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Commonwealth of Massachusetts
Division of Professional Licensure
Board of Registration of Professional Engineers
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UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

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

Minutes of the October 22, 2020 Open Meeting

Meeting was held remotely by video conference and telephone as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts dated March 12, 2020 suspending certain provisions of the open meeting law.

The following attendance was recorded:

Board Members Present

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

Board Members Absent

Members of the Public Present

Abbie Goodman, TECET

Division Staff Members Present
at Various Times during the Meeting:

Matthew Keigan, Executive Director
Sheila York, Board Counsel
Eric Funk, Board Administrator
Seth Henderson, Prosecuting Counsel

1. Chairman Paul Tyrell opened the meeting at 9:03AM. With the meeting being held via conference call there was no discussion of evacuation procedures. However, Chairman Paul Tyrell did remind members that with the winter months approaching they should consider winterizing their vehicles.
2. The Board reviewed the minutes of the September 24, 2020 Open Meeting. Azu Etoniru moved, seconded by Joyce Hastings, to accept the meeting minutes with a minor edit in #10 on page 2. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Dan Caron, Paul Tsang, Erin Joyce, Ronald Willey, and Kenneth Anderson. Members opposed: none.
3. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on November 19, 2020.



4. Sheila York reminded the Board that as the Board continues to conduct meetings via video conference, roll call voting would be in effect.
5. Sheila York updated the Board on the status of draft language regarding Continuing Professional Competency (CPC). She informed the Board that she continues to receive questions from upper management which is working to move the draft forward.
6. Sheila York informed the Board that the language in "Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts" was currently under review by the Architecture Board. Executive Director Matthew Keigan stated that the Architect Board would be meeting on October 27, 2020 where they would be discussing potential edits

Chairman Paul Tyrell advised the Board that once the updated guide was approved for dissemination, outreach would need to be robust. Abbie Goodman concurred and indicated that her organization could assist with outreach.

7. Sheila York briefed the Board about an upcoming adjudicatory Hearing on January 21, 2021. Chairman Paul Tyrell and Dan Caron indicated that they would like to attend the hearing.
8. Sheila York stated that there were no further pending legal matters for discussion.
9. Executive Director Matthew Keigan informed the Board that three (3) MA licensees reported discipline to the NCEES Enforcement Exchange and that he opened three (3) new cases 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.

Additionally, Executive Director Matthew Keigan informed the Board that one (1) MA licensee reported discipline to the NCEES Enforcement Exchange and that he is currently monitoring whether or not the licensee notifies Massachusetts of the discipline in another jurisdiction within the thirty (30) day window to report such discipline as outlined in the regulations.

There was no action taken by the Board.

10. Executive Director Matthew Keigan indicated that he and Dan Caron would work together to revise and update the current case tracking spreadsheet utilized by the Complaint Committee. He stated that the revised spreadsheet would track all cases and Board decisions, not just the current cases.
11. Sheila York briefed the Board regarding comity applicant #1019723 who was disciplined, along with his firm, by the Oklahoma Board for failure to obtain a Certificate of Authorization to Offer and/or Practice Engineering in the State of Oklahoma prior to providing engineering services in the state.

After review of the Consent Order in the above matter, Dan Caron motioned, seconded by Maurice Pilette, to allow the application to move forward in the licensing process. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce, and Dan Caron. Members opposed: none.

12. Chairman Paul Tyrell presented the application review report provided by Eric Funk for Board consideration. Azu Etoniru motioned, seconded by Shannon Slaughter to accept the report and ratify the application approvals. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Ronald Willey, Dan Caron, Kenneth Anderson, Joyce

Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, and Erin Joyce.
Members opposed: none.

13. Executive Director Matthew Keigan stated that the Board was notified via email less than 48 hours prior to the meeting, that a currently licensed MA P.E was disciplined in another jurisdiction for failing to obtain a Certificate of Authorization to Offer and/or Practice Engineering in the State of Oklahoma prior to providing engineering services in the state. He provided a summary of the issue as described in the Consent Order.

There was no action taken by the Board.

14. Executive Director Matthew Keigan presented an email from Adam Levesque, dated October 12, 2020, regarding SE designation in Massachusetts.

Executive Director Matthew Keigan stated that the Board's regulations do not specifically address a designation of SE (Structural Engineer) as all licensed engineers in Massachusetts are designated as licensed Professional Engineers (P.E.).

Chairman Paul Tyrell stated that Massachusetts is not a discipline specific state which is why Massachusetts does not have a separate SE license designation. He further stated that applicants who have passed the NCEES 16 hour structural exam can be licensed in the discipline of Structural but they are considered P.E.'s under the Board's regulations.

Sheila York agreed with both statements and indicated that per Board regulations, a licensed P.E. who has passed the NCEES 16 hour structural exam is not in violation of Board regulations if they are using the designation SE after their name and not engaged in any misrepresentation to the public.

Sheila York further stated that if an individual was unlicensed or licensed based on a discipline other than structural, it is a different situation, and the Board would review all the relevant details to determine if the individual is misleading the public.

Maurice Pilette stated that he agreed with Sheila York that a using the designation of SE when unlicensed or licensed in a different discipline could be considered a violation under the regulations.

15. At 9:38AM, the Board voted to end the Open Session of the video conference call and enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Ronald Willey, Dan Caron, Kenneth Anderson, Joyce Hastings, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, and Erin Joyce. Members opposed: none.

Report of actions taken during closed investigate conference:

- 2020-000624-IT-ENF: Forward to Prosecutions
- 2019-000658-IT-ENF: Dismiss without Prejudice
- 2020-000343-IT-ENF: Dismiss without Prejudice
- 2020-000623-IT-ENF: Forward to Prosecutions
- 2020-000557-IT-ENF: Dismiss without Prejudice
- 2020-000581-IT-ENF: Dismiss without Prejudice

Respectfully submitted by,

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Eric Funk

Board of Registration of Professional Engin...

Documents used at the public meeting

- Agenda for October 22, 2020 Meeting
- Draft Minutes of September 24, 2020 Open Meeting
- Email from Adam Levesque, dated August 25, 2020, dated October 12, 2020, regarding SE designation in Massachusetts.