



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

DIANE SYMONDS
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes of the May 23, 2019 Open Meeting

Board members arrive early and begin processing applications. The following attendance was recorded:

Board Members Present

Paul Tyrell, PE, PLS, Chairman
Ronald Willey, PE, Vice Chairman
Joyce Hastings, PLS
Erin Joyce, PE
Paul Tsang, PE
Azu Etoniru, PE, PLS
Maurice Pilette, PE

Board Members Absent

Dennis Drumm, PLS
Joanne Linowes, Public Member
Daniel Caron, PE

Members of the Public Present

Abbie Goodman, TECET

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

Sheila York, Board Counsel
Clinton Dick, Executive Director
Eric Funk, Board Administrator
Seth Henderson, Prosecuting Counsel

1. Chairman Paul Tyrell opened the meeting at 9:10AM and notified attendees of the evacuation procedures.
2. The Board reviewed the minutes of the April 25, 2019 Open Meeting. Azu Etoniru moved, seconded by Joyce Hastings, to accept the meeting minutes. Motion passed with a vote of 5-0-1, with Joyce Hastings abstaining from the vote.
3. Chairman Paul Tyrell invited Board members to comment on the correspondence from Joe Pupo regarding IC Enable, LLC's request for an engineering license waiver.

Azu Etoniru stated that in his opinion, IC Enable has been subcontracted by pSemi to perform IC (integrated circuitry layout) design and are not in fact performing engineering work.

Sheila York informed the Board that Dan Caron had provided comments to staff via email. Sheila York stated that Dan Caron's opinion was that based on the information received it appeared that IC Enable's technicians are not performing engineering work, rather, they are using a CAD program to determine how best to fit the circuitry that was designed by pSemi onto the semiconductor board.



Chairman Paul Tyrell stated that it was his opinion that IC Enable is not engaging in either electrical engineering or software engineering and therefore, their technicians do not need to be licensed as the work falls under the manufacturing exemption, M.G.L. c. 112, s. 81R(g). The Board agreed that based on the work descriptions provided in Mr. Pupo's email it did not appear that IC Enable technicians would be performing work requiring licensure as a professional engineer in Massachusetts. Sheila York will provide the response to Mr. Pupo.

4. Chairman Paul Tyrell requested that Board staff create a flow chart that details what role Board staff, our application vendor Professional Credential Services, Inc. (PCS), and National Council of Examiners for Engineering and Surveying (NCEES) play in the licensure process. Further, the chart should not only provide details related to each group's role but it should also include timeframes for the processes they perform.

Chairman Paul Tyrell stated that this chart would not only be beneficial to the Board members, but also to NCEES and other potential vendors who may seek to offer application processing services in the future.

Eric Funk indicated that Board staff will work on the requested document.

5. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on June 27, 2019.
6. Sheila York stated that there is no update at this time on the policy language for Use of the Title Engineer.

Sheila York stated that there is no update at this time on the draft language for a new FAQ regarding site plans/property line determination for the Board's website.

7. Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #45131-C. The Licensee was disciplined by the OK Board for a failure to register a firm. The CO Board issued an admonition and both the TX and NV Boards placed licensee on probation and required the completion of an ethics course. Clinton Dick informed the Board that the Licensee had properly reported such discipline to MA.

The Board determined that they will take no action against Licensee.

8. Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #54143-C. The Licensee was disciplined by the TX Board for filing inaccurate plans. Licensee was fined and placed on probation until November 2019. Licensee was subsequently disciplined by the FL Board and the MN Board for failing to report the TX action. Licensee has now reported that he has voluntarily surrendered his license in FL. Clinton Dick informed the Board that the Licensee had properly reported such discipline to MA.

The Board determined that they will take no action against Licensee.

9. Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #52316-ST. The Licensee was disciplined by the CA Board for issues with engineering work performed and unlicensed land surveying. Licensee was placed on 3 years' probation. Clinton Dick informed the Board that the Licensee had properly reported such discipline to MA.

The Board determined that they will take no action against Licensee.

10. Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #51219-C. Licensee was fined and placed on probation until November 2019. Licensee was subsequently disciplined by the NC Board for failing to report the AZ action. Clinton Dick informed the Board that the Licensee had properly reported such discipline to MA.

The Board determined that they will take no action against Licensee.

11. Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #53041-ST. The Licensee was disciplined by the NC Board for failing to register a firm, affixed seal to work not performed under direct supervisory control, produced a substandard report, and failed to properly sign document. Licensee was fined \$3,000 and issued a reprimand. Clinton Dick informed the Board that the Licensee had properly reported such discipline to MA.

