



MAURA HEALEY
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OCCUPATIONAL LICENSURE

Minutes of the December 21, 2023 Open Meeting

Meeting was held remotely by video conference and telephone pursuant to Chapter 2 of the Acts of 2023: *An Act Making Appropriations for the Fiscal Year 2023 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects*, signed into law on March 29, 2023.

The following attendance was recorded:

Board Members Present Remotely

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

Board Members Absent

Members of the Public Present

Abbie Goodman, TECET
Eric Salovitch, PLS License Applicant
Kevin Flowers, PLS License Applicant
John "Jack" Kaiser, PLS License Applicant

Division Staff Members Present

at Various Times during the Meeting:

Kathleen McNally, Executive Director of
Various Boards
Patricia LaFore, Board Counsel
Jenna Hentoff, Board Counsel
Mary Pixley, Prosecuting Counsel
Eric Funk, Board Administrator

1. At 9:01 AM, Executive Director Kathleen McNally provided notice that pursuant to M.G.L. Ch. 30A, § 20, the meeting would be recorded.



2. At 9:02AM, Azu Etoniru motioned, seconded by Nancy Gould, to open the meeting. Motion passed unanimously with a vote of 7-0. Members in Favor: Nancy Gould, Paul Tsang, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Shannon Slaughter, and Paul Tyrell. Members opposed: None.
3. Erin Joyce joined the meeting at 9:04AM.
4. The Board reviewed the minutes of the November 16, 2023, Open Meeting. Azu Etoniru moved, seconded by Nancy Gould, to accept the minutes with a minor edit in section #17. Motion passed with a vote of 7-0-1. Members in Favor: Nancy Gould, Paul Tsang, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tyrell, and Erin Joyce. Members opposed: None. Members Abstaining: Shannon Slaughter.
5. Ronald Willey joined the meeting at 9:06AM.
6. Chairman Paul Tyrell also took a few minutes to acknowledge fellow Board member and recent elected Mayor of Braintree, Erin Joyce. He noted how proud the Board is that she was elected Mayor, and while congratulations are in order, he stated that it unfortunately means that she has resigned her seat on the Board, effective the end of the month, to focus on her Mayoral duties.
7. Chairman Paul Tyrell's safety item focused on how even he sometimes to follow his own safety advice. He stated that he undertook a small project without proper preparation, proper tools, and the proper platform to stand on which could have spelled disaster but thankfully only resulted in the failure to complete the task.
8. The Board reviewed the minutes of the November 16, 2023, Executive Session. Azu Etoniru moved, seconded by Nancy Gould, to accept the minutes as written. Motion passed with a vote of 8-0-1. Members in Favor: Nancy Gould, Paul Tsang, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tyrell, Erin Joyce, and Ronald Willey. Members opposed: None. Members Abstaining: Shannon Slaughter.
9. Chairman Paul Tyrell informed the Board that the next meeting was scheduled to be held on January 25, 2024. No conflicts were noted. Kenneth Anderson motioned, seconded by Azu Etoniru, to accept the proposed meeting dates for 2024 which will be posted to the Board's website. Motion passed with a vote of 8-0-1. Members in Favor: Nancy Gould, Paul Tsang, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tyrell, Erin Joyce, and Ronald Willey. Members opposed: None. Members Abstaining: Shannon Slaughter.
10. Shannon Slaughter informed the Board that she too has resigned her seat on the Board, effective the end of the month. She stated that it has been a pleasure to serve on the Board for the past four (4) years.

Chairman Paul Tyrell reaffirmed Shannon's contributions to the Board as the Public Member, noting her wealth of legal expertise and significant value in supporting what the Board does and acknowledged that she will be missed.

11. Abbie Goodman had a follow-up question regarding the proposed 2024 Board meeting dates. She inquired if the public would have access virtually, via Microsoft teams, as well as in-person to the meetings.

After a brief discussion about the feasibility of in-person meeting in 2024, it was decided that meeting would continue virtually, via Microsoft Teams, until such time that new Board members had been appointed by the Governor and all members could discuss and vote on the matter.

12. Chairman Paul Tyrell acknowledged Eric Salovitch and asked if he had something to add to this

topic of discussion. Mr. Salovitch stated that he was seeking an update on the October 2023 JP exam results. He stated that he was surprised that the topic was not on the agenda and expressed his concern and displeasure with what he believed to be an unacceptable amount of time for the results to be available. He further stated that both New Hampshire and Maine had released their results and candidates who passed had already received their licenses in both those states.

