



**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**MIKE KENNEALY**  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts**  
**Division of Professional Licensure**  
**Board of Registration of Professional Engineers**  
**and Land Surveyors**

1000 Washington Street • Boston • Massachusetts • 02118

**EDWARD A. PALLESCHI**  
UNDERSECRETARY OF CONSUMER  
AFFAIRS AND BUSINESS  
REGULATION

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

## Minutes of the February 25, 2021 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  
Daniel Caron, PE  
Joyce Hastings, PLS  
Azu Etoniru, PE, PLS  
Maurice Pilette, PE  
Paul Tsang, PE  
Kenneth Anderson, PLS  
Shannon Slaughter, Public Member

### Board Members Absent

### Members of the Public Present

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

Matthew Keigan, Executive Director  
Eric Funk, Board Administrator

1. Vice Chairman Ronald Willey opened the meeting at 9:00AM and took a few minutes to bring awareness to the dangers of nitrogen asphyxiation. He spoke about the recent liquid nitrogen leak at a Georgia poultry plant that resulted in the death of six workers and the hospitalization of 12 others.
2. The Board reviewed the minutes of the January 28, 2021 Open Meeting. Kenneth Anderson moved, seconded by Azu Etoniru, to accept the meeting minutes as written. Motion passed with a vote of 8-0-1. Members in Favor: Joyce Hastings, Maurice Pilette, Dan Caron, Azu Etoniru, Paul Tsang, Erin Joyce, Ronald Willey, and Kenneth Anderson. Members abstaining: Shannon Slaughter. Members opposed: None.
3. Chairman Paul Tyrell joined the meeting at 9:10 AM and informed the Board that the next meeting is scheduled to take place on March 25, 2021. Vice Chairman Ronald Willey will chair the meeting as Chairman Paul Tyrell will not be able to be in attendance.



4. Chairman Paul Tyrell informed the Board that the Department of Public Utilities' (DPU) proposed regulations, 220 CMR 105: Use of Professional Engineers for Gas Utility Work has been released for public comment.

Chairman Paul Tyrell provided the Board with a quick summary of the proposed regulations, indicating that several of the Board's recommendations were incorporated in the proposed language.

Executive Director Matthew Keigan advised the Board that he will work with Board Counsel Sheila York to compile and questions/comments they have for discussion at the next Board meeting. He further stated that all comments are due to be submitted to the DPU by April 1, 2021. The Board indicated that they had no comments to submit at this time.

5. Executive Director Matthew Keigan provided the Board with an update on the email from James Hall, dated November 9, 2020, regarding the Swansea Board of Health's proposal for "local licensure." He informed the Board that Sheila York has been in contact with DPL General Counsel regarding how best to address the matter with the Swansea Board of Health.

Chairman Paul Tyrell reaffirmed that this Board has exclusive statutory authority to make decisions of or related to the qualifications for licensure of Professional Engineers.

6. Executive Director Matthew Keigan informed the Board he opened five (5) complaints against licensees who reported discipline to the NCEES Enforcement Exchange but failed 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 he is monitoring two (2) additional licensees who reported discipline to NCEES and are currently within the thirty (30) day window to report the discipline to Massachusetts.
7. Executive Director Matthew Keigan advised the Board that the case tracking spreadsheet that was distributed to all members had been updated to reflect the five (5) new cases that will be reviewed by the Complaint Committee at the next meeting.
8. Executive Director Matthew Keigan briefed the Board regarding licensee #48835-E who was disciplined, along with his firm, by the Louisiana Board for failure to obtain a Certificate of Authorization to Offer and/or Practice Engineering in the State of Louisiana prior to providing engineering services in the state.

There was no action taken by the Board.

9. Executive Director Matthew Keigan briefed the Board regarding licensee #51571-M who was disciplined, along with his firm, by the Louisiana Board for failure to obtain a Certificate of Authorization to Offer and/or Practice Engineering in the State of Louisiana prior to providing engineering services in the state.

There was no action taken by the Board.

10. Executive Director Matthew Keigan briefed the Board regarding the Order of Consent in Case No. 202-54. The case involves licensee #42707-ST, who was disciplined by the Louisiana Board for failure to report discipline taken by the Texas Board, the Delaware Board, and the Ohio Board.

Executive Director Matthew Keigan further stated that licensee #42707-ST had reported the underlying matter in Delaware to the MA Board.

There was no action taken by the Board.

11. Executive Director Matthew Keigan briefed the Board regarding the Final Order Incorporating Settlement Agreement issued in Case No. x0061, involving licensee #41140-C, who was disciplined by the Oregon Board for performing unlicensed engineering on five (5) projects while his license was delinquent.

There was no action taken by the Board.

12. Chairman Paul Tyrell presented the application review report provided by Eric Funk for Board consideration. Azu Etoniru motioned, seconded by Ronald Willey to accept the report and ratify the application approvals. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Ronald Willey, Dan Caron, Kenneth Anderson, Joyce Hastings, Maurice Pilette, Shannon Slaughter, Azu Etoniru, Paul Tsang, and Erin Joyce. Members opposed: none.

