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LIEUTENANT GOVERNOR

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

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EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

Minutes of the August 30, 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 and amended July 16, 2022.

The following attendance was recorded:

Board Members Present

Paul Tyrell, PE, PLS, Chairman
Ronald Willey, PE, Vice Chairman
Joyce Hastings, PLS
Daniel Caron, PE
Erin Joyce, PE
Azu Etoniru, PE, PLS
Kenneth Anderson, PLS
Maurice Pilette, PE

Board Members Absent

Shannon Slaughter, Public Member
Paul Tsang, PE

Members of the Public Present

Abbie Goodman, TECET
Joseph States, PE Applicant

Division Staff Members Present
at Various Times during the Meeting:

Jason Wentworth, Executive Director
Jenna Hentoff, Board Counsel
Eric Funk, Board Administrator

1. At 9:03AM, Dan Caron motioned, seconded by Azu Etoniru, to open the meeting. Motion passed with a vote of 7-0. Members in Favor: Erin Joyce, Ronald Willey, Paul Tyrell, Dan Caron, Joyce Hastings, Kenneth Anderson, and Azu Etoniru. Members opposed: None.
2. Chairman Paul Tyrell advised the Board that auditory damage and hearing loss from the myriad of loud noises (subway, construction, music, etc.) we are subjected to each day can begin to present at any age and we should all be aware of the dangers, have our hearing checked, and wear auditory protection when necessary.
3. The Board reviewed the minutes of the July 28, 2022 Open Meeting. Joyce Hastings moved, seconded by Kenneth Anderson, to accept the meeting minutes as written. Motion passed with a vote of 7-0. Members in Favor: Erin Joyce, Ronald Willey, Paul

Tyrell, Dan Caron, Joyce Hastings, Kenneth Anderson, and Azu Etoniru. Members opposed: None.

4. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on September 22, 2022. No conflicts were noted.
5. Chairman Paul Tyrell informed the Board that he, Erin Joyce, Paul Tsang, and Azu Etoniru attended the NCEES Annual Meeting in Carlsbad, California, held August 23-26, 2022. He indicated that Christopher Duhamel, P.E., P.L.S., of Rhode Island was elected as the new NCEES president for 2022-2023, replacing Brian Robertson, P.E., of Colorado. He further stated that Janice Bostelman, P.E., of Nebraska, and Mohammad Qureshi, P.E., of California were elected as vice president of the Central Zone, and vice president of the Western Zone, respectively. He further stated that Thomas Orisich, P.L.S., of Maryland, and Andrew Zoutewelle, P.L.S., of North Carolina, were re-elected as vice presidents of the Northeast Zone and Southern Zone, respectively. And finally, he stated that he will be returning to serve his third year as treasurer.

Azu Etoniru advised the Board that the states are reporting an increase in the number of land surveyor applicants which was welcome news as the number of licensed land surveyors had been dwindling over the past few years.

6. The Board considered a request by NCEES for nomination of a staff member as Emeritus/Associate member of the Board. Per the NCEES bylaws, Section 3.021 Associate Members, an Associate Member of NCEES shall be a designee of a Member Board, but not a member of a Member Board, who is appointed by the NCEES Board of Directors as an Associate Member of NCEES.

Chairman Paul Tyrell stated that the Board does not have designations for emeritus or associate members and therefore, would respectfully decline to make such a nomination.

7. Board Counsel Jenna Hentoff informed the Board that during the course of license renewal, the Board was made aware of a number of applicants who indicated convictions or Board discipline in the attestation section of their renewal application.

Individuals who reported convictions on their renewal application but did not report them within the 30-day window will have their matter forwarded to OI for follow-up and, if necessary, the Board will determine whether complaints should be opened. None of the matters appear to involve EN or LS work.

Board Counsel further stated that eight (8) individuals reported disciplinary action on their renewals. She provided the Board with an overall summary of the individual issues reported as discipline and asked the Board whether they would like to pursue them for further action.

Kenneth Anderson moved, seconded by Ronald Willey, to take no further action. Motion passed with a vote of 7-0. Members in Favor: Erin Joyce, Ronald Willey, Paul Tyrell, Dan Caron, Joyce Hastings, Kenneth Anderson, and Azu Etoniru. Members opposed: None.

8. Board Counsel Jenna Hentoff informed the Board that the most recently amended draft language regarding Continuing Professional Competency (CPC) regulations had been reviewed by the Office of Consumer Affairs and Business Regulation (OCABR) and forwarded for further review by the Agency's Secretariat, the Executive Office of Housing and Economic Development (EOHED). She stated that she is working to respond to questions and comments from EOHED.
9. Board Counsel Jenna Hentoff informed the Board that she continues working with AR Board Counsel Lynn Read on the final round of edits to the "Professional Practice: A

10. Board Counsel Jenna Hentoff informed the Board 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 the Board of 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 an update to the case tracking spreadsheet should be available for distribution for the September 22, 2022 meeting now that the Complaint Committee has had an opportunity to meet and review cases.
13. Eric Funk stated that the Board received a Self-Report of discipline from Licensee #47504-E. The Licensee was disciplined by the LA Board for aiding an unlicensed firm (his firm) with the practice of engineering on at least ten (10) projects between June 2017 and November 2021. Licensee provided notice of a signed consent agreement that indicates he was fined \$500.00, paid administrative cost of \$492.39, successfully complete the Board's online Louisiana Laws and Rules Quiz with a score of 90% or higher, successfully complete the Board's online Louisiana Professionalism and Ethics Quiz with a score of 90% or higher, and have the publication of this Consent Order on the Board's website and a summary of this matter in the Board's official journal, the Louisiana Engineer and Surveyor Journal, and the reporting of this matter to the National Council of Examiners for Engineering and Surveying (NCEES), identifying Respondent by name.

