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Division of Professional Licensure
Board of Registration of Professional Engineers
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UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

DIANE SYMONDS
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes of the June 27, 2019 Open Meeting

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

Board Members Present

Paul Tyrell, PE, PLS, Chairman
Dennis Drumm, PLS
Daniel Caron, PE
Joyce Hastings, PLS
Erin Joyce, PE
Paul Tsang, PE
Azu Etoniru, PE, PLS
Maurice Pilette, PE
Joanne Linowes, Public Member

Board Members Absent

Ronald Willey, PE, Vice Chairman

Members of the Public Present

Abbie Goodman, TECET

Division Staff Members Present at Various Times during the Meeting:

Sheila York, Board Counsel
Matthew Keigan, Executive Director
Clinton Dick, Deputy General
Counsel of Enforcement
Eric Funk, Board Administrator

1. Chairman Paul Tyrell opened the meeting at 9:00AM and notified attendees of the evacuation procedures.
2. Chairman Paul Tyrell welcomed Matthew Keigan as the new Executive Director of the Engineer Board.
3. Chairman Paul Tyrell took a moment to thank Joanne Linowes for her service to the Board over the past 18 months as this meeting would be her last as the Public Member.
4. Chairman Paul Tyrell informed the Board that due to another commitment, he would need to leave around 10:00AM and requested that Dennis Drumm take over Chair duties at that time.
5. The Board reviewed the minutes of the May 23, 2019 Open Meeting. Azu Etoniru moved, seconded by Joanne Linowes, to accept the meeting minutes with a minor edit



on page 2. Motion passed with a vote of 7-0-2, with Dennis Drumm and Dan Caron abstaining from the vote.

6. Eric Funk provided Board members with a draft flow chart depicting the steps in the licensure process for their review and input. After a brief discussion the Board recommended a few edits that will be made and provided for review at a future meeting.
7. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on July 25, 2019.
8. Sheila York informed the Board that the Governor's Office has requested that all DPL Boards review their respective regulations to determine if the regulation should be retained, amended or rescinded. An initial response is due by July 15, 2019. This Board's regulations were comprehensively updated in 2013 and most recently reviewed in 2016-2017.

Sheila York stated that she will submit the draft language regarding Continuing Professional Competency (CPC) as part of this review. Aside from those proposed changes, the existing regulations should be retained. She will update the Board on the status of the regulation review at future meetings.

9. Sheila York distributed a copy of an article from the June 2019 NCEES Licensure Exchange that Dan Caron provided. *The title of the article is Can your board regulate "engineers"? Maybe not.*

Sheila York provided a brief overview of the article and how it ties into the ongoing discussions regarding the Use of the Title Engineer that the Board has been engaged in. She then provided the Board members with the most current draft of the clarification response that the Board has been working on.

The Board engaged in a brief discussion regarding the term "engineer" vs. "professional engineer" and how the term "engineer" can be misleading and give the impression that someone is holding themselves out as a licensed engineer when they may not be.

Erin Joyce asked if given the ongoing national issues surrounding this topic, does it make sense to issue the clarification when 250 CMR 5.08 already addresses the use of the title engineer?

Sheila York and Dennis Drumm both stated that the purpose of the draft was to provide clarification on the topic and would not change 250 CMR 5.08.

Sheila York explained that the Board has received a request to clarify the use of these titles from representatives of engineering and surveying companies. She further stated that the language could be issued as an advisory opinion as the purpose is to provide clarification to existing regulatory language, not replace 5.08, and this could be made clear in the posting.

Dennis Drumm motioned, seconded by Joyce Hastings, to accept the revised language as written. Motion passed with a vote of 8-1.

10. Sheila York stated that there is no update at this time on the Professional Practice booklet.

11. Sheila York provided Board members with a copy of a question that was posed to the Board along with a proposed draft response. The question was, "Can a Professional Engineer (PE) develop and certify a site plan which references a property line determination that was previously completed by a Professional Land Surveyor (PLS) and filed at the Registry of Deeds?"

The Board reviewed the draft response. The Board then engaged in an animated discussion with several members questioning whether the proposed response could be interpreted to prohibit a PE from incorporating a survey that was completed by a PLS working on the same project team. Dennis Drumm suggested edits to the proposed response. Sheila York will update the draft response and Board will review at a future meeting.

12. Matthew Keigan stated that the Board received a Self-Report of discipline from Licensee #47948-ST. The Licensee was disciplined by the SC Board for a failure to disclose discipline taken against his license by the Boards of CA, MO, NC, ID, and SD. The SC Board issued a public reprimand and fined the licensee \$300. Matthew Keigan informed the Board that the Licensee had properly reported such discipline to MA.

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

13. Matthew Keigan stated that the Board received a Self-Report of discipline from Licensee #45561-ST. The Licensee was disciplined by the NM Board for failing to report previous discipline in other jurisdictions. Licensee provided notice of a Pre-NCA settlement agreement that references disciplinary action against his license in SD and ID but provides no further information. Matthew Keigan informed the Board that the Licensee had properly reported such discipline to MA.

The Board determined that efforts should be made to obtain information regarding the discipline in SD and ID.

14. At 11:29AM, the Board voted to enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a vote of 8-0.

Report of actions taken during closed investigate conference:

- 2019-000006-IT-ENF: Dismissed without prejudice
- 2019-000224-IT-ENF: Forward to Office of Prosecutions

15. Open session resumed at 11:44AM.

16. At 11:45AM acting Chairman Dennis Drumm noted that there were no further topics for the public Board meeting. Azu Etoniru motioned to adjourn. Erin Joyce seconded. Motion passed unanimously.

Respectfully submitted by,



Eric Funk
Board of Registration of Professional Engin...

Documents used at the public meeting

- Agenda for June 25, 2019 Meeting
- Draft Minutes of May 23, 2019 Open Meeting

- Draft Flow Chart of Licensure Process
- Article from NCEES June 2019 Licensure Exchange titled “Can your board regulate “engineers”? Maybe not.”
- Email from David Magee, Partner, Donovan Hatem regarding an inquiry from a client regarding site plans and property lines. The email posed the question, “Can a Professional Engineer (PE) develop and certify a site plan which references a property line determination that was previously completed by a Professional Land Surveyor (PLS) and filed at the Registry of Deeds?”