Chairman Paul Tyrell informed Mr. Salovitch that the processes of other state Boards have no bearing on those of Massachusetts.

Joyce Hastings then explained to Mr. Salovitch that the JP exam subcommittee had not yet met to review and score the exam, but it was anticipated that the scores and report would be available for the January 25, 2024, meeting.

13. Dan Caron joined the meeting at 9:26AM.

14. Chairman Paul Tyrell advised the members that the nomination and election of Board Chair, Vice Chair, and Secretary are to be considered.

Azu Etoniru motioned to keep Chairman Paul Tyrell and Vice Chair Ron Willey in their current positions. Motion was seconded by Paul Tsang. Motion passed unanimously with a vote of 10-0. Members in Favor: Nancy Gould, Paul Tsang, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tyrell, Erin Joyce, Ronald Willey, Shannon Slaughter, and Dan Caron. Members opposed: None.

Chairman Paul Tyrell motioned to keep Azu Etoniru as Secretary. Motion was seconded by Paul Tsang. Motion passed unanimously with a vote of 10-0. Members in Favor: Nancy Gould, Paul Tsang, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tyrell, Erin Joyce, Ronald Willey, Shannon Slaughter, and Dan Caron. Members opposed: None.

15. In response to the impending resignations of Erin Joyce and Shannon Slaughter, Chairman Paul Tyrell requested volunteers for the Complaint Committee as both Erin and Shannon would no longer be participating.

Nancy Gould volunteered to join the Complaint Committee.

Chairman Paul Tyrell thanked Nancy Gould for volunteering and noted that with four (4) members, the committee should be able to handle the current level of work with the hope that once the Governor has appointed a Public Member, that individual would be willing to join the committee as well.

16. Board Counsel Patricia LaFore informed the Board that the draft language for Continuing Professional Competency (CPC) regulations remains under review. She stated that the updated draft language had been forwarded to the Governor's Legal Office for review.

Chairman Paul Tyrell expressed his continued concern over the length of time that these draft regulations have been under review as the Board believes that CPC requirements are paramount to the health, safety, and welfare of the general public.

Board Counsel Jenna Hentoff further noted that Board Counsel Patricia LaFore will forward the Chairman's concerns to DOL's General Counsel and will try to obtain a timeframe for when a determination may be forthcoming from their office.

17. Board Counsel Patricia LaFore informed the Board that there were no further legal topics for discussion.

18. Executive Director Kathleen McNally informed the Board that the revised and updated complaint tracking spreadsheet was still undergoing review and updating but that she was making progress

towards completion.

She also informed the Board that the comprehensive review of the NCEES Enforcement Exchange also remains ongoing and where appropriate, disciplinary actions and dispositions taken by the Board are being reported and uploaded to the individual's NCEES Enforcement record.

She also advised the Board that all matters with an executed final decision and order will be added to the Board's packet each month for review.

19. Executive Director Kathleen McNally reiterated to the Board that while there had been some positive movement in November regarding the discussions between senior management and PCS regarding the proposed conversion of the State Specific Jurisprudence (JP) exam from paper and pencil to a computer-based testing (CBT) format, there was no new update at this time.
20. Executive Director Kathleen McNally informed the Board that licensee Carlos Ferreira, #41423-C, formally petitioned the Board to terminate his suspension as the 18-month suspension period imposed by the Board has expired. She also summarized the Board's decision that led to the suspension and \$2,500.00 fine that was imposed in the matter.

After a brief discussion, Kenneth Anderson moved, seconded by Nancy Gould, to grant the petition to terminate the licensee's suspension. Motion passed unanimously with a vote of 10-0. Members in Favor: Nancy Gould, Paul Tsang, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tyrell, Erin Joyce, Ronald Willey, Shannon Slaughter, and Dan Caron. Members opposed: None.

21. Chairman Paul Tyrell presented the application review report provided by Eric Funk for Board consideration. Azu Etoniru moved, seconded by Nancy Gould, to accept the report and ratify the application approvals. Motion was seconded by Paul Tsang. Motion passed unanimously with a vote of 10-0. Members in Favor: Nancy Gould, Paul Tsang, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tyrell, Erin Joyce, Ronald Willey, Shannon Slaughter, and Dan Caron. Members opposed: None.
22. Eric Funk informed the Board that there were a number of Land Surveyor applicants that had been approved to move forward to the oral exam/interview phase of the approval process. He stated that he would be sending out an email to all candidates regarding their availability and would also email the committee members regarding their availability so that the interview schedule can be formalized.
23. Board Counsel Patricia LaFore provided the Board with a brief overview of applicant #1032367, who indicated that they had discipline from another state's engineer licensing board. The applicant entered into a consent agreement with the AL Board for violation of Title 34, Chapter 11, Code of Alabama 1975, Section 34-11-11 (a) (2) and the Rules and Regulations of the Administrative Code of the Board § 330-X-11-.03(4)(a) and § 330- X-14-.06(a)(1), by allowing a non-licensed individual to pursue engineering projects and garner contracts for engineering design services. Per the consent agreement, the applicant was issued a reprimand and ordered to pay a fine of \$750 at the time of the executed agreement.