The Board determined that they will take no action against Licensee.

12. Chairman Paul Tyrell spoke briefly regarding the NCEES Zone meeting on May 2-4, 2019 in Portsmouth, NH. A major topic of discussion was the risk posed to the public if licensure requirements are eliminated or reduced.

Vice Chairman Ron Willey and Azu Etoniru both attended the meeting. Vice Chairman Ron Wiley indicated that he was elected Assistant Vice President for the Northeast Zone.

13. Joyce Hastings and Eric Funk provided the Board with the Jurisprudence Exam Sub Committee report on the April 2019 exam results. Erin Joyce recused herself from this discussion. There is a recommendation to set the passing rate at 70%. There were four exam takers. One of the exam takers was a MA resident and one was a first time taker of the exam. Of the four exam takers, one achieved a passing score of at least 70%. Azu Etoniru motioned to accept the recommendation, seconded by Joyce Hastings. Motion passed with a vote of 6-0-1, with Erin Joyce having recused herself from the discussion and vote.

14. Sheila York provided Board members with a picture of a stamp that the Captain Tom Bull, Fire Prevention Unit of the Worcester Fire Department emailed to the Board for their opinion on whether or not it infringes upon the professional stamp/seal of a licensed professional engineer. The stamp states "Commonwealth of Massachusetts" and "System Contractor" around the outer portion and in the middle it lists the licensee's name and license number as well as the wording "Fire Protection" and "Registered."

Sheila York informed the Board that she had reached out to the Executive Director of the Massachusetts Electrical Board and that Board's Legal Counsel for their input. The Board asked that the documentation be forwarded to the Complaint Committee for review.

15. Chairman Paul Tyrell asked if there were any topics for discussion that were not presented on the agenda.

Abbie Goodman informed the Board that an issue related to the Boston Redevelopment Authority (BRA)/Economic Development and Industrial Corporation (EDIC) involving the submission and acceptance of Record Drawings and As-Built Plans has been raised. Specifically, submittals are not being accepted unless they have been stamped by a P.E.

Chairman Paul Tyrell commented that in order for a P.E. to stamp as-built plans, they would need to verify the work.

Maurice Pilette stated that the best way to address this on the construction affidavit or other documents is to add a disclaimer.

16. Chairman Paul Tyrell requested that future agendas include a list of topics that are currently being worked on by the Board. This list of topics includes, continuing education (CE) requirement; use of the title of engineer, and the update to the Professional Practice guide booklet.

Additionally, Chairman Paul Tyrell proposed the creation of a task force to address the update to "Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts", dated 1997 and prepared by The Joint Committee for Architects, Engineers, and Land Surveyors on Professional Practice.

Clinton Dick inquired as to a possible meeting date target as well as the anticipated number of meetings for the task force.

Chairman Paul Tyrell indicated that the target date for the meeting should be September 2019 with the anticipation that at least two meetings will be necessary.

Chairman Paul Tyrell and Azu Etoniru stated that they will attend and invited other Board members to join if schedules permit.

Abbie Goodman will provide Clinton Dick with the names of other potential attendees from outside the DPL while Clinton Dick and Sheila York will coordinate the attendees from the AR Board and other potential DPL agencies.

Ron Willey motioned, seconded by Joyce Hastings to appoint Chairman Paul Tyrell and Azu Etoniru to the task force. Motion passed with a vote of 7-0.

17. At 10:15AM, the Board voted to enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a vote of 7-0. Maurice Pilette and Erin Joyce were recused from the discussion.

Report of actions taken during closed investigate conference:

- 2018-000489-IT-ENF: Guidance provided to Prosecuting Counsel Seth Henderson

18. Open session resumed at 10:49AM.

19. At 10:50AM the Chairman noted that there were no further topics for the public Board meeting. Ron Willey motioned to adjourn. Azu Etoniru seconded. Motion passed unanimously.

Respectfully submitted by,



Eric Funk
Board of Registration of Professional Engin...

- Documents used at the public meeting
- Agenda for May 23, 2019 Meeting

- Draft Minutes of April 25, 2019 Open Meeting
- Email from Joe Pupo, Business Manager at IC Enable LLC, requesting an Engineering License Waiver
- Email from Captain Tom Bull, Fire Prevention Unit of the Worcester Fire Department, dated May 14, 2019, regarding a System Contractor stamp.