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Commonwealth of Massachusetts
Division of Occupational Licensure
Board of Registration of Professional Engineers
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REGULATION

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

Minutes of the August 26, 2021 Open Meeting

Meeting was held remotely by video conference and telephone pursuant to Chapter 20 of the Acts of 2021: *An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency* signed into law on June 16, 2021.

The following attendance was recorded:

Board Members Present

Paul Tyrell, PE, PLS, Chairman
Ronald Willey, PE, Vice Chairman
Shannon Slaughter, Public Member
Daniel Caron, PE
Joyce Hastings, PLS
Azur Etoniru, PE, PLS
Erin Joyce, PE
Paul Tsang, PE
Kenneth Anderson, PLS

Board Members Absent

Maurice Pilette, PE

Members of the Public Present

Abbie Goodman, TECET

Division Staff Members Present
at Various Times during the Meeting:

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

1. Chairman Paul Tyrell opened the meeting at 9:00AM and reminded the members that with the increase in COVID-19 infections it is important to wash hands, social distance, wear a mask when in close proximity with others, and if comfortable get vaccinated.
2. The Board reviewed proposed revisions to the minutes of the June 24, 2021 Open Meeting, which were previously approved by the Board at the July meeting. Vice Chairman Ronald Willey moved, seconded by Azur Etoniru, to amend the meeting minutes that had been accepted at the July 22 2021 meeting to include the revisions presented. Motion passed with a vote of 9-0. Members in Favor: Paul Tyrell, Azur Etoniru, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, Paul Tsang, Dan Caron, and Kenneth Anderson. Members opposed: None.
3. The Board reviewed the minutes of the July 22, 2021 Open Meeting. Vice Chairman Ronald Willey moved, seconded by Azur Etoniru, to accept the meeting minutes as written. Motion passed with a vote of 9-0. Members in Favor: Paul Tyrell, Azur Etoniru,

Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, Paul Tsang, Dan Caron, and Kenneth Anderson. Members opposed: None.

4. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on September 23, 2021. Due to scheduling conflicts for Chairman Paul Tyrell, Erin Joyce, and Joyce Hastings, the meeting date was changed to Friday, September 24, 2021. Executive Director Matthew Keigan informed the Board that he would send out a revised calendar invite for September 24, 2021.
5. Chairman Paul Tyrell informed the Board that the NCEES Annual Meeting, originally scheduled as an in-person meeting in New Orleans August 18-21, was rescheduled as a virtual meeting to be held on September 15, 2021.

Azu Etoniru and Vice Chairman Ronald Willey volunteered to act as Board voting delegate and alternate delegate respectively.

Executive Director Matthew Keigan stated that he would inform NCEES of the Board's decision.

6. Executive Director Matthew Keigan and Sheila York provided the Board with an update on the transition of the paper and pencil State Specific Jurisprudence (JP) exam to a Computer Based Testing (CBT) format.

Executive Director Matthew Keigan and Sheila York met with the DPL's Procurement Counsel, Peter Kelly, to discuss the subcommittee's findings and the possibility of putting out a request for bids. They further stated that once they have discussed their findings with the subcommittee, they would report back to the Board.

Vice Chairman Ronald Willey proposed a meeting for September 16, 2021 at 9AM to discuss the findings with the subcommittee. All were in agreement and Executive Director Matthew Keigan stated that a calendar invite would be sent to subcommittee members.

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

7. 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 she spoke with the Attorney General's (AG) Office regarding public comment on the proposed by-laws but was informed that the town's regulations are not by-laws, and therefore the AG's Office does not plan to review those requirements.

Sheila York stated that she would schedule another meeting with the DPL's General Counsel to discuss next steps and report back to the Board at a future meeting. She also informed the Board that she would provide members with the final, promulgated version of the Swansea Board of Health regulations for their review.

Azu Etoniru commented that he is of the opinion that having a register/approved vendor list in a city/town is insufficient. He further stated that requiring a registrant to attend meetings for plan approval and answer questions from the BoH or other local Boards is a much better way to ensure that the registrant is in responsible control and understanding of the project.

Abbie Goodman stated that there is still the underlying issue of the local registration requirement being a barrier to business, specifically to smaller, woman or minority owned businesses.

Erin Joyce stated that this topic appears to tie directly to the updating of the “Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts” and corresponding public outreach that will follow.

Azu Etoniru, Joyce Hastings, and Chairman Paul Tyrell indicated that they would be available to participate in the meeting with the DPL’s General Counsel if helpful.

8. Sheila York informed the Board that there was no new update on the status of draft language regarding Continuing Professional Competency (CPC). She further indicated that she was unsure of what could be causing the hold-up.
9. Sheila York asked Board members if they had reviewed the updated draft language in “Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts.”

She stated all of the edits had been incorporated in the draft which was provided to Kenneth Anderson for review.

Kenneth Anderson stated that he found no issues with the draft and if Sheila York and Board were comfortable, other MA authorities/entities should be provided with a copy of the draft for their insights/comments.

