Jurisprudence exam. Maurice Pilette motioned to adopt the committee's recommendation, seconded by Joyce Hastings. Motion passed with a vote of 6-0. Members in Favor: Dan Caron, Ronald Willey, Paul Tyrell, Joyce Hastings, Maurice Pilette, and Paul Tsang. Members opposed: None.
  - Applicant 1024518: Committee found that the applicant was unfamiliar with Massachusetts laws and regulations as well as the land court research process. Committee recommends applicant obtain at least 6 months of experience under a MA licensed PLS performing research and/or take a course or courses on Legal Principles, Rules of Evidence, and

Massachusetts Survey Law. Maurice Pilette motioned to adopt the committee's recommendation, seconded by Joyce Hastings. Motion passed with a vote of 6-0. Members in Favor: Dan Caron, Ronald Willey, Paul Tyrell, Joyce Hastings, Maurice Pilette, and Paul Tsang. Members opposed: None.

- Applicant 1024532: Committee found that the applicant was unfamiliar with Massachusetts laws and regulations as well as the land court research process. Committee recommends applicant take a course or courses on Legal Principles, Rules of Evidence, and Massachusetts Survey Law. Maurice Pilette motioned to adopt the committee's recommendation, seconded by Joyce Hastings. Motion passed with a vote of 6-0. Members in Favor: Dan Caron, Ronald Willey, Paul Tyrell, Joyce Hastings, Maurice Pilette, and Paul Tsang. Members opposed: None.
- Applicant 1025037: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam. Maurice Pilette motioned to adopt the committee's recommendation, seconded by Joyce Hastings. Motion passed with a vote of 6-0. Members in Favor: Dan Caron, Ronald Willey, Paul Tyrell, Joyce Hastings, Maurice Pilette, and Paul Tsang. Members opposed: None.
- Applicant 1022750: Committee found that the applicant was unfamiliar with Massachusetts boundary laws and regulations as well as the land court research process. Committee recommends applicant take at least two (2) courses on Legal Principles, Rules of Evidence, and Massachusetts Survey Law. Maurice Pilette motioned to adopt the committee's recommendation, seconded by Joyce Hastings. Motion passed with a vote of 6-0. Members in Favor: Dan Caron, Ronald Willey, Paul Tyrell, Joyce Hastings, Maurice Pilette, and Paul Tsang. Members opposed: None.

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

There were no comments from the public.

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

23. At 10:06AM, the Board voted to enter into closed session to discuss investigative matters in Closed Investigative Session pursuant to G.L. c. 112, § 65C. Motion passed with a vote of 6-0. Members in Favor: Dan Caron, Ronald Willey, Paul Tyrell, Joyce Hastings, Maurice Pilette, and Paul Tsang. Members opposed: None.

Report of actions taken during closed investigate conference:

- 2021-000530-IT-ENF: Motion to Dismiss with Advisory
- 2021-001016-IT-ENF: Refer to Prosecutions for Criminal Complaint
- 2021-001017-IT-ENF: Refer to Prosecutions for Criminal Complaint
- 2020-000958-IT-ENF: Motion to Dismiss
- 2021-000949-IT-ENF: Motion to Dismiss
- 2020-001144-IT-ENF: Guidance Given to Prosecutor

Respectfully submitted by,



Documents used at the public meeting

- Agenda for February 24, 2022 Meeting
- Draft Minutes of January 27, 2022 Open Meeting
- Draft FAQ regarding PE Certification of Site Plans
- Breakdown of currently licensed engineers by discipline