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**Division of Professional Licensure**  
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**LAYLA R. D'EMILIA**  
COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

## Minutes of the May 27, 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  
Shannon Slaughter, Public Member  
Erin Joyce, PE  
Joyce Hastings, PLS  
Azu Etoniru, PE, PLS  
Maurice Pilette, PE  
Paul Tsang, PE  
Kenneth Anderson, PLS

### Board Members Absent

Daniel Caron, PE

### Members of the Public Present

Abbie Goodman, TECET  
John Ecker, PE Applicant  
Daniel Kucza, PLS Applicant  
Robert DeFrancesco, PLS Applicant

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

Matthew Keigan, Executive Director  
Sheila York, Board Counsel  
Eric Funk, Board Administrator

1. Chairman Paul Tyrell opened the meeting at 9:00AM and reminded members that with the long weekend ahead and nice weather expected for part of the weekend, sunscreen/sun protection is a must.
2. The Board reviewed the minutes of the April 22, 2021 Open Meeting. Azu Etoniru moved, seconded by Kenneth Anderson, to accept the meeting minutes as written. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Azu Etoniru, Maurice Pilette, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, and Paul Tyrell. Members opposed: None.
3. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on June 24, 2021. No scheduling conflicts were indicated by the Board members.
4. Executive Director Matthew Keigan informed the Board that the next meeting could potentially take place in-person at the DPL's office. He cautioned the Board that there



were still numerous factors that could prevent in-person meetings such as capacity restrictions set by the building ownership, availability of internet connection in the conference rooms, etc.

Sheila York reminded the Board that in March of 2020, the Governor issued an Executive Order Suspending certain provisions of the Open Meeting Law due to the pandemic. She further stated that legislation had been filed to extend the provisions beyond the June 15, 2021 ending of the State of Emergency order which could inform the decisions regarding remote v. in-person meetings moving forward.

5. Vice Chairman Ronald Willey and Executive Director Matthew Keigan provided the Board with an update on the Subcommittee to Review the Format of the State Specific Jurisprudence Exam. The subcommittee met on May 21, 2021 to identify the various topics that will need to be researched and devise a working plan for gathering information and reporting back to the subcommittee.

Vice Chairman Ronald Willey stated that the next subcommittee meeting had been scheduled for June 17, 2021.

Executive Director Matthew Keigan stated that representatives from PCS, along with Dennis Drumm, provided some basic background regarding the exam, psychometric assessment, and proctoring, etc., but greater detail concerning how this could be handled if the exam is converted to CBT will require another discussion with PCS and representatives from Prometric. He further stated that he and Sheila York would also be speaking with NCEES the first week of June.

Azu Etoniru advised the Board that exam security, cost feasibility, number of test candidates, and ability to analyze exam data are topics that are of concern and will be addressed in greater detail during the next meeting of the subcommittee.

Vice Chairman Ronald Willey stated that Sheila York would be conducting research into if/how other states handled the conversion to CBT.

Vice Chairman Ronald Willey recognized PLS Applicant Daniel Kucza who indicated that he has taken the state specific jurisprudence exam in other states both as an open book/take home exam as well as a CBT exam. He also indicated that the MA exam was by far the most difficult he has taken.

This topic will remain on the Board's agenda moving forward.

6. Executive Director Matthew Keigan informed the Board that DPL management and General Counsel continue to gather information regarding potential impacts of the Governor's recent Executive Order to support military families transferring to Massachusetts. As a reminder, 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 had spoken with DPL management to convey the Board's concerns.

Executive Director Matthew Keigan stated that this topic will remain on the Board's agenda.

7. Chairman Paul Tyrell noted that the article that was provided to Board members regarding the use of drones for aerial imagery/ photography v. mapping for surveying was intended as informational.

Azu Etoniru stated that he found the article both informative and timely.

Chairman Paul Tyrell indicated that drones are but one of many tools used by surveyors and that greater understanding of how/why it is used in the industry is needed.

Kenneth Anderson agreed and stated that this will continue to occur due to the rapid technological advancements with drones and mapping capabilities.

8. Sheila York 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."

Sheila York indicated that with assistance from Chairman Paul Tyrell, a letter had been drafted for review by the DPL's General Counsel detailing the Board's concerns which she then read to the members for their consideration.

The Board was in favor of distributing the letter to DPL General Counsel for review.

9. Sheila York informed the Board that there was no new update on the status of draft language regarding Continuing Professional Competency (CPC).
10. Sheila York gave an update to the Board regarding the draft language in "Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts." She stated all of the Architect Board's edits had now been received and that she had met with the Architect Board's Counsel to discuss their edits and comments.

Sheila York stated that the draft has been provided to Board members for their review and discussion at the meeting on June 24, 2021.

