



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MIKE KENNEALY
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational 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

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

Minutes of the September 22, 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
Shannon Slaughter, Public Member
Joyce Hastings, PLS
Daniel Caron, PE
Erin Joyce, PE
Azu Etoniru, PE, PLS
Kenneth Anderson, PLS
Maurice Pilette, PE
Paul Tsang, PE

Board Members Absent

Members of the Public Present

Abbie Goodman, TECET

Division Staff Members Present
at Various Times during the Meeting:

Esther Laine, Deputy Commissioner of
Boards
Jenna Hentoff, Board Counsel
Eric Funk, Board Administrator

1. At 9:06AM, Kenneth Anderson motioned, seconded by Azu Etoniru, to open the meeting. Motion passed with a vote of 10-0. Members in Favor: Erin Joyce, Ronald Willey, Paul Tyrell, Azu Etoniru, Dan Caron, Joyce Hastings, Kenneth Anderson, Shannon Slaughter, Paul Tsang, and Maurice Pilette. Members opposed: None.
2. Chairman Paul Tyrell informed the Board that it was Rail Safety Week and one important motto to remember is when you see tracks, think train.
3. The Board reviewed the minutes of the August 30, 2022 Open Meeting. Azu Etoniru moved, seconded by Kenneth Anderson, to accept the meeting minutes as written. Motion passed with a vote of 9-0-1. Members in Favor: Erin Joyce, Ronald Willey, Paul

Tyrell, Azu Etoniru, Dan Caron, Joyce Hastings, Kenneth Anderson, Paul Tsang, and Maurice Pilette. Members opposed: None. Members abstaining: Shannon Slaughter.

4. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on October 27, 2022. Joyce Hastings, Ronald Willey and Paul Tyrell noted possible conflicts.
5. Board Counsel Jenna Hentoff informed the Board that she received comments back from the Deputy General Counsel at the Agency's Secretariat regarding the updated draft language for Continuing Professional Competency (CPC) regulations. She stated that she consulted with former Board Counsel, Sheila York, before providing a response to the Counsel's questions and comments.
6. 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 Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts."
7. Board Counsel Jenna Hentoff informed the Board that there were no further legal topics for discussion.
8. 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.
9. Eric Funk advised the Board that an update to the case tracking spreadsheet should be available for distribution for the October 27, 2022 meeting now that the Complaint Committee has had an opportunity to meet and review cases.
10. Vice Chairman Ronald Willey had a prior engagement and logged out of the meeting at 9:15AM.
11. Chairman Paul Tyrell presented the application review report provided by Eric Funk for Board consideration. Dan Caron moved, seconded by Azu Etoniru, to accept the report and ratify the application approvals. Motion passed with a vote of 9-0. Members in Favor: Erin Joyce, Paul Tyrell, Azu Etoniru, Dan Caron, Joyce Hastings, Kenneth Anderson, Shannon Slaughter, Paul Tsang, and Maurice Pilette. Members opposed: None.
12. Esther Laine, Deputy Commissioner of Boards, informed the Board that Jason Wentworth was no longer the Executive Director of the Board and had left the agency. She stated that the search for a new Executive Director was already underway.
13. Joyce Hastings gave the Board a report on the seven (7) interviews that were conducted by the Land Surveyor Interview Committee. She informed the Board that there were four (4) in-state applicants and three (3) out-of-state applicants interviewed. Two (2) applicants withdrew (one voluntarily and one because he was having technical issues), three (3) applicants were recommended to move forward to exam, and two (2) applicants were not recommended to move forward. The full breakdown is as follows:
 - **Applicant 1025194:** Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam.
 - **Applicant 1025145:** Committee found that the applicant was familiar with certain aspects of the surveying requirements in Massachusetts, such as

research and portions of survey law, but lacked the overall knowledge of how to apply it to practical examples. Committee recommends that applicant obtain at least two (2) years of additional boundary survey experience under the direct supervision of a Massachusetts licensed PLS and complete a course on the legal principles and practices of Land Surveying in Massachusetts.

