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

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

## Minutes of the November 19, 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

### 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  
Jenna Hentoff, Prosecuting Counsel

1. Chairman Paul Tyrell opened the meeting at 9:02AM. With the meeting being held via conference call there was no discussion of evacuation procedures.
2. The Board reviewed the minutes of the October 22, 2020 Open Meeting. Kenneth Anderson moved, seconded by Ronald Willey, to accept the meeting minutes as written. Motion passed with a vote of 9-0. Members in Favor: Paul Tyrell, Joyce Hastings, 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 December 22, 2020. Executive Director Matthew Keigan reminded Board members that the meeting would be held on a Tuesday, rather than the normal Thursday due to the Christmas holiday.



4. There were no new safety protocols or remote meeting protocols discussed.
5. Executive Director Matthew Keigan informed the Board that he would be emailing a listing of the proposed meeting dates for 2021 and asked members to review for possible conflicts. He further stated that the DPL is planning to discontinue video conference services through GoToMeeting, therefore, he would not be able to send out calendar invites for more than a few months at a time.
6. Sheila York updated the Board on the status of draft language regarding Continuing Professional Competency (CPC). She informed the Board that upper management continues to review the draft.
7. 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 met on October 27, 2020 and they are currently working on edits and additions.
8. Sheila York briefed the Board about an upcoming adjudicatory Hearing on January 29, 2021. Chairman Paul Tyrell indicated that he would no longer be able to attend. Dan Caron indicated that he would attend the hearing.
9. Sheila York stated that there were no further pending legal matters for discussion.
10. Executive Director Matthew Keigan informed the Board that no licensees reported discipline to the NCEES Enforcement Exchange and no new cases have been opened 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.
11. Executive Director Matthew Keigan updated the Board regarding the current case tracking spreadsheet utilized by the Complaint Committee. He stated that the revised spreadsheet now tracks all cases and Board decisions, not just the current cases. He further stated that a copy of the updated spreadsheet would be sent to all members.

Chairman Paul Tyrell thanked Executive Director Matthew Keigan and Dan Caron for all their hard work on revising the spreadsheet.

12. Chairman Paul Tyrell presented the application review report provided by Eric Funk for Board consideration. Kenneth Anderson motioned, seconded by Dan Caron to accept the report and ratify the application approvals. Motion passed with a vote of 9-0. Members in Favor: Paul Tyrell, Ronald Willey, Dan Caron, Kenneth Anderson, Joyce Hastings, Maurice Pilette, Shannon Slaughter, Paul Tsang, and Erin Joyce. Members opposed: none.
13. Eric Funk informed the Board that NCEES still plans to hold the regional administration of the paper-and-pencil PE Civil exam. Groton, CT is the closest available testing location for Massachusetts candidates. According to the NCEES website, "NCEES is closely monitoring the impact of COVID-19 on the January 2021 pencil-and-paper exam administration. All exam site locations are currently proceeding with reduced capacity restrictions in place. Changes to state and local requirements that further reduce capacities for groups and events may impact the number of examinees that are able to test at a specific site. NCEES will continue to monitor these changes between now and exam day."

Eric Funk stated that registration for the regional administration opened on November 1, 2020 and was slated to close at 3:00 p.m. on December 14, 2020. He further stated that he will continue to monitor the NCEES website and provide updates as needed.

14. Sheila York presented an email from James Hall, dated November 9, 2020, regarding the Swansea Board of Health's proposal for "local licensure" of Professional Engineers. She explained that she has not had an opportunity to review this situation or discuss it with her supervisors. However, municipalities may not enact any by-law or ordinance that is inconsistent with state law. To determine whether a local licensure requirement is inconsistent with state law, courts will analyze whether the town's proposed requirement will frustrate the purpose of state wide licensure laws.

Chairman Paul Tyrell suggested that Azu Etoniru would be an excellent resource for the discussion and recommended holding the discussion until he could participate. He further stated that there are a number of Massachusetts municipalities that require permits/local licenses to perform work.

Ronald Willey and Chairman Paul Tyrell both agreed that local requirements may be beyond the scope of the Board and that the Board does not get involved in such matters.

Kenneth Anderson stated that if a municipality licensed someone to perform engineering/surveying work who would not meet the Board's licensure requirements, which would be something that the Board would need to get involved in.

Maurice Pilette indicated that municipalities do not have purview over licensure qualifications which calls into question how they plan to determine licensure. He also raised the question of an appeals process as it was not clear from the email.

Dan Caron agreed with Maurice Pilette and expressed concern over how they would make the determinations.

Chairman Paul Tyrell commented that if municipalities limit the ability of a licensed professional engineer or professional land surveyor to practice, that would be an issue that the Board would have to weigh in on.

Sheila York advised the Board that she would discuss the matter with DPL's General Counsel and report back at the December meeting. She further stated that she would email Mr. Hall to let him know that the Board has taken the issue under advisement.

15. Chairman Paul Tyrell noted that there were no further topics for the Open Session.
16. At 9:35AM, Ronald Willey motioned, seconded by Kenneth Anderson, to end the Open Session of the video conference call and enter into Closed Executive Session pursuant to G.L. c. 30A, §21(a)(7), to comply with the public record law pursuant to G. L. c. 66, § 10; G. L. c. 4 § 7, ¶ 26(a) and (c) to preserve the confidentiality protections of G. L. c. 6, § 172, and to protect highly personal information of Applicant S.P-K. Members in favor: Chairman Paul Tyrell, Dan Caron, Erin Joyce, Joyce Hastings, Shannon Slaughter, Kenneth Anderson, Maurice Pilette, Ronald Willey, Paul Tsang, and Azu Etoniru. Members opposed: None. The Chair stated that he expected to be in Executive Session for approximately ten (10) minutes.
17. At 9:48AM, the Board voted to end the Closed Executive 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:

- 2019-000684-IT-ENF: Send Back to Prosecutions (Azu Etoniru Recused)
- 2019-001452-IT-ENF: Send Back to Prosecutions

Respectfully submitted by,

A handwritten signature in blue ink, appearing to read 'X E-Funk', is written over a horizontal line.

Eric Funk  
Board of Registration of Professional Engin...

Documents used at the public meeting

- Agenda for November 19, 2020 Meeting
- Draft Minutes of October 22, 2020 Open Meeting
- Email from James Hall, dated November 9, 2020, regarding the Swansea Board of Health's proposal for "local licensure."