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Minutes of the March 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
Erin Joyce, PE
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

Members of the Public Present

Abbie Goodman, TECET

Division Staff Members Present
at Various Times during the Meeting:

Jenna Hentoff, Board Counsel
Mary Pixley, Prosecuting Counsel
Eric Funk, Board Administrator

1. Chairman Paul Tyrell opened the meeting at 9:02AM and advised the Board that with the weather starting to turn a bit warmer, it's important to remember to wear sunscreen or sun protection when outside.
2. The Board reviewed the minutes of the February 24, 2022 Open Meeting. Ronald Willey moved, seconded by Joyce Hastings, to accept the meeting minutes with a minor edit to #8. Motion passed with a vote of 8-0-1. Members in Favor: Paul Tsang, Ronald Willey, Dan Caron, Erin Joyce, Joyce Hastings, Kenneth Anderson, Maurice Pilette, and Paul Tyrell. Members opposed: None. Members abstaining: Azu Etoniru.
3. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on April 28, 2022. Chairman Paul Tyrell stated that he may have a conflict that would

require him to miss the meeting. Vice Chairman Ronald Willey stated that he could handle chair duties in his absence.

4. Eric Funk informed the Board that the 2022 NCEES Annual Meeting would be taking place on August 23-26 in Carlsbad, CA with in-person participation available. He stated that NCEES has set a deadline of May 2, 2022 to provide them with a list of funded delegates for the Board.

Joyce Hastings, Azu Etoniru, and Paul Tsang indicated that they were interested in attending as funded delegates.

5. Board Counsel Jenna Hentoff informed the Board that former Counsel Sheila York finalized the 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. Francine Renanto at PCS will be the point of contact as discussions progress.
6. As discussed at the February 24, 2022 meeting, a subcommittee meeting was held on March 1, 2022, which was attended by Chairman Paul Tyrell and Kenneth Anderson, to discuss the suggested edits to the FAQ regarding PE Certification of Site Plans.

The Board was provided with a final version of the revised FAQ for consideration.

Dan Caron moved, seconded by Ronald Willey, to accept and post the revised FAQ to the Board's website. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Ronald Willey, Dan Caron, Erin Joyce, Joyce Hastings, Azu Etoniru, Kenneth Anderson, Maurice Pilette, and Paul Tyrell. Members opposed: None.

7. 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 as discussed at the February 24, 2022 meeting.
8. At the March 24, 2022 Board meeting, there had been discussion of Board Counsel Jenna Hentoff providing the Board with the final, red-lined version of the draft CPC regulations for their review and consideration at a future Board meeting. However, after additional discussion and clarification of Maurice Pilette's proposal from the last meeting, the Board determined that further review was unnecessary.

Board Counsel Jenna Hentoff stated that she would inform General Counsel Clinton Dick of the Board's decision.

9. Board Counsel Jenna Hentoff informed the Board that she continues 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 indicated that the updated FAQ that the Board approved for posting would be incorporated into the final version.
10. Board Counsel Jenna Hentoff stated that there were no further legal topics for discussion.
11. 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.

12. Eric Funk advised the Board that technical issues prevented an update to the case tracking spreadsheet, but an updated version would hopefully be available for distribution to all members for the next meeting.
13. Eric Funk briefed the Board regarding licensee #50373-C, who was disciplined by the New Mexico Board for “failure to notify the board of disciplinary action” within 90 days. The Massachusetts Board was previously made aware of the conduct which formed the basis of the New Mexico discipline, and no action was taken at that time.

There was no action taken by the Board.

14. Eric Funk briefed the Board regarding licensee #42988-E, who was disciplined by the Wisconsin Board for “failure to notify the board of disciplinary action” within 48 hours of disciplinary action in another state. The licensee was originally disciplined in Louisiana for acting as the main representative of a firm that provided engineering services in Louisiana without having the proper firm licensing between January 2015 and September 2019. The Massachusetts Board was previously made aware of the original disciplinary action.

There was no action taken by the Board.

15. Eric Funk briefed the Board regarding licensee #37382-C, who was disciplined by the Maine Elevator and Tramway Safety Program (METP) for “failure to notify the MEDP of disciplinary action taken against his engineering licenses in West Virginia and Pennsylvania.” The disciplinary action in West Virginia and Pennsylvania was for allowing his PE license to lapse. The Massachusetts Board was previously made aware of the original disciplinary action.

There was no action taken by the Board.

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

17. Eric Funk presented the Board with a request for waiver of undergraduate transcripts by a prospective PE licensure by comity applicant. He explained that in order for NCEES to be able to forward his record to the Board, they would need authorization from the Board to waive the undergraduate transcript requirement for a complete NCEES record. Along with the written request for waiver, the prospective applicant provided documentation detailing the reasons why he is unable to provide the transcripts from his former schools in Tehran, Iran, along with proof of his graduate transcripts from Loyola Marymount University in 1980 with a MS in Civil Engineering.

After consideration, Azu Etoniru moved, seconded by Ronald Willey, to grant the waiver request and notify NCEES that the applicant’s record should be moved forward pending all other requirements being met. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Ronald Willey, Dan Caron, Erin Joyce, Joyce Hastings, Azu Etoniru, Kenneth Anderson, Maurice Pilette, and Paul Tyrell. Members opposed: None.

18. At the February 24, 2022 meeting, the Board had requested clarification regarding the role of the Board’s application vendor, Professional Credential Services, Inc. (PCS), in the development and scoring of the State Specific Jurisprudence (JP) exam. Dennis Drumm provided Eric Funk with detailed description of that process explaining that PCS plays no role in the development or scoring of the JP exam, they only proctor the exam on behalf of the Board. Eric Funk read Mr. Drumm’s response to the Board.

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

There were no comments from the public.

20. Dan Caron stepped away from the meeting momentarily.

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

22. At 9:42AM, the Board voted to enter closed session to discuss investigative matters in closed session to discuss matters pursuant to G.L. c. 30A, § 18 and G.L. c. 112, § 65C. Motion passed with a vote of 8-0. Members in Favor: Paul Tsang, Ronald Willey, Erin Joyce, Joyce Hastings, Azu Etoniru, Kenneth Anderson, Maurice Pilette, and Paul Tyrell. Members opposed: None.

23. At 9:45AM Dan Caron returned to the meeting.

Report of actions taken in closed quasi-judicial session:

- 2021-000320-IT-ENF: Board voted to issue a final decision and order

Report of actions taken during closed investigate conference:

- 2019-001317-IT-ENF: Guidance given to prosecutor
- 2020-001604-IT-ENF: Guidance given to prosecutor

Respectfully submitted by,



Eric Funk
Board Administrator

Documents used at the public meeting

- Agenda for March 24, 2022 Meeting
- Draft Minutes of February 24, 2022 Open Meeting
- Draft FAQ regarding PE Certification of Site Plans