11. Sheila York informed the Board that there would be an adjudicatory Hearing scheduled for June 22, 2021 in the matter of case# 2020-000207-IT-ENF. Azu Etoniru stated that he would check his availability but would plan on attending.
12. Sheila York stated that there were no additional pending legal matters that required discussion that this time.
13. Executive Director Matthew Keigan informed the Board 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 no items that required monitoring this month.
14. Executive Director Matthew Keigan advised the Board that the case tracking spreadsheet that was distributed to all members had been updated.
15. Executive Director Matthew Keigan briefed the Board regarding the Wisconsin Board's Final Consent and Order in the matter of A2H Inc. and the firm's responsible licensee #49743-C who were disciplined in 2019 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. The WI Board issued a reprimand and assessed a fine of \$748.00 against both parties.

Kenneth Anderson moved, seconded by Azu Etoniru, to take no action in the matter. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Azu Etoniru, Maurice Pilette, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, and Paul Tyrell. Members opposed: None.

16. Executive Director Matthew Keigan briefed the Board regarding the West Virginia Board's Consent Order in the matter of Bipin Associates, LLC – Consulting Engineering and its responsible licensee #37913-M for unlicensed practice in the state. The WV Board assessed penalties of \$750.00 against the firm and \$250.00 against licensee #37913-M.

Ronald Willey moved, seconded by Azu Etoniru, to take no action in the matter. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Azu Etoniru, Maurice Pilette, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, and Paul Tyrell. Members opposed: None.

17. Executive Director Matthew Keigan briefed the Board regarding an item that was received less than 48 hours prior to the Board meeting.

Executive Director Matthew Keigan briefed the Board regarding licensee #37533-ST who was disciplined by the New Mexico Board for practicing engineering the state with an expired license. Licensee #37533-ST was issued a fine totaling \$1,447.28 by the NM Board.

Ronald Willey moved, seconded by Kenneth Anderson, to take no action in the matter. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Azu Etoniru, Maurice Pilette, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, and Paul Tyrell. Members opposed: None.

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

19. Joyce Hastings gave the Board a report on the three (3) interviews that were conducted by the Land Surveyor Interview Committee. She informed the Board that there were two (2) in-state applicants and one (1) out-of-state applicant interviewed. One (1) applicant was not recommended to move forward. The full breakdown is as follows:

- Applicant 1020910: Committee recommends this applicant be approved to take the Jurisprudence exam; Ronald Willey motioned to adopt the committee's recommendation, seconded by Kenneth Anderson. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Azu Etoniru, Maurice Pilette, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, and Paul Tyrell. Members opposed: None.
- Applicant 1020947: 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 9-0. Members in Favor: Paul Tsang, Azu Etoniru, Maurice Pilette, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, and Paul Tyrell. Members opposed: None.



- Applicant 1021779: Committee found that the applicant did not have the required number of years of qualifying surveying work experience under the direct supervision of a licensed land surveyor. Candidate was a 20 year experience applicant who has roughly 50% experience in engineering and 50% in surveying, however, the surveying experience was mostly class work and not actual surveying work. Committee recommends this applicant withdraw his application until such time that he is able to demonstrate that he meets the Board's requirements; Ronald Willey motioned to adopt the committee's recommendation, seconded by Kenneth Anderson. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Azu Etoniru, Maurice Pilette, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, and Paul Tyrell. Members opposed: None.

20. Vice Chairman Ronald Willey gave the Board a report on the five (5) interviews that were conducted by the Engineering Interview Committee. He informed the Board that all five (5) candidates were 20 year experience applicants. There were two (2) in-state applicants and three (3) out-of-state applicants interviewed. All five (5) applicants were recommended to move forward. The full breakdown is as follows:

- Applicant 1020459: Committee recommends this applicant move forward in the process for licensure by comity; Ronald Willey motioned to adopt the committee's recommendation, seconded by Azu Etoniru. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Azu Etoniru, Maurice Pilette, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, and Paul Tyrell. Members opposed: None.
- Applicant 1020164: Committee recommends this applicant move forward in the process for licensure by comity; Ronald Willey motioned to adopt the committee's recommendation, seconded by Azu Etoniru. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Azu Etoniru, Maurice Pilette, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, and Paul Tyrell. Members opposed: None.
- Applicant 1020428: Committee recommends this applicant move forward in the process for licensure by comity; Ronald Willey motioned to adopt the committee's recommendation, seconded by Azu Etoniru. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Azu Etoniru, Maurice Pilette, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, and Paul Tyrell. Members opposed: None.
- Applicant 1020619: Committee recommends this applicant be approved to sit for the PE exam; Ronald Willey motioned to adopt the committee's recommendation, seconded by Azu Etoniru. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Azu Etoniru, Maurice Pilette, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, and Paul Tyrell. Members opposed: None.
- Applicant 1020718: Committee recommends this applicant be approved to sit for the PE exam; Ronald Willey motioned to adopt the committee's recommendation, seconded by Azu Etoniru. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Azu Etoniru, Maurice Pilette, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, and Paul Tyrell. Members opposed: None.

