



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure

1000 Washington Street, Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY, CONSUMER
AFFAIRS AND BUSINESS
REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

Minutes of the AUGUST 29, 2024, Open Meeting

Meeting was held remotely by video conference and telephone pursuant to Chapter 2 of the Acts of 2023: *An Act Making Appropriations for the Fiscal Year 2023 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects*, signed into law on March 29, 2023.

The following attendance was recorded:

Board Members Present Remotely:

Paul Tyrell, PE, PLS, Chairman
Ronald Willey, PE, Vice Chairman
Azu Etoniru, PE, PLS Secretary
Daniel Caron, PE
Nancy Gould, PE
Kenneth Anderson, PLS
Edward Englander, Esq., Public Member
Shallan Fitzgerald, PE

Board Members Not Present:

Joyce Hastings, PLS
Paul Tsang, PE

Members of the Public Present

Matt Bean
Jerry Lebedowych
Kevin Arsenault
Stephen Siragusa

DOL AGENCY Staff Members Present
at Various Times during the Meeting:

Sarah R. Wilkinson, Commissioner of DOL Agency
John Moreschi, DOL Chief of Staff
Sean Pierce, Deputy Chief of Staff
Colleen Maloney, Deputy Commissioner of Boards and Policy
Greer Spatz Croxford, General Counsel
Richard Holtz, Deputy General Counsel
Eric Funk, Board Administrator
Kathleen McNally, Executive Director of Engineer and Land Surveyor Board
Philip Chan, Board Counsel



Andrew Lutynski, Chief of Office of Investigations
Bryan Freitas, Assistant Chief of Office of Investigations
Mary Pixley, Office of Prosecutions
Amanda Chaves, Office of Prosecutions

1. At 9:01 a.m. Executive Director Kathleen McNally announced the opening of the meeting and there was a quorum present. She provided notice that pursuant to M.G.L. Ch. 30A, § 20, the meeting would be recorded.
2. At 9:04 a.m. Azu Etoniru made a motion to open the meeting and Nancy Gould seconded the motion. The Motion passed with a vote of 7-0. Members in Favor: Nancy Gould, Paul Tyrell, Ronald Willey, Dan Caron, Azu Etoniru, Ken Anderson, Ed Englander, and Shallan Fitzgerald. Members opposed: None. Members abstaining: None.
3. Chairman Tyrell introduced and welcomed the newest member to the Board, Shallan Fitzgerald, PE. The Board members and each DOL board staff member who were present introduced themselves to Shallan Fitzgerald. Chair Tyrell explained the statutory requirements for the board member seat number (ten) and the various types of licensees/licenses required to hold a seat on the Board.
4. Board Member Shallan Fitzgerald introduced herself and explained her background, education, her professional license, and expertise in the field of engineering, as well as her current professional practice.
5. Chairman Paul Tyrell's monthly safety topic focused on fire safety and plans and steps to take to be prepared to ensure the safety of everyone present in your home or office, and to use the stairs, and not the elevators, during fire emergencies.
6. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to be held September 26, 2024. Chair Tyrell said he is unable to attend the next meeting due to a conflict, and he asked Vice Chair Ron Willey to manage the meeting as the Chair.
7. Board Chair Tyrell introduced the topic of the quality of the filings at the Registry of Deeds in Suffolk County. Chair Tyrell stated that he had follow-up telephone calls with Commissioner Wilkinson at DOL (the Division of Occupational Licensure). Board Counsel Phil Chan reported that as Commissioner Wilkinson was present at the meeting, he would defer to her regarding an update on the topic pertaining to the quality of filings at the Suffolk County the Registry of Deeds. Board Counsel Chan introduced DOL Commissioner Sarah Wilkinson. Commissioner Wilkinson introduced herself to the Board members and addressed the Board. She stated that DOL recognizes the current issue regarding the Registry of Deeds. Commissioner Wilkinson described her own experiences with the Registries of Deeds in her prior law practice as a real estate litigator. Commissioner Wilkinson discussed opening complaints against licensees relative to this issue. Commissioner Wilkinson assured the Board that DOL can handle complaints regarding this issue occurring at the Registry. This Board regulates and oversees the practice of land surveying, and one of the solutions may be to have more complaints issued against the land surveyor licensees for various professional licensing violations. Commissioner Wilkinson stated that she and the agency are present to assist and support the Board members, and the professional mission of the Board in licensing, overseeing, and regulating the licenses of the Board for the practice of engineering and land surveying. Commissioner Wilkinson also pointed out that the Board and DOL need to be