Dan Caron motioned, seconded by Ronald Willey, to take no further action against the applicant and allow his application to move forward in the licensure process. Motion passed unanimously with a vote of 10-0. Members in Favor: Nancy Gould, Paul Tsang, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tyrell, Erin Joyce, Ronald Willey, Shannon Slaughter, and Dan Caron. Members opposed: None.

24. Board Counsel Patricia LaFore provided the Board with a brief overview of applicant #1032835, who indicated that they had discipline from another state's engineer licensing board. The applicant entered into a consent agreement with the PA Board for violation of Section 11 (b) of the Act, 63 P.S. § 158 (b), in that licensee practiced the profession of an engineer without being properly licensed to do so under this act. Specifically, he practiced engineering in PA from October 1, 2011, until January 5, 2017, with an expired license. Per the consent agreement, the applicant was ordered to pay a fine of \$4,500 for violation of Section 11 (b) of the Act, 63 P.S. § 158 (b) as well as a fine of \$732.20 for the cost of the investigation, at the time of the executed agreement.

Ronald Willey motioned, seconded by Nancy Gould, to take no further action against the applicant and allow his application to move forward in the licensure process. Motion passed unanimously with a vote of 10-0. Members in Favor: Nancy Gould, Paul Tsang, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tyrell, Erin Joyce, Ronald Willey, Shannon Slaughter, and Dan Caron. Members opposed: None.

25. Chairman Paul Tyrell opened the meeting for public comment and recognized Abbie Goodman who inquired if the Board had provided written responses to the three (3) emails that were discussed at the October 26, 2023, Board meeting.

Eric Funk informed Abbie Goodman that the Board had a draft response for one of the emails but was still working on drafts for the other two (2) email responses.

She further requested that the Board make note, for the minutes, of their response letter to Massachusetts Department of Environmental Protection (MassDEP) regarding their draft Guidance document to regulate a new methodology of salt marsh restoration.

Chairman Paul Tyrell provided the Board with a refresher on the topic and stated that he and Azu Etoniru provided feedback to Board Counsel which was then forwarded to MassDEP.

Abbie Goodman thanked the Board for their input on the matter and for providing an excellent letter in response to MassDEP's request.

Abbie Goodman also took a moment to thank both Erin Joyce and Shannon Slaughter for their valuable contributions and service to the Board over the years.

Chairman Paul Tyrell also echoed Abbie Goodman's statement and added that it has been a pleasure working with both Erin and Shannon and that they would be missed.

26. At 9:53AM, Azu Etoniru moved, seconded by Nancy Gould, to end the Open Session of the meeting and enter Closed Investigative Conference pursuant to G.L. c. 112, § 65C. Motion passed unanimously with a vote of 10-0. Members in Favor: Nancy Gould, Paul Tsang, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tyrell, Erin Joyce, Ronald Willey, Shannon Slaughter, and Dan Caron. Members opposed: None.

Executive Director Kathleen McNally acknowledged that recording of the Open Session of the meeting had ended.

Report of actions taken during closed investigate conference:

- 2022-000933-IT-ENF: Review Counteroffer presented by Prosecutor M. Pixley and gave further guidance as to what the Board expectations are for settlement.

27. At 10:03AM, Kenneth Anderson moved, seconded by Dan Caron to exit closed session and adjourn the meeting. Motion passed unanimously with a vote of 10-0. Members in Favor: Nancy Gould, Paul Tsang, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tyrell, Erin Joyce, Ronald Willey, Shannon Slaughter, and Dan Caron. Members opposed: None.

Respectfully submitted by,



Eric Funk
Board Administrator

Documents used at the public meeting:

- Agenda for December 21, 2023 Meeting
- Draft Minutes of November 16, 2023 Open Meeting
- List of proposed 2024 meeting dates
- Petition for License Suspension Termination-Ferriera(including Consent Agreement)
- Documents for review of suitability for two license candidates