Sheila York informed the Board that she would reach out to other stakeholders and provide an update at the September 24, 2021 meeting.

10. Sheila York advised the Board that the Governor’s Office Article 87/Name Change proposal regarding the Division of Professional Licensure.

Sheila York stated that the Governor’s Office had proposed the reorganization (House Bill 3774) of the Division of Professional Licensure (DPL) whereby the DPL would transfer oversight and licensure for the board of registration of social workers, the board of registration of psychologists, the board of registration of allied mental health and human services professions, the board of allied health professions, the board of registration of dietitians and nutritionists, the board of registration in podiatry, the board of registration in optometry, the board of registration of dispensing opticians, the board of registration of chiropractors, the board of registration of speech-language pathology and audiology, and the board of registration of hearing instrument specialists, the board of certification of health officers, and the board of registration of sanitarians to the Massachusetts Department of Public Health (DPH). This legislation was enacted as Chapter 39 of the Acts of 2021 (<https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter39>)

Sheila York further explained that as part of the reorganization, the Division of Professional Licensure (DPL) has been renamed the Division of Occupational Licensure (DOL). The transfer of boards is to be effective by July 22, 2022.

11. Sheila York stated that there were no further legal topics for discussion.
12. Executive Director Matthew Keigan informed the Board after review of the NCEES Enforcement Exchange, there were no (0) 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.

13. Executive Director Matthew Keigan advised the Board that the case tracking spreadsheet that was distributed to all members had been updated.
14. Chairman Paul Tyrell presented the application review report provided by Eric Funk for Board consideration. Kenneth Anderson moved, seconded by Azu Etoniru, to approve the applications as listed on the August 2021 application report. Motion passed with a vote of 9-0. Members in Favor: Paul Tyrell, Azu Etoniru, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, Paul Tsang, Dan Caron, and Kenneth Anderson. Members opposed: None.
15. Executive Director Matthew Keigan and Sheila York requested that the Board consider adopting an internal policy allowing Board staff to review and approve Model Law Engineer (MLE) licensure by comity applications. This would allow for MLE licensure by comity applications to be moved through processing more efficiently. Any MLE application that indicated a Good Moral Character (GMC), Licensing Board Discipline, or item that Board staff feels requires further review will be continue to be brought before legal counsel and the Board for discussion and/or consideration.

Vice Chairman Ronald Willey stated that many years ago Board staff conducted the review and approval MLE licensure by comity applications rather than Board members.

Sheila York stated that a draft of the internal policy would be provided for review at a future meeting.

16. Executive Director Matthew Keigan briefed the Board regarding land surveying license applicant #1022750 who was disciplined by the Oklahoma State Board for “placing his dated signature and seal on a document that was done neither by Respondent nor under his supervision and control.” He was subsequently disciplined by the Utah Licensing Board for first failing to disclose the discipline in OK and then to providing a misleading explanation of the discipline in OK. As a result of the discipline in OK and UT, the Colorado Licensing Board took disciplinary action against his license.

Applicant #1022750 attended the meeting by remote means. The Board asked a few clarification questions of applicant #1022750 regarding the sequence of events and status of his licenses in OK, CO and UT.

Vice Chairman Ronald Willey motioned, seconded by Azu Etoniru, to allow the application for applicant #1022750 to move forward to the oral exam/interview portion of the PLS application process. Motion passed with a vote of 9-0. Members in Favor: Paul Tyrell, Azu Etoniru, Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, Paul Tsang, Dan Caron, and Kenneth Anderson. Members opposed: None.

17. Executive Director Matthew Keigan informed the Board that a topic heading for Public Comment might be added to future agendas in an effort to make it more clear to the public that the Chair, in his discretion, may open the meeting up for a short public comment period during the topics not anticipated session of the Board meetings.

Dan Caron asked if the agenda is posted to the Board’s website. Sheila York stated that a Notice of the Meeting is posted which contains a lists of topics that are anticipated to be discussed. This notice is posted to the Board’s website and provided to certain other state agencies as required for posting per open meeting law requirements.

18. Chairman Paul Tyrell noted that there were no further topics for discussion at the Open Meeting Session and no matters to be discussed in Executive Session.

19. Kenneth Anderson motioned, seconded by Dan Caron, to end the Open Session of the meeting at 9:55AM. Motion passed with a vote of 9-0. Members in Favor: Paul Tyrell, Azu Etoniru , Joyce Hastings, Erin Joyce, Shannon Slaughter, Ronald Willey, Paul Tsang, Dan Caron, and Kenneth Anderson. Members opposed: None.

Respectfully submitted by,



Eric Funk
Board Administrator

Documents used at the public meeting

- Agenda for August 26, 2021 Meeting
- Draft Amended Minutes of June 24, 2021 Open Meeting
- Draft Minutes of July 22, 2021 Open Meeting
- Draft "Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts" dated May 26, 2021
- August 2021 Application report