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Division of Occupational Licensure
Board of Registration of Professional Engineers
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Minutes of the September 24, 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
Kenneth Anderson, PLS
Azu Etoniru, PE, PLS
Erin Joyce, PE
Maurice Pilette, PE

Board Members Absent

Paul Tsang, PE
Joyce Hastings, PLS

Members of the Public Present

Abbie Goodman, TECET
John Mallin, PE Comity Applicant

Division Staff Members Present
at Various Times during the Meeting:

Matthew Keigan, Executive Director
Sheila York, Board Counsel
Jenna Hentoff, Board Counsel
Mary Pixley, Prosecuting Counsel
Eric Funk, Board Administrator

1. Chairman Paul Tyrell opened the meeting at 9:02AM and reminded members that when working on ladders of heights of greater than 15 feet, safety is of even greater importance as falls from that height could be fatal.
2. The Board reviewed the revised minutes of the August 26, 2021 Open Meeting. Vice Chairman Ronald Willey moved, seconded by Azu Etoniru, to accept the meeting minutes as written. Motion passed with a vote of 7-0-1. Members in Favor: Erin Joyce, Paul Tyrell, Ronald Willey, Azu Etoniru, Dan Caron, Shannon Slaughter, and Kenneth Anderson. Members opposed: None. Members abstained: Maurice Pilette.
3. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on October 28, 2021. No conflicts were noted among the Board, but Jenna Hentoff will not be in attendance.

- 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 that was held on September 15, 2021.

Chairman Paul Tyrell, Azu Etoniru, and Vice Chairman Ronald Willey attended the meeting which had a light agenda. Chairman Paul Tyrell was continued as NCEES treasurer, Brian Robertson, PE Colorado, was elected as new NCEES president, and Chris Duhammel, PE, RI, was selected as NCEES president elect.

- Executive Director Matthew Keigan and Sheila York provided the Board with a quick 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 stated that the meeting was held on September 16, 2021 and took place in Executive Session in order to protect the integrity of the exam. He further stated that Board Counsel will reach out to PCS and would report back to the Board at a future meeting.

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

- Executive Director Matthew Keigan and Sheila York briefed the Board regarding an email received from Lynne Ferreira, Bristol County North Registry of Deeds, seeking guidance on which types of land surveying qualify as "incidental" for a civil engineer.

Sheila York stated that the Rhode Island Board of Registration for Professional Engineers and Board of Registration Professional Land Surveyors issued a Joint Informational Bulletin in March 2014 and revised in February 2019 outlining the areas of common practice for licensed PLS and PE Civil engineers. She further stated that a copy of the list had been provided to the members for review.

Chairman Paul Tyrell stated that since this topic arises quite frequently the Board should consider creating a similar bulletin and opened the topic for discussion.

Kenneth Anderson and Azu Etoniru stated that they were both in agreement with Chairman Paul Tyrell.

Chairman Paul Tyrell recommended that the Board convene a subcommittee to discuss and draft a MA version of the bulletin for review and discussion at a future Board meeting.

Sheila York stated that the subcommittee should consist of both PLS and PE members.

Chairman Paul Tyrell requested that Vice Chairman Ronald Willey and Public Member Shannon Slaughter participate. Both agreed to participate as did Azu Etoniru, Kenneth Anderson, and Joyce Hastings.

Executive Director Matthew Keigan stated that he would work with the subcommittee members to select a date for the initial meeting.

- Chairman Paul Tyrell took a few moments to acknowledge the many years of service and numerous contributions that Sheila York has brought to the Board. He welcomed Jenna Hentoff to her new role as incoming Board Counsel and Sheila York stated that the Board is in good hands with Jenna.

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."

She informed the Board that she and Executive Director Matthew Keigan met with DOL Chief Counsel and General Counsel to discuss how to move this forward. She was informed that the matter is currently in the research phase.

Azu Etoniru stated that the Board should fight the Swansea Board of Health regulations as they do not benefit the health, safety, and welfare of the public, they just appear to benefit the town.

Erin Joyce asked if the Massachusetts Division of Insurance was aware of the regulations or if they had weighed in on the errors and omissions liability insurance requirement.

Sheila York stated that the topic would remain on the agenda and an update would be provided as soon as one was available.