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21. Joyce Hastings provided the Board with the Jurisprudence Exam Education Sub Committee report on the April 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 passing rate at 70%.

There were seventeen (17) exam takers. Twelve (12) of the 17 exam takers were Massachusetts residents and nine (9) of the 17 were first time takers of the exam. Of the seventeen (17) exam takers, nine (9) achieved a passing score of at least 70%.

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

22. Sheila York and Eric Funk informed the Board that a request to use "unofficial" transcripts in conjunction with an educational program evaluation from Morningside Evaluators had been received from applicant #1021782. The applicant requested Board permission to allow NCEES to utilize these documents as her university, Jawaharlal Nehru Technological University, Hyderabad, India is in lockdown due to the pandemic and the applicant is unable to obtain official transcripts for NCEES to conduct the evaluation.

Eric Funk explained to the Board that in the event that an applicant is not able to provide official documents as per NCEES Policy, with the Board's permission, NCEES will stamp the transcripts from the applicant as unofficial and proceed with the NCEES Credentials Evaluation to allow for the process to move forward. They will also make note on the evaluation that the evaluation was completed at the request of the Massachusetts Board using unofficial documents provided by the applicant.

Azu Etoniru motioned, seconded by Vice Chairman Ronald Willey to allow NCEES to utilize the applicant's documentation for purposes of the credential evaluation. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Azu Etoniru, Maurice Pilette, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, and Paul Tyrell. Members opposed: None.

23. Eric Funk informed the Board that a similar request to use "unofficial" transcripts in conjunction with an educational program evaluation from World Education Services (WES) had been received from applicant #1022633. The applicant requested Board permission to allow NCEES to utilize these documents as his university, Sudan University of Science and Technology will not transmit transcripts unless a request is made in-person therefore the applicant is unable to obtain official transcripts for NCEES to conduct the evaluation.

Azu Etoniru motioned, seconded by Vice Chairman Ronald Willey to allow NCEES to utilize the applicant's documentation for purposes of the credential evaluation. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Azu Etoniru, Maurice Pilette, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, and Paul Tyrell. Members opposed: None.

24. Executive Director Matthew Keigan thanked the Board members for their assistance with the numerous subcommittees, adjudicatory hearings, and interview committees.

25. Chairman Paul Tyrell recognized Abbie Goodman who informed the Board that on June 11, 2021 at 8:30AM there would be a ZOOM video conference with Deborah Anderson of the Massachusetts Attorney General's Office and ACEC/MA to explain the Workforce Participation Goal Requirements under M.G.L. c. 149, § 44A(2)(G).

Vice Chairman Ronald Willey motioned, seconded by Kenneth Anderson, to suspend the open session and enter into Closed Executive Session pursuant to G.L. c. 30A, §21(a) (1) to discuss the character, rather than competency of Licensee Applicant G.B. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Azu Etoniru, Maurice Pilette, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, and Paul Tyrell. Members opposed: None. The Chairman stated that he expected to be in Executive Session for approximately thirty (30) minutes and that there were no additional public session topics for discussion.

26. Open session resumed at 10:56AM. Chairman Paul Tyrell noted that there were no further topics for discussion at the Open Meeting Session.

27. Vice Chairman Ronald Willey motioned, seconded by Azu Etoniru, to enter into Closed Quasi-Judicial Session pursuant to G.L. c. 30A, §18 to deliberate on the issuance of a Final Decision and Order in the matter of 2019-001538-IT-ENF. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Azu Etoniru, Maurice Pilette, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, and Paul Tyrell. Members opposed: None.

Kenneth Anderson had to step away and did not participate in this discussion.

Report of actions taken in quasi-judicial session:


- Voted to issue final decision in 2019-001538-IT-ENF.

28. At 11:12AM, the Board voted to enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Azu Etoniru, Maurice Pilette, Kenneth Anderson, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, and Paul Tyrell. Members opposed: None.

Report of actions taken during closed investigate conference:

- 2021-000173-IT-ENF: Dismiss with Advisory Letter
- 2021-000175-IT-ENF: Dismiss with Advisory Letter
- 2021-000182-IT-ENF: Dismiss with Advisory Letter
- 2021-000185-IT-ENF: Dismiss with Advisory Letter
- 2021-000206-IT-ENF: Dismiss without Prejudice

Respectfully submitted by,

  
Eric Funk  
Board Administrator

Documents used at the public meeting

- Agenda for May 27, 2021 Meeting
- Draft Minutes of April 22, 2021 Open Meeting
- Copy of article from the Associated Press titled "Drone operators challenge surveyors' turn in mapping dispute."