

PROFESSIONAL CONDUCT MEETING MINUTES



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

PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on January 16, 2019

Approved on February 27, 2019

Prepared by: Beverly Coles-Roby, Esq.

Meeting Location:

**MassDEP SERO
20 Riverside Drive
Lakeville, MA 02347**

1. List of Documents Used at the Meeting:

- Agenda
- Draft Minutes of Meeting on November 28, 2018
- Response to Cease and Desist Letter
- 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 1:05 p.m. The Board members in attendance were, Maria Pinaud, Dr. Gail Batchelder, David Austin, Debra Listernick, Marc J. Richards, Kirk Franklin, Kathleen Campbell, and Gregg McBride. Board member Farooq Siddique was absent. Staff members Beverly Coles-Roby and Richard Friend were present. Wendy Rundle, Executive Director of the LSP Association ("LSPA") and Wes Stimpson of WES Associates, were also present.

3. Previous Minutes: The draft minutes of the meeting held on November 28, 2018, were approved as amended.

4. Old Business: None

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5. Status of Complaint Review Teams and Active Case List

Ms. Coles-Roby reported on progress made since the November 28, 2018 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 05C-07 would be discussed during the Quasi-Judicial Session at the end of today's Board meeting.

She said that she had pushed back issuing the Final Findings of Fact and Rulings of Law from January 2019 until February 2019 in 08C-03.

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 that the LSP's attorney located him, and he had signed the Administrative Consent Order ("ACO"). Once signed by the LSP Board's Professional Conduct co-chairperson, the underlying lawsuit in Suffolk Superior Court would be dismissed.

She also reported that 11C-04 was settled, and a draft press release will be reviewed during the Quasi-Judicial Session at the conclusion of today's Board meeting.

Ms. Coles-Roby indicated that 12C-01 would be discussed during the Quasi-Judicial Session at the conclusion of today's Board meeting. She added that the Order to Show Cause will be disseminated then discussed at the February 2019 Board meeting.

In 18C-01, Ms. Coles-Roby told the Committee that the Complaint Review Team ("CRT") held a telephone conference on December 19, 2018 and the investigation is ongoing. Ms. Campbell requested that the matter be added to the Quasi-Judicial Session agenda and discussed 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.

The Committee reviewed a response from the subject of a Cease and Desist letter.

Ms. Coles-Roby confirmed that the telephone conference with the New Jersey Site Remediation Professionals Licensing Board will occur on February 6, 2019, at 10:00 a.m. All Board members who are available are welcome to participate. She explained that the New Jersey Board wants to discuss the Board's Disciplinary Process and its Rules of Professional Conduct. She promised to draft an agenda and forward regulations and other materials that will facilitate the discussion to attendees beforehand.

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6. **Future Meetings: March 20, 2019—MassDEP CERO**
7. **Adjournment:** The meeting was adjourned at approximately 1:16 p.m.