issuing, providing, and notifying the licensees regarding what is the legal practice and requirements for the signing and stamping of surveys and property plans. Board Member Dan Caron, who is the Chair of the Complaint Committee, stated that fifty (50%) percent of the complaints that are reported and presented to the Board derive from the unauthorized stamping and signing of plans, particularly by civil engineers stamping and signing plans, which are filed with the Registry of Deeds. Board Member Attorney Edward Englander stated that there should be training for the Registry employees with these responsibilities of reviewing and recording plans, surveys, and deeds. Eric Funk stated that there are guidelines regarding the stamping, signing, and filing of plans, and he has sent out and notified licensees and applicants, as well as architects, about the educational information involving the professional requirements, rules, and regulations regarding this practice. Eric has also posted these professional requirements and information on the DOL website. Dan Caron stated that he is the Chair of the Board's complaint committee, and that at least one-half of the complaints which are filed with the Board, and which the Board reviews, involve this exact issue with land surveying and improper registry filings. Chair Tyrell reported that the first real property survey recorded at the Suffolk Registry of Deeds for 2024, which he researched and reviewed, was stamped by an engineer, does not contain a registry block, and does not contain a registry certification, which Chair Tyrell reported are the minimum requirements for the Registry of Deeds. Chair Tyrell reported that due to this issue, the homeowners and licensees are adversely affected by these filings and recordings because the Registry of Deeds did not practice its own due diligence. Chair Tyrell suggested that the Board create a subcommittee comprised of the Board members to study this issue and to communicate this information to DOL, so that the Board and DOL can work together to find or assist in a resolution to this problem. The Chair moved to form the subcommittee and members Ed Englander, Nancy Gould, Azu Etoniru, Ron Willey, Dan Caron, Ken Anderson, and Shallan Fitzgerald all seconded the motion, and voted to create a subcommittee.

THE MOTION TO FORM A SUBCOMMITTEE TO STUDY THE FILING AND RECORDING OF DEEDS AT THE REGISTRY OF DEEDS IN SUFFOLK COUNTY PASSED with a vote of eight in favor. **In Favor:** Dan Caron, Paul Tyrell, Ed Englander, Nancy Gould, Azu Etoniru, Ron Willey, Ken Anderson, and Shallan Fitzgerald. No members were opposed.

Chair Tyrell requested volunteers from amongst the Board members to serve on the subcommittee.

Subcommittee volunteers are Board Members: Dan Caron, Paul Tyrell, Ed Englander, and Ken Anderson.

Chair Tyrell stated that there now exists a four-person subcommittee to study and report on the Quality of Filings and Recordings at the Suffolk County Registry of Deeds.

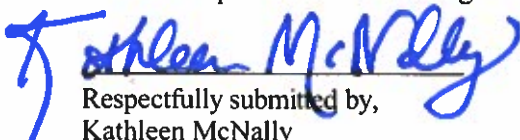
Commissioner Wilkinson acknowledged the challenges of resolving this situation and offered her full support from DOL to assist and support this issue. Commissioner Wilkinson left the meeting to address a City of Boston emergency.

8. Board Counsel Philip Chan presented his legal report. He spoke about the request and need for an additional Board member to join the Complaint committee due to a recent conflict that the five complaint committee board members had in reviewing the recent enforcement complaints. Attorney Chan inquired as to how the complaint committee was originally formed. He wanted to ensure that the Board members are following the correct rules. If there is a conflict, then the issue to resolve this is, how was committee created, and how were the members for the complaint committee selected. The Board can then determine who the member to resolve this conflict will be, and to appoint this member the same way as was originally created, and to follow the same process. Member Ken Anderson stated that he is a land surveyor, and he is not an engineer and

was assigned three engineering cases to review due to a conflict another member had. Dan Caron stated that several members have conflicts, and that members with the expertise for a particular complaint, recused themselves. There are several cases in complaint committee that require different areas of expertise that Board member Dan Caron, and other members, do not possess. Vice Chair Ron Willey volunteered to be the alternate member of the complaint committee. Attorney Chan again asked about the original process used to create the complaint committee. Chair Tyrell and Dan Caron stated that the Chair appoints the committee members. Attorney Chan advised the Board to follow the same original process. Eric Funk suggested that Ron Willey be appointed as an alternate member to the complaint committee. Chair Paul Tyrell appointed Mr. Ron Willey as an alternate member of the complaint committee. Chair Tyrell reported that the complaint committee has a very busy month.

