

# PROFESSIONAL CONDUCT MEETING MINUTES



COMMONWEALTH OF MASSACHUSETTS  
**Board of Registration  
of  
Hazardous Waste Site Cleanup Professionals**  
ONE WINTER STREET, 3<sup>rd</sup> Floor  
BOSTON, MA 02108

## PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on February 27, 2019

Approved on March 20, 2019

**Prepared by:** Beverly Coles-Roby, Esq.

**Meeting Location:**

**MassDEP NERO  
205B Lowell Street  
Wilmington, MA 01887**

**1. List of Documents Used at the Meeting:**

- Agenda
- Draft Minutes of Meeting on January 16, 2018
- Active Disciplinary Cases Table
- Docket Nos.: 05C-07; 08C-03; 10C-01; 11C-04; 12C-01; 18C-01; and 18C-02

**2. Call to Order:** Committee co-chairperson, James N. Smith, called the meeting to order at approximately 1:43 p.m. The Board members in attendance were, Maria Pinaud, Dr. Gail Batchelder, David Austin, Debra Listernick, Marc J. Richards, Kathleen Campbell, Farooq Siddique, and Gregg McBride. Board member Kirk Franklin was absent. Staff members Beverly Coles-Roby and Richard Friend were present. Wendy Rundle, Executive Director of the LSP Association (“LSPA”) Marilyn Wade, LSPA President, and Wes Stimpson of WES Associates, were also present.

**3. Previous Minutes:** The draft minutes of the meeting held on January 16, 2019 were approved as written. Mr. Siddique abstained from voting to approve the minutes.

**4. Old Business: None**

## PROFESSIONAL CONDUCT MEETING MINUTES

### 5. Status of Complaint Review Teams and Active Case List

Ms. Coles-Roby reported on progress made since the January 16, 2019 meeting, giving reports on the status of each case as reflected in the Active Discipline Case List. She prefaced her comments by stating that all recent developments were catalogued in the Active Case List.

Ms. Coles-Roby reported that the Final Decision in 05C-07 was served on the parties on February 8, 2019. She added that further discussion would take place during the Quasi-Judicial Session at the end of today's Board meeting.

She said 08C-03 would be discussed in the Quasi-Judicial Session at the end of today's Board meeting.

She informed the Committee that 10C-01 would be discussed during the Quasi-Judicial Session at the end of today's Board meeting. She noted on January 28, 2019, the Assistant Attorney General assigned to the case forwarded a Stipulation of Dismissal With Prejudice, which means that the case cannot be litigated again. Once signed by the parties' legal counsel, the underlying lawsuit in Suffolk Superior Court would be dismissed. Ms. Coles-Roby added that the draft press release will be reviewed by the Board today.

She also reported that the Administrative Consent Order ("ACO") had been signed by the parties in 11C-04 and is therefore settled. A draft press release will be reviewed, and other matters related to ACO will be discussed during the Quasi-Judicial Session at the conclusion of today's Board meeting.

Ms. Coles-Roby indicated that the Order to Show Cause which was disseminated at the January 2019 meeting will be discussed during the Quasi-Judicial Session at the conclusion of today's Board meeting.

In 18C-01, Ms. Coles-Roby told the Committee that the Complaint Review Team ("CRT") held a telephone conference on February 13, 2019. The CRT has also scheduled the LSP Interview for March 13, 2019. She said further updates would be provided at the Quasi-Judicial Session at the conclusion of today's Board meeting.

In 18C-02, Ms. Coles-Roby reported that the CRT continues to review documents and will set a date for its initial CRT conference soon.

Ms. Coles-Roby and the Board's participants: Mr. Smith, Dr. Batchelder, Mr. Friend and Ms. Pinaud discussed the telephone conference with the New Jersey Site Remediation Professionals Licensing Board held on February 6, 2019, at 10:00 a.m. Ms. Coles-Roby stated that Phil Brilliant, the New Jersey Board's Director; Janine McGregor, its Executive Director; and Dana Haymes, its Regulatory Officer, were on the call. She said the discussion focused primarily on the Board's Disciplinary Process: Investigation; Formal Adjudicatory

## PROFESSIONAL CONDUCT MEETING MINUTES

Proceedings; and Types of Discipline imposed as outlined in the Board's flow chart. Mr. Smith informed the Committee that we discussed where and how the Board's complaints originate, and its jurisdiction with respect to those complaints. Ms. McGregor said that in disciplinary matters, pursuant to an Executive Order, the New Jersey Attorney General's Office conducts all interviews of its licensees. Ms. Coles-Roby explained that the Board's licensees peaked in 2007 at 561, and due to the retirement of a significant number of folks licensed in the early 1990's, the number of its licensees has declined to approximately 509. Mr. Brilliant indicated that there are 709 LSRPs in the state, who pay nine hundred dollars (\$900) in Annual Fees, compared with LSPs who pay two hundred twenty-five dollars (\$225) yearly. He also said that their annual budget is \$450,000, out which staff salaries are paid. Ms. Pinaud said that the AGO bills for services rendered. Mr. Smith thought the Attorney General's Office fees must consume a substantial portion of the New Jersey Board's budget. Ms. Campbell commented that she heard that the New Jersey Board is looking to make changes. Mr. McBride added that New Jersey Board is actively thinking about rewriting their regulations.

### **6. Future Meetings: March 20, 2019--MassDEP CERO**

**7. Adjournment:** The meeting was adjourned at approximately 1:57 p.m.