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OCCUPATIONAL LICENSURE

## Minutes of the August 23, 2023 Open Meeting

Meeting was held in person at 1000 Washington Street, Room 1D, Boston, MA and 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 in person**

Paul Tyrell, PE, PLS, Chairman  
Kenneth Anderson, PLS

### **Board Members Present remotely**

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

### **Board Members Absent**

### **Members of the Public Present**

Eric Salovitch, PLS License Applicant  
John Kaiser, PLS License Applicant  
Abbie Goodman, TECET

### **Division Staff Members Present at Various Times during the Meeting:**

Kathleen McNally, Executive Director of  
Various Boards  
Kristina Gasson, Deputy General Counsel  
Jenna Hentoff, Board Counsel  
Patricia LaFore, Board Counsel  
Eric Funk, Board Administrator  
Mary Pixley, Prosecuting Counsel  
Philip Chan, Prosecuting Counsel  
Andrew Lutynski, Investigations Supervisor

1. At 9:10AM, Executive Director Kathleen McNally provided notice that pursuant to M.G.L. Ch. 30A, § 20, the meeting would be recorded.
2. At 9:11AM, Kenneth Anderson motioned, seconded by Azu Etoniru, to open the meeting. Motion passed with a vote of 10-0. Members in Favor: Shannon Slaughter, Nancy Gould, Paul Tyrell, Erin Joyce, Dan Caron, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tsang, and Ronald Willey. Members opposed: None.
3. The Board reviewed the minutes of the July 27, 2023, Open Meeting. Kenneth Anderson moved, seconded by Azu Etoniru, to accept the minutes with minor edits to sections 4, 17, and 20. Motion passed with a vote of 9-0-1. Members in Favor: Shannon Slaughter, Nancy Gould, Paul Tyrell, Erin Joyce, Dan Caron, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tsang, and Ronald Willey. Members opposed: None. Members abstaining: Shannon Slaughter
4. The Board reviewed the minutes of the June 22, 2023, Executive Session. Kenneth Anderson moved, seconded by Azu Etoniru, to accept the minutes as written. Motion passed with a vote of 10-0. Members in Favor: Shannon Slaughter, Nancy Gould, Paul Tyrell, Erin Joyce, Dan Caron, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tsang, and Ronald Willey. Members opposed: None.
5. Chairman Paul Tyrell reminded attendees to practice safe swimming as summer comes to an end.
6. Chairman Paul Tyrell informed the Board that the next meeting was scheduled to be held on September 28, 2023. Dan Caron noted a conflict with that date as he would be on vacation. The meeting would again be held as a hybrid meeting with members attending in-person at the DOL offices and remotely via Microsoft Teams.
7. Chairman Paul Tyrell informed the Board that the NCEES Annual Meeting was held in Boston's Seaport District from August 15-18, 2023. He stated that he was disappointed that more members of the Board and members of DOL staff were unable to attend.

He stated that in addition to himself, Azu Etoniru, Erin Joyce, and Ronald Willey also attended various portions of the meeting and that it was a great week. He further stated that the 2024 NCEES Annual Meeting would be held in Chicago and he encouraged Nancy Gould to attend as a new Board member funded delegate.

8. Executive Director Kathleen McNally advised the Board that while senior management has been fully briefed on their request to convert the State Specific Jurisprudence (JP) exam from paper and pencil to a computer-based testing (CBT) format, there was no update available at present time. She stated that she would continue to push for agency movement on this matter.

Deputy General Counsel Kristina Gasson confirmed for the Board that the DOL has extended the contract with PCS for another three (3) years and is currently in discussion with them on how best to move forward with a conversion to computer-based testing for the JP exam.

Chairman Paul Tyrell asked if there were other agencies, besides PCS, that provide the same or similar services for engineering licensure, as the performance from PCS has been less than ideal. He stated that the Massachusetts Board is the only remaining client of PCS for engineering licensure services and encouraged the DOL to investigate the type of services the other NCEES Member Boards use, if any, to determine if there are alternatives available beyond PCS. He

further stated that NCEES would be able to provide the DOL with information related to how other Member Boards operate.

9. Board Counsel Patricia LaFore informed the Board that the draft language for Continuing Professional Competency (CPC) regulations was recently moved to the General Counsel's office at the Executive Office of Administration and Finance (A&F) for continued review.
10. Board Counsel Patricia LaFore advised the Board that the draft "Professional Practice: A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts" ("Guide") is still undergoing a very thorough review by DOL's General Counsel and Deputy General Counsel.

Deputy General Counsel Kristina Gasson informed the Board that the Guide will also need to undergo a review with the Board of Building Regulations and Standards (BBRS) as there are numerous mentions of their regulations included in the document.

