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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

DIANE SYMONDS
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes of the November 21, 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
Erin Joyce, PE
Paul Tsang, PE
Shannon Slaughter, Public Member
Joyce Hastings, PLS
Azu Etoniru, PE, PLS
Maurice Pilette, PE

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

1. Chairman Paul Tyrell opened the meeting at 9:10AM and notified attendees of the evacuation procedures.
2. The Board reviewed the minutes of the October 24, 2019 Open Meeting. Azu Etoniru moved, seconded by Joyce Hastings, to accept the meeting minutes. Motion passed with a vote of 10-0.
3. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on December 19, 2019.
4. Chairman Paul Tyrell asked Sheila York for an update on the Department of Public Utilities (DPU) Straw Proposal Order (DPU 19-34) comments which were to be provided to DPU no later than 5:00 p.m. on Monday, November 11, 2019.

Sheila York informed the Board that she submitted the Board's written comments by the stated deadline. She further stated that the DPL did not review any other comments that were provided to the DPU by other interested parties.



Abbie Goodman informed the Board that her organization did review comments submitted by other interested parties and noted that comments submitted by gas companies show displeasure.

Abbie Goodman also informed the Board that New York has filed pending legislation regarding this topic.

5. Executive Director Matthew Keigan briefed the Board on an incident with the October 2019 State Specific Jurisprudence exam that was reported by Professional Credential Services, Inc. (PCS).

The incident involved an applicant appearing at the Boston test location on the wrong date due to conflicting information provided to the applicant by PCS via email. In separate emails sent to the applicant, the date of the exam was changed from Friday, October 25, 2019 to Saturday, October 26, 2019.

According to PCS, the applicant was allowed to take the exam on Saturday, October 26, 2019, under the same test conditions as those who took the exam on Friday, October 25, 2019.

Dennis Drumm inquired as to how this mix-up could happen and what protocols are in place at PCS to prevent such an event from occurring.

Matthew Keigan informed the Board that further discussion will take place with PCS regarding this matter after the exam results have been scored.

6. Sheila York briefed the Board on the status of draft language regarding Continuing Professional Competency (CPC) which is that she was seeking guidance on a possible issue and would update the board accordingly.
7. Sheila York informed the Board that the approved draft clarification language regarding the Use of the Title Engineer had been provided to DPL staff for review and the review was ongoing.
8. Sheila York informed the Board that the draft clarification language intended to provide guidance on 250 CMR 5.01 (2) and more specifically, 250 CMR 5.01 (2) (a), had been provided to DPL staff for review and that review is ongoing.
9. Sheila York informed the Board that there was no update at this time regarding "Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts."
10. Sheila York reminded the Board that mandatory Ethics Training should be completed as soon as possible and the certification should be forwarded to Executive Director Matthew Keigan's attention.
11. Chairman Paul Tyrell asked that a monthly agenda item be added where Board staff can provide the members with an update, reminder, or refresher on a topic of their choosing.

12. Executive Director Matthew Keigan informed the Board that he received the 8th and final quarterly monitoring report from Licensee No. 50744-E.
13. Executive Director Matthew Keigan informed Board a self-report of discipline was received from Licensee No. 27467-ST. Licensee was disciplined by the Oklahoma Board for stamping a set of documents that were not under his direct control and supervision and was fined \$2,000. Executive Director Matthew Keigan informed the Board that the Licensee had properly reported such discipline to MA and it appears on the NCEES Enforcement Exchange.

The Board determined that they will take no action against Licensee.
14. Executive Director Matthew Keigan informed the Board that five (5) MA licensees were on the NCEES Enforcement Exchange as having been disciplined by another state, but have not yet reported such discipline to the MA Board. He further stated that the Board would be opening complaints against each of the licensees for failure to report discipline within the required thirty (30) day timeframe as outlined in the regulations.
15. Sheila York reminded the Board members of the Executive Office of Housing and Economic Development Travel Policy which also includes a required ethics disclosure form.
16. At 10:12AM, the Board voted to enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a vote of 10-0.

Report of actions taken during closed investigate conference:

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| ➤ EN 2019-0683: | Forward to Office of Prosecutions (Azu Etoniru recused) |
| ➤ EN-2019-0684: | Forward to Office of Prosecutions |
| ➤ 2019-000636-IT-ENF: | Dismissed without prejudice |
| ➤ EN-2019-001105: | Forward to Office of Prosecutions |
| ➤ EN-2019-000224-IT-ENF
(Dennis Drumm recused) | Settlement discussions with prosecutor |

17. Open session resumed at 10:18AM.
18. At 10:20AM Chairman Paul Tyrell noted that there were no further topics for the public Board meeting. Azu Etoniru motioned to adjourn. Ronald Willey seconded. Motion passed unanimously.

Respectfully submitted by,



Eric Funk
Board of Registration of Professional Engin...

- Documents used at the public meeting
- Agenda for November 21, 2019 Meeting

- Draft Minutes of October 24, 2019 Open Meeting
- DPU 19-34 Straw Proposal Order.
- Copy of Emails from PCS regarding October 2019 Exam Incident