9. Sheila York informed the Board that there was no new update on the status of draft language regarding Continuing Professional Competency (CPC). She stated that she would check with General Counsel Clinton Dick regarding the status and report back to the Board when she had an update.
10. Sheila York stated that there were no further legal topics for discussion.
11. Executive Director Matthew Keigan informed the Board after review of the NCEES Enforcement Exchange, there was one (1) new complaint 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.
12. Executive Director Matthew Keigan advised the Board that the case tracking spreadsheet that was distributed to all members had been updated.
13. Chairman Paul Tyrell presented the application review report provided by Eric Funk for Board consideration. Ronald Willey moved, seconded by Maurice Pilette, to accept the report and ratify the application approvals. Motion passed with a vote of 8-0. Members in Favor: Erin Joyce, Paul Tyrell, Maurice Pilette, Ronald Willey, Azu Etoniru, Dan Caron, Shannon Slaughter, and Kenneth Anderson. Members opposed: None.
14. Sheila York advised the Board that applicant #1024024 had indicated that he had applied to the Indiana (IN) Board for licensure as a PE but was denied approval. The denial was based on the fact that the applicant had taken the NCEES Principles and Practices (P&P) exam in Wisconsin (WI) prior to obtaining 4 years of work experience, which is allowed in WI but not in IN. Applicant reapplied to IN Board after obtaining the required years of work experience and was issued a PE license.

Ronald Willey motioned, seconded by Azu Etoniru, to allow applicant #1024024's application to move forward. Motion passed with a vote of 8-0. Members in Favor: Erin Joyce, Paul Tyrell, Maurice Pilette, Ronald Willey, Azu Etoniru, Dan Caron, Shannon Slaughter, and Kenneth Anderson. Members opposed: None.
15. Sheila York advised the Board that applicant #1024064 had indicated that he was licensed by the North Carolina (NC) Board for 2 years but voluntarily surrendered his license because the renewal dates for individual license and firm license were staggered by 6 months and it was necessary to avoid paying additional firm licensing fees.

Kenneth Anderson motioned, seconded by Azu Etoniru, to request that applicant #1024064 provide additional information regarding the voluntary surrender of his license to ensure that no discipline was involved. Motion passed with a vote of 8-0. Members in Favor: Erin Joyce, Paul Tyrell, Maurice Pilette, Ronald Willey, Azu Etoniru, Dan Caron, Shannon Slaughter, and Kenneth Anderson. Members opposed: None.

16. Sheila York advised the Board that applicant #1022090 had indicated that he was denied licensure by the Oregon (OR) Board based on his Principles and Practices (P&P) exam from PA in 1974 was not considered an NCEES exam. He further stated that he was disciplined by the West Virginia (WV) Board after his secretary accidentally filled out his P&P exam application stating "Soliciting business in WV" prior to being licensed in the state.

Chairman Paul Tyrell requested that an interview be scheduled with the applicant as he is applying as a 20-year candidate and the Board can obtain additional information regarding the above stated matters at that time.

17. Chairman Paul Tyrell left the meeting due to a previous engagement and Vice Chairman Ronald Willey took over as acting Chair.
18. Vice Chairman Ronald Willey opened the meeting to the public for comment and recognized Abbie Goodman.

Abbie Goodman thanked Sheila York for her 16 years of work with the Engineer Board and welcomed Jenna Hentoff. She also inquired about the status of the draft language for "Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts." Sheila York stated that the draft is still under review internally.

19. Vice Chairman Ronald Willey noted that there were no further topics for discussion at the Open Meeting Session.
20. At 10:06AM, the Board voted to enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a vote of 8-0. Members in Favor: Erin Joyce, Paul Tyrell, Maurice Pilette, Ronald Willey, Azu Etoniru, Dan Caron, Shannon Slaughter, and Kenneth Anderson. Members opposed: None.

Report of actions taken during closed investigate conference:

- 2021-000319-IT-ENF: Refer to Prosecutions
- 2021-000574-IT-ENF: Dismiss with Advisory Letter
- 2020-000207-IT-ENF: Refer back to Prosecutions

Respectfully submitted by,



Eric Funk
Board Administrator

Documents used at the public meeting

- Agenda for September 24, 2021 Meeting
- Draft Minutes of August 26, 2021 Open Meeting
- Email from Lynne Ferriera, dated September 9, 2021, requesting guidance on which types of land surveying qualify as "incidental" for a civil engineer.