9. Attorney Chan gave a status update on the Continuing Professional Competency (CPC) Regulations. Attorney Chan advised the Board that the Board has expressed that the CPC regulations continue to move forward. Attorney Chan reported that there exists no new status to report, and that the CPC regulations remain at the Governor's Office under review.
10. Board Counsel Philip Chan informed the Board that there were no further legal topics for discussion.
11. Executive Director Kathleen McNally advised the Board that she continues to work through the NCEES Enforcement Exchange backlog and uploading case outcomes to the NCEES Enforcement database. She reported that she works in NCEES database every day verifying licenses and updating disciplinary actions.
12. Executive Director McNally informed the Board that at this time the complaint tracking spreadsheet is current, and she awaits any new inquiries for statuses from Complaint Committee Chair, Dan Caron.
13. Executive Director Kathleen McNally informed the Board the CBT (computer-based testing) status for JP Land Surveying exam, which is still offered in paper, is the same. We need to convene a subcommittee to get the Land Surveying JP written exam transitioned to CBT. Kathleen McNally stated that the convening of the State Specific Jurisprudence (JP) Exam CBT Conversion Subcommittee is the next step in this process to move the written exam forward to CBT (computer-based testing). She also reported because PCS/Virtual, Inc., the application and testing company, holds the current engineer and land surveying contract for applications and testing, and because DOL is restricted due to overall budgetary and cost considerations, therefore, the PCS/Virtual Inc. will remain as the vendor for the conversion of the JP Land Surveying exam to CBT.
14. Executive Director Kathleen McNally informed the Board that there were no consent agreements, or final decisions and orders, to be reported to the Board this month.
15. Chair Tyrell explained the importance of updating the NCEES enforcement exchange database because this protects the public, and gives notice regarding licensees with disciplinary action against their licenses.
16. Chair Tyrell explained the JP CBT Land Surveyors exam converting from written to an electronic (CBT) computer-based test.

17. Chair Tyrell asked if there were any questions about the applications and suitability of applicants, and if there were any questions regarding the digital applications. There were no suitability questions or issues raised. Ken Anderson noted that there was only one Land Surveyor applicant. Eric Funk reported that the other land surveyor applicants were not moved forward for approval, as they did not possess the prerequisites for Land Surveying licensure.
18. Chair Tyrell asked for a Motion to accept and approve the application exam report prepared and submitted by Eric Funk. Azu Etoniru made the motion, seconded by Ken Anderson. Roll call vote taken: Dan Caron, Nancy Gould, Azu Etoniru, Paul Tyrell, Ken Anderson, Ron Willey, Ed Englander, Shallan Fitzgerald, all voted in favor. Opposed: none. The motion Passed unanimously.
19. Chair Tyrell reported that the Board needs to set aside dates for the Land Surveyor applicant candidates' interviews. Chair Tyrell asked Board administrator Eric Funk how the Board should proceed. Eric stated that it is up to the Board members and their availability. Eric will obtain dates from the Board members, and then schedule the interviews for the available dates.
20. Chair Tyrell discussed attending the NCEES annual meeting that was held in August of 2024, where five board members attended the conference.
21. There were no topics for correspondence submitted for discussion at this meeting.
22. Chair Tyrell asked for public comments. There were no public comments.
23. Azu Etoniru made a motion to close the meeting. Ken Anderson seconded the motion. Members in Favor: Nancy Gould, Paul Tyrell, Ronald Willey, Azu Etoniru, Dan Caron, Ken Anderson, Edward Englander, and Shallan Fitzgerald. Opposed: None. The Motion passed unanimously.
24. Kathleen McNally announced the Open meeting session closed at 10:00 a.m. and the recording was turned off. Open Session Meeting concluded at 10:00 a.m.


Respectfully submitted by,
Kathleen McNally
Executive Director

Documents used at the public meeting:
> Agenda for August 29, 2024, Meeting

