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GOVERNOR

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LIEUTENANT GOVERNOR

MIKE KENNEALY  
SECRETARY OF HOUSING AND  
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Commonwealth of Massachusetts  
Division of Professional Licensure  
Board of Registration of Professional Engineers  
and Land Surveyors

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EDWARD A. PALLESCHI  
UNDERSECRETARY OF CONSUMER  
AFFAIRS AND BUSINESS  
REGULATION

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

## Minutes of the December 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  
Azur Etoniru, PE, PLS  
Maurice Pilette, PE  
Shannon Slaughter, Public Member  
Paul Tsang, PE  
Kenneth Anderson, PLS

### Board Members Absent

### Members of the Public Present

Dennis Drumm, PLS  
Erin LeBel, Affiliated Monitors, Inc.  
Abbie Goodman, TECET  
Darren Hardy, PLS, MALSCE  
Brian Koczela, PLS, BEK Associates  
Gregg Gavin  
Brad Travers, PLS Applicant  
Gerber Ramos-Martinez, PE Applicant  
Thomas Scarangella, PE Applicant  
Jeremiah Raitt, PLS Applicant

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

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

1. Chairman Paul Tyrell opened the meeting at 9:01AM. With the meeting being held via conference call there was no discussion of evacuation procedures.
2. The Board reviewed the minutes of the November 19, 2020 Open Meeting. Ronald Willey moved, seconded by Azur Etoniru, to accept the meeting minutes as written. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Joyce Hastings,



Maurice Pilette, Shannon Slaughter, Dan Caron, Azu Etoniru, 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 January 28, 2021. Executive Director Matthew Keigan informed Board members that the meeting would be held over Microsoft Teams and that new calendar invitations with meeting details will be sent via email.
4. There were no new safety protocols or remote meeting protocols discussed.
5. Chairman Paul Tyrell acknowledged that former Board member Dennis Drumm was participating in the virtual meeting. He informed all participants that Massachusetts Governor Charlie Baker had issued a certificate of recognition of service to Dennis for his many years of outstanding service with the Board.

Chairman Paul Tyrell, former Executive Director of the Board Erin LeBel, several members of the Board, MALSCE President Darren Hardy, Abbie Goodman, and others took a few minutes to thank Dennis for his friendship, years of service, willingness to share his knowledge and expertise in the field, and to tell a few funny stories and wish him well in his future endeavors.

6. Chairman Paul Tyrell advised the Board that the NCEES 2021 Member Board Administrators' Meeting & Board Presidents' Assembly, which is usually held in Atlanta, GA, would take place virtually on January 29, 2021. Chairman Paul Tyrell, Azu Etoniru, Executive Director Matthew Keigan, and Eric Funk will attend.
7. 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 but has not yet given the go ahead to hold public hearings.
8. Sheila York informed the Board that the language in "Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts" has been reviewed by the Architecture Board. Executive Director Matthew Keigan stated that the Architect Board met on October 27, 2020 and they continue working on edits and additions. He further stated that the edits that final edits should hopefully be discussed that the next AR Board meeting on January 26, 2021.
9. 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 the matter had been escalated to DPL General Counsel for review but that a response has not yet been received.

Chairman Paul Tyrell inquired about the motivation of the Swansea Board of Health's for putting forth the proposed requirement.

Abbie Goodman apprised the Board about her conversation with a representative for the Board of Health regarding the matter. She stated that the impetus for the proposal was not to generate revenue for the Town, rather, it was intended to address the unlicensed and/or uninsured practice of a professional engineer in Swansea.

Sheila York indicated that the Board currently does not have enough information regarding the underlying matter that lead to the Town's proposal.

Maurice Pilette asked if the Administrative Law Division of the Massachusetts Office of the Attorney General should be notified of the proposal.

Azu Etoniru informed the Board that there has been a trend on the South Shore of the creation of “approved vendor” lists which allows for licensed individuals to perform work in the city or town. He further stated that some cities/town charge a fee to be on the list.