13. Joyce Hastings and Azu Etoniru gave the Board a report on the nine (9) interviews that were conducted by Land Surveyor Interview Committee. They informed the Board that there were three (3) in-state applicants and three (3) out-of-state applicants interviewed. Two (2) applicants were not recommended to move forward. The full breakdown is as follows:

- Applicant 1019282: 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 Ronald Willey. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce, and Dan Caron. Members opposed: none.
- Applicant 1019818: Committee recommends this applicant be approved to take the Jurisprudence exam; Maurice Pilette motioned to adopt the committee's recommendation, seconded by Ronald Willey. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce, and Dan Caron. Members opposed: none.
- Applicant 1020776: 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 Ronald Willey. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce, and Dan Caron. Members opposed: none.
- Applicant 1018997: 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 Ronald Willey. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce, and Dan Caron. Members opposed: none.

- Applicant 1020793: 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 Ronald Willey. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce, and Dan Caron. Members opposed: none.
  - Applicant 1019590: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam; Ronald Willey motioned to adopt the committee's recommendation, seconded by Kenneth Anderson. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce, and Dan Caron. Members opposed: none.
  - Applicant 1017023: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam; Ronald Willey motioned to adopt the committee's recommendation, seconded by Kenneth Anderson. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce, and Dan Caron. Members opposed: none.
  - Applicant 1019536: Committee recommends that this applicant complete the surveying program he is currently enrolled in at the University of Maine; become well acquainted with the Massachusetts laws, statutes, and regulations applicable to land surveying; and perform more surveying work under the direct supervision of a licensed PLS in Massachusetts before requesting another interview with the Board. Ronald Willey motioned to adopt the committee's recommendation, seconded by Kenneth Anderson. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce, and Dan Caron. Members opposed: none.
  - Applicant 1017621: Committee recommends that this applicant further study and explore Massachusetts laws, statutes, and regulations applicable to land surveying; and perform more surveying work under the direct supervision of a licensed PLS in Massachusetts before requesting another interview with the Board. Ronald Willey motioned to adopt the committee's recommendation, seconded by Kenneth Anderson. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce, and Dan Caron. Members opposed: none.
14. Eric Funk updated the Board regarding the two (2) applications indicating out-of-state convictions where the applicant did not provide documentation of the resolution of said matters. He indicated that neither candidate had provided any additional documentation but that he would reach out again to request that they provide a copy of court documentation detailing the resolution or obtain a copy of their criminal history from the state where the incident occurred.

Chairman Paul Tyrell agreed that both of the applicants should attempt to obtain documentation detailing the resolutions of the matters for Board consideration and if additional documentation is not provided, the Board may move forward with the information available.

15. Chairman Paul Tyrell noted that there was no correspondence for Board discussion.
16. Executive Director Matthew Keigan provided the Board with a copy of the Governor's recent Executive Order to support military families transferring to Massachusetts. The Executive Order directs the "Division of Professional Licensure (DPL) to improve license portability for military personnel and their spouses so that they can continue their civilian careers and provide for their families without interruption."

Chairman Paul Tyrell stated that he has been in communication with Executive Director Matthew Keigan and Board Counsel Sheila York concerning a number of issues with the way in which the order is worded. He believes it is important to inform interested parties with respect to how Professional Engineer and Professional Land Surveyor licensure works and the risks posed by practice of unqualified individuals.

Kenneth Anderson raised concern over how this order could impact land surveyor licensure in particular.

Abbie Goodman stated that she had not seen the order prior to the meeting but noted that the order is missing the typical order number and appears to not have been signed by the Secretary of State, which is customary.

Dan Caron suggested that the Board provide the Governor's Office with a copy of the licensure process.

Chairman Paul Tyrell stated that he would have additional conversations with Executive Director Matthew Keigan and Board Counsel Sheila York with the expectation of drafting a response from the Board to the Governor's Office outlining the Board's concerns with the Executive Order.

17. Vice Chairman Ronald Willey informed the board that he would not be seeking another term with the Board once his current term is up. He stated that a replacement has been put forth for vetting and confirmation.

He also advised the Board that he is seeking nomination for the position of Northeast Zone Assistant Vice President with NCEES. Chairman Paul Tyrell motioned to nominate Vice Chairman Ronald Willey for the position of Northeast Zone Assistant Vice President. Motion was seconded by Azu Etoniru. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce, and Dan Caron. Members opposed: none.

18. At 10:00AM, Kenneth Anderson motioned, seconded by Joyce Hastings, 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 10-0. Members in Favor: Paul Tyrell, Ronald Willey, Dan Caron, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, and Erin Joyce. Members opposed: none.

Report of actions taken during closed investigate conference:

- 2020-001540-IT-ENF: Dismiss with Advisory Letter
- 2020-001186-IT-ENF: Dismiss with Advisory Letter
- 2020-001162-IT-ENF: Dismiss with Advisory Letter
- 2020-001160-IT-ENF: Refer to Prosecutions
- 2020-001249-IT-ENF: Dismiss without Prejudice
- 2020-001161-IT-ENF: Dismiss with Advisory Letter

Respectfully submitted by,

X 

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Eric Funk  
Board of Registration of Professional Engin...

**Documents used at the public meeting**

- Agenda for February 25, 2021 Meeting
- Draft Minutes of January 28, 2021 Open Meeting
- Copy of DPU Proposed Regulations 220 CMR 105: Use of Professional Engineers for Gas Utility Work
- Copy of Executive Order to Support Military Families Transferring to Massachusetts