The Board took no further action.

14. Chairman Paul Tyrell presented the application review report provided by Eric Funk for Board consideration. Azu Etoniru moved, seconded by Joyce Hastings, to accept the report and ratify the application approvals. Motion passed with a vote of 7-0. Members in Favor: Erin Joyce, Ronald Willey, Paul Tyrell, Dan Caron, Joyce Hastings, Kenneth Anderson, and Azu Etoniru. Members opposed: None.
15. Board Counsel Jenna Hentoff provided the Board with a brief overview of applicant #1026990, who indicated that they had pending discipline from another state's engineer licensing board. The applicant had only provided a partially executed consent agreement with their application but recently provided a copy of the fully executed consent agreement.

Dan Caron moved, seconded by Joyce Hastings, to take no further action. Motion passed with a vote of 7-0. Members in Favor: Erin Joyce, Ronald Willey, Paul Tyrell, Dan Caron, Joyce Hastings, Kenneth Anderson, and Azu Etoniru. Members opposed: None.
16. Board Counsel Jenna Hentoff provided the Board with a brief overview of applicant #1027364, who indicated that they were disciplined by the TX Board for failing to submit design plans for a project to the Texas Department of Licensing and Regulation (TDLR) within five days from the date the plans were issued as required by Texas law. He paid an administrative penalty of \$500. Subsequently, the applicant failed to report said discipline on his license application and renewal with the MO Board. As such, his license was placed on probation for a period of one (1) year. The applicant successfully completed the probationary period and his license to practice engineering was fully restored.

Ronald Willey moved, seconded by Joyce Hastings, to take no further action. Motion passed with a vote of 7-0. Members in Favor: Erin Joyce, Ronald Willey, Paul Tyrell,

Dan Caron, Joyce Hastings, Kenneth Anderson, and Azu Etoniru. Members opposed: None.

17. Maurice Pilette joined the meeting at 9:45AM.
18. Board Counsel Jenna Hentoff provided the Board with an email from David Schwegel, dated August 1, 2022, regarding support for an NCEES Traffic Engineering Licensing Exam.

Mr. Schwegel requested that the MA Board issue a letter to NCEES in support of NCEES preparing and offering a Traffic Engineering Licensing Exam. The Board discussed the request, noting that the current NCEES PE Civil: Transportation exam covers topics pertaining to traffic engineering and a change to the current exam structure offered by NCEES could have a negative financial impact on their organization; there does not appear to be a call in the industry for a Traffic Engineering exam; and if such an exam was to be offered again, it would be unlikely to attract enough examinees to meet NCEES requirements for providing outstanding nationally normed examinations for engineers and surveyors.

Based on the above, the Board respectfully declined to issue a letter of support to NCEES for a Traffic Engineering exam. Board Counsel Jenna Hentoff stated that she would provide the Board's response to Mr. Schwegel.

19. There were no public comments.

At 9:54AM, Dan Caron moved, seconded by Joyce Hastings, to end the Open Session of the meeting and enter Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a vote of 8-0. Members in Favor: Erin Joyce, Ronald Willey, Paul Tyrell, Dan Caron, Joyce Hastings, Kenneth Anderson, Azu Etoniru, and Maurice Pilette. Members opposed: None.

Report of actions taken during closed investigate conference:

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| ➤ 2022-000250-IT-ENF: | Return to Investigations |
| ➤ 2022-000301-IT-ENF: | Send to Prosecutions |
| ➤ 2022-000305-IT-ENF: | Send to Prosecutions (Paul Tyrell recused) |
| ➤ 2022-000306-IT-ENF: | Dismiss |
| ➤ 2022-000307-IT-ENF: | Send to Prosecutions |
| ➤ 2022-000308-IT-ENF: | Send to Prosecutions |
| ➤ 2022-000311-IT-ENF: | Send to Prosecutions |
| ➤ 2022-000313-IT-ENF: | Send to Prosecutions (Erin Joyce recused) |
| ➤ 2022-000322-IT-ENF: | Dismiss |
| ➤ 2022-000360-IT-ENF: | Send to Prosecutions |
| ➤ 2022-000463-IT-ENF: | Return to Investigations |
| ➤ 2022-000496-IT-ENF: | Dismiss |

Respectfully submitted by,



Eric Funk
Board Administrator

Documents used at the public meeting:

- Agenda for August 30, 2022 Meeting
- Draft Minutes of July 28, 2022 Open Meeting

- Email from David Schwegel, dated August 1, 2022, regarding support for an NCEES Traffic Engineering Licensing Exam