Sheila York stated that she will draft an advisory letter to the Town of Swansea’s Board of Health regarding the Board’s concerns and provide it to the DPL General Counsel for review and approval. She further stated that the topic of the state board’s statutory authority to evaluate an individual’s qualifications for licensure to practice as an engineer and land surveyor in the Commonwealth can be added to the Join Policy documents that is currently under review with the Board.

10. Sheila York reminded the Board about the upcoming adjudicatory Hearing on January 29, 2021. Dan Caron indicated that he still plans to attend the hearing.
11. Sheila York stated that there were no further pending legal matters for discussion.
12. Executive Director Matthew Keigan informed the Board that one (1) licensee reported discipline to the NCEES Enforcement Exchange and one (1) new case as 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.
13. 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.
14. Executive Director Matthew Keigan again reminded the Board of the switch from Go To Meeting to Microsoft Teams for all future meetings. He stated that he would be sending out new calendar invites as well as information about Microsoft Teams.
15. Chairman Paul Tyrell presented the application review report provided by Eric Funk for Board consideration. Ronald Willey motioned, seconded by Kenneth Anderson 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, Maurice Pilette, Azu Etoniru, Shannon Slaughter, Paul Tsang, and Erin Joyce. Members opposed: none.
16. Dennis Drumm provided the Board with the Jurisprudence Exam Education Sub Committee report on the October 2020 exam results. This was the first administration of the exam since the reduction in the number of exam questions from 50 to 40. The subcommittee’s recommendation was to set the passing rate at 70%.  
  
There were fifteen (15) exam takers. Seven (7) of the 15 exam takers were Massachusetts residents and seven (7) of the 15 were first time takers of the exam. Of the fifteen (15) exam takers, five (5) achieved a passing score of at least 70%.  
  
Azu Etoniru motioned to accept the recommendation of the subcommittee, seconded by Ronald Willey. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Ronald Willey, Dan Caron, Kenneth Anderson, Joyce Hastings, Maurice Pilette, Azu Etoniru, Shannon Slaughter, Paul Tsang, and Erin Joyce. Members opposed: none.
17. Chairman Paul Tyrell presented an email from Charles L. Rowley, dated November 30, 2020, regarding Chapter 91 license plans.

Chairman Paul Tyrell gave a brief overview of Chapter 91, which regulates activities on both coastal and inland waterways, including construction, dredging and filling in tidelands, great ponds and certain rivers and streams.

Erin Joyce and Chairman Paul Tyrell both indicated that 250 CMR 5.00 clearly outline the requirements for professional practice as it relates to stamping or sealing plans and recommended that the Board's response should reflect such.

18. Chairman Paul Tyrell presented an email from Barry Keshner, dated November 21, 2020, regarding a set of blueprints that contained the phrase "Protect slopes from erosion" in the engineer's plan.

Erin Joyce informed the Board that the set of plans were for a Title V septic system but the email did not provide any additional detail regarding the matter.

Kenneth Anderson suggested that the individual reach out to the design profession who created the plans for further information.

Chairman Paul Tyrell indicated that the matter appeared to be outside the purview of the Board and barring further detail, the Board would not be able to comment on the matter. He recommended that the Board's response indicate that the individual contact the design professional for further information regarding the statement in question.

19. At 10:12AM, 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) (1) to discuss the character, rather than competency of Licensee 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 thirty (30) minutes, but that public session would not resume.

20. At 10:42AM, 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:

- |                       |                              |
|-----------------------|------------------------------|
| ➤ 2020-001007-IT-ENF: | Dismiss with Advisory Letter |
| ➤ 2018-000550-IT-ENF: | Dismissed without Prejudice  |
| ➤ 2019-001058-IT-ENF: | Send Back to Prosecutions    |

Respectfully submitted by,



Eric Funk  
Board of Registration of Professional Enqin...

Documents used at the public meeting

- Agenda for December 22, 2020 Meeting
- Draft Minutes of November 19, 2020 Open Meeting

- Email from Charles L. Rowley, dated November 30, 2020, regarding Chapter 91 license plans
- Email from Barry Keshner, dated November 21, 2020, regarding a set of blueprints that contained the phrase “Protect slopes from erosion” in the engineer’s plan