11. Board Counsel Patricia LaFore informed the Board that there were no further legal topics for discussion.
12. Executive Director Kathleen McNally informed the Board that the revised and updated complaint tracking spreadsheet was still undergoing review and updating with the hope that a current version would be available in the coming months.

Eric Funk added that a technical issue was discovered that was preventing documents from uploading to the NCEES Enforcement Exchange. After investigation, it was determined that the technical issue originated with the DOL's system, not NCEES. The issue appears to be resolved with a recent system update and documents are again being uploaded to the Enforcement Exchange.

13. Executive Director Kathleen McNally reminded the Board that senior management gave the okay for all Office of Investigations and Prosecutions staff to be provided with access to NCEES to take advantage of the numerous law enforcement resources and training opportunities that NCEES provides to member Boards.

Chairman Paul Tyrell informed the Board that one of the offerings during the NCEES Annual Meeting was a Law Enforcement training. He stated that it would have been a great opportunity for members of DOL's Investigative and Prosecutions staff to attend.

14. Vice Chairman Ronald Willey was experiencing technical issues and dropped off the call.
15. Chairman Paul Tyrell presented the application review report provided by Eric Funk for Board consideration. Kenneth Anderson 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: Shannon Slaughter, Nancy Gould, Paul Tyrell, Erin Joyce, Dan Caron, Azu Etoniru, Joyce Hastings, Kenneth Anderson, and Paul Tsang. Members opposed: None.
16. Joyce Hastings gave the Board a report on the four (4) interviews that were conducted by the Oral Exam/Interview Committee on August 10, 2023. The full breakdown is as follows:

- **Applicant 1030015:** Committee recommends this applicant be approved to take the State Specific Jurisprudence (JP) exam.

- **Applicant 1028437:** Applicant applied under classification “c” which requires at least 6 years of qualifying surveying experience under the direct supervision of a licensed PLS; at least two (2) years of formal education with a minimum of 60 semester credit hours and 18 credit hours of land surveying courses. While the applicant was able to demonstrate that he met the educational requirements, his references were another matter. During the review phase, it was discovered that of his three (3) licensed PLS references required by regulation, only two (2) were intimately acquainted with his surveying work and one (1) had no knowledge of his work as he only knew him from a certificate course that they both took. In addition, one (1) of the applicant’s work samples showing boundary line determination was stamped by a P.E., not a PLS as allowed under regulation which constitutes unlicensed practice and is not acceptable to the Board. Committee recommends that the applicant provide a reference from a licensed PLS familiar with his work and additional samples of his boundary survey work and boundary decision making that has been overseen by a licensed PLS.
- **Applicant 1029137:** Committee recommends this applicant be approved to take the State Specific Jurisprudence (JP) exam.
- **Applicant 1025276:** Committee recommends this applicant be approved to take the State Specific Jurisprudence (JP) exam.

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

17. Chairman Paul Tyrell opened the meeting for public comment and recognized Eric Salovitch, a PLS license applicant, who was one (1) of the oral exam/interview candidates who was approved to move forward. Mr. Salovitch thanked the Board for the enjoyable process and for approving his application.

Chairman Paul Tyrell then acknowledged Abbie Goodman, TECET, who asked for clarification on whether the revised CORI policy has been approved by the Board and posted to the Board’s website. Deputy General Counsel Kristina Gasson confirmed for her that the policy was reviewed and approved and is posted to the Board’s website.

Abbie Goodman further stated that that her office continues to receive calls from members of the public who are confused about what engineers, land surveyors, and architects can do as well as from municipal officials. She reiterated the need for the Joint Policy Guide to be approved and distributed as soon as possible.

18. At 9:44AM, Kenneth Anderson moved, seconded by Azu Etoniru, to end the Open Session of the meeting and enter Closed Investigative Conference pursuant to G.L. c. 112, § 65C. Motion passed with a vote of 9-0. Members in Favor: Shannon Slaughter, Nancy Gould, Paul Tyrell, Erin Joyce, Dan Caron, Azu Etoniru, Joyce Hastings, Kenneth Anderson, and Paul Tsang. Members opposed: None.

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

Vice Chair Ronald Willey logged back into the meeting.

Report of actions taken during closed investigate conference:

- 2023-000101-IT-ENF: Refer Back to Prosecutions
- 2023-000447-IT-ENF: Dismiss
- 2022-000360-IT-ENF: Refer Back to Prosecutions
- 2022-000313-IT-ENF: Refer Back to Prosecutions (Paul Tyrell recused)

19. At 10:43AM, the Board voted to exit closed Investigative Conference and adjourn the meeting.

Respectfully submitted by,



Eric Funk  
Board Administrator

Documents used at the public meeting:

- Agenda for August 23, 2023 Meeting
- Draft Minutes of July 27, 2023 Open Meeting
- Draft Minutes of June 22, 2023 Executive Session