- **Applicant 1025276:** Committee found that the applicant was familiar with the research process (operative deed and Jr./Sr. rights) and could answer questions related to adverse possession and great ponds. However, applicant was unable to answer questions pertaining to Colonial Ordinances, Land Court, ANR Plans, plan recording requirements, and could only demonstrate a cursory understanding of Massachusetts survey law. Committee recommends that applicant obtain an additional six (6) months of boundary survey experience under the direct supervision of a Massachusetts licensed PLS and complete a course on the legal principles and practices of Land Surveying in Massachusetts.
- **Applicant 1026082:** Applicant voluntarily withdrew from the oral exam/interview after admitting that he was unprepared to answer questions pertaining to Massachusetts laws, regulations, requirements, and practices of Land Surveying.
- **Applicant 1025146:** Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam.
- **Applicant 1022315:** Applicant voluntarily withdrew from the oral exam/interview as he experienced technical issues that prevented him from connecting to Microsoft Teams. His oral exam/interview will be rescheduled.
- **Applicant 1005780:** Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam.

Ken Anderson motioned to adopt the committee's recommendations, seconded by Azu Etoniru. Motion passed with a vote of 9-0. Members in Favor: Erin Joyce, Paul Tyrell, Azu Etoniru, Dan Caron, Joyce Hastings, Kenneth Anderson, Shannon Slaughter, Paul Tsang, and Maurice Pilette. Members opposed: None.

14. Board Counsel Jenna Hentoff provided the Board with a brief overview of applicant #1028220, who indicated on their application that they were disciplined by another State Licensing Board. She stated that the applicant entered into a consent order with the OK Board on 2/21/14 on behalf of himself and the EN firm he had purchased as the firm did not have a current Certificate of Authorization (CA) when it offered to and/or provided engineering services in OK. She further stated that he also failed to provide requested information to the OK Board regarding this work within 30 days. The applicant paid a \$2,000 fine and ordered to complete an online ethics course. The applicant was also disciplined by the VA Board on 9/15/15 based on the OK Board's disciplinary action as well as failing to report it to the VA Board within 30 days per its regulations. He paid a \$150 fine.

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

15. Chairman Paul Tyrell informed the Board that he received an email correspondence from Paul Foley, COO, Feldman Geospatial, dated September 19, 2022, regarding the recently

posted Board advisory clarifying tasks that may be performed by Professional Land Surveyors (“PLS”) and Professional Engineers qualified in the Branch of civil engineering (“PE (Civil)”) in the Commonwealth of Massachusetts.

Chairman Paul Tyrell stated that Mr. Foley was seeking clarification on the language in footnote #2 which states, “*Professional Engineers (Civil) may not perform a topographic or hydrographic survey if it includes mapping which requires survey ground control or mapping that must comply with the Land Surveying Procedures and Standards set forth in 250 CMR 6.00 et. seq. Per 250 CMR 5.01(2)(b), if existing or proposed structures, features or Boundaries are to be shown relative to property lines, a Boundary survey must be performed by a Professional Land Surveyor.*”

After review and discussion, the Board recommended editing the language by reordering the sentences and cleaning up the wording so as to provide better clarification. Azu Etoniru stated that he would draft the revised language and provide the draft to Dan Caron and Board Counsel Jenna Hentoff for review.

16. Eric Funk stated that the Board received a Self-Report of discipline from Licensee #52896-ST. The Licensee was disciplined by the AL Board for offering or providing engineering services in the State of Alabama without first obtaining a certificate of authorization for engineering from the Board, for which he was fined \$5,000. He was also fined \$2,000 for submitting engineering documents to an approving authority that failed to contain specific project location details and was required to pay a \$150 fee for the cost of the investigation.

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

17. There were no public comments.

At 9:45AM, Kenneth Anderson moved, seconded by Azu Etoniru, to adjourn the meeting. Motion passed with a vote of 9-0. Members in Favor: Erin Joyce, Paul Tyrell, Azu Etoniru, Dan Caron, Joyce Hastings, Kenneth Anderson, Shannon Slaughter, Paul Tsang, and Maurice Pilette. Members opposed: None.

Respectfully submitted by,



Eric Funk
Board Administrator

Documents used at the public meeting:

- Agenda for September 22, 2022 Meeting
- Draft Minutes of August 30, 2022 Open Meeting
- Email from Paul Foley, COO, Feldman Geospatial, dated September 19, 2022, regarding the recently posted Board advisory clarifying tasks that may be performed by Professional Land Surveyors (“PLS”) and Professional Engineers qualified in the Branch of civil engineering (“PE (Civil)”) in the Commonwealth of Massachusetts.