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Commonwealth of Massachusetts
Division of Professional Licensure
Board of Registration of Professional Engineers
and Land Surveyors

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UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

DIANE SYMONDS
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes of the December 19, 2019 Open Meeting

Board members arrive early and begin processing applications. The following attendance was recorded:

Board Members Present

Paul Tyrell, PE, PLS, Chairman
Dennis Drumm, PLS
Ronald Willey, PE, Vice Chairman
Daniel Caron, PE
Azu Etoniru, PE, PLS
Maurice Pilette, PE
Shannon Slaughter, Public Member

Board Members Absent

Paul Tsang, PE
Erin Joyce, PE
Joyce Hastings, PLS

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

1. Chairman Paul Tyrell opened the meeting at 9:08AM and notified attendees of the evacuation procedures.
2. The Board reviewed the minutes of the November 21, 2019 Open Meeting. Ronald Willey moved, seconded by Azu Etoniru, to accept the meeting minutes with two minor edits. Motion passed with a vote of 7-0.
3. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on January 23, 2020.
4. Chairman Paul Tyrell noted that there were no Board Counsel legal report topics for discussion.
5. Executive Director Matthew Keigan informed the Board that information found on the NCEES Enforcement Exchange has resulted in two (2) new complaints being opened for failure to report discipline in another state/jurisdiction within the required 30 day timeframe as outlined in the regulations, to the MA Board.

He further stated that the two (2) new complaints are in addition to the five (5) complaints the Board opened last month for failure to report such discipline to the MA Board.



6. Executive Director Matthew Keigan provided the Board with an update on the ongoing monitoring of licensee # 34623.

Per the licensee, he has had difficulty finding another licensed land surveyor to supervise his work as required by the terms of the consent agreement.

Azu Etoniru inquired if the licensee would have to stop practicing if he is unable to find another licensed land surveyor to supervise his work. Sheila York indicated that yes, he would be required to stop practicing.

Chairman Paul Tyrell stated that he does not believe that the issue is the licensee's inability to find another licensed land surveyor to supervise his work, rather he wonders if the issue is that the licensee is unwilling to hire another licensed land surveyor to supervise his work.

Sheila York stated that the Board can let him know that he needs to comply with the terms of the consent agreement otherwise he will need to stop practicing until he does.

Dennis Drumm indicated that the letter to the licensee should include a reminder that he can hire another licensed land surveyor to supervise his work.

7. Dennis Drumm provided the Board with the Jurisprudence Exam Education Sub Committee report on the October 2019 exam results. The subcommittee's recommendation was to set the passing rate at 70%.

There were nineteen (19) exam takers. Twelve (12) of the 19 exam takers were Massachusetts residents and thirteen (13) of the 19 were first time takers of the exam. Of the 19 exam takers, nine (9) achieved a passing score of at least 70%.

Azu Etoniru motioned to accept the recommendation of the subcommittee, seconded by Shannon Slaughter. Motion passed with a vote of 7-0.

8. Azu Etoniru informed the Board that members of the Jurisprudence Exam Education Sub Committee had discussed ways in which to address the seemingly low pass rate. For context, Dennis Drumm stated that the exam consists of fifty (50) questions and a two (2) hour time limit. The discussion brought up several possible ways in which to potentially address the low pass rate with the participants ultimately deciding that a reduction in the number of questions from 50 to 40 would be a reasonable recommendation to present to the Board for discussion.

Sheila York stated that the topic would be added to the agenda for either January or February 2020.

9. Sheila York presented the Board with an application question related to applicant #1015333. This applicant indicated that the WV Board took action against his PE license for an ethics violation back in 1997. The applicant indicated that the WV Board

ultimately dismissed the matter with prejudice after he completed 20 PDH's of developmental training, of which, 8 hours focused on ethics.

Ronald Willey motioned to allow the application to continue toward licensure. The motion was seconded by Azu Etoniru. Motion passed with a vote of 7-0.

10. Dan Caron asked Sheila York if the December 14, 2019 Boston Globe article about the Division of Professional Licensure (DPL) would have any impact on the Engineer Board.

Sheila York provided the Board with a brief synopsis of the article which dealt in part with applicants and licensees with Criminal Offender and/or Sex Offender Registry issues.

Sheila York stated that the Board has a written policy in place for applicants with criminal convictions or pending criminal charges. As of today's date, she and Matt have not received any notice from DPL of any SORB issue involving a licensee of this Board but she will confirm this with senior management. She also reminded members that media inquiries can be referred to the DPL's communication director and chief of staff John High.

11. At 10:18AM, the Board voted to enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a vote of 7-0.

Report of actions taken during closed investigate conference:

- | | |
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| ➤ 2019-000988-IT-ENF: | Dismissed without prejudice |
| ➤ 2019-001189-IT-ENF: | Dismissed with advisory |
| ➤ 2019-001137-IT-ENF: | Dismissed with advisory |
| ➤ 2019-000224-IT-ENF: | Forward to Prosecutions |
| ➤ 2019-000468-IT-ENF | Dismissed without prejudice |
| ➤ 2019-000658-IT-ENF | Forward to Prosecutions |

12. Open session resumed at 10:28AM.

13. At 10:30AM Chairman Paul Tyrell noted that there were no further topics for the public Board meeting. Ronald Willey motioned to adjourn. Azu Etoniru seconded. Motion passed unanimously.

Respectfully submitted by,



Eric Funk
Board of Registration of Professional Enqin...

Documents used at the public meeting

- Agenda for December 19, 2019 Meeting
- Draft Minutes of November 21, 2019 Open Meeting
- Email from Licensee #34623