

# 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 11, 2020

Approved on January 26, 2021

**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 14, 2020
- Docket Nos.: 05C-07; 08C-03; 12C-01; 18C-01; 18C-02; 20C-01; and 20C-02.

**2. Call to Order:** Board member, Kirk Franklin, called the meeting to order at approximately 12:44 p.m. The Board members in attendance were Millie Garcia-Serrano, Debra Listernick, Farooq Siddique, James N. Smith, David Austin, Gregg McBride, Dr. Gail Batchelder, Kathleen Campbell, and Marc J. Richards. Staff member Beverly Coles-Roby was present. Additionally, Wendy Rundle, Executive Director of the LSP Association (“LSPA”) was present.

**3. Previous Minutes:** The draft minutes of the meeting held on January 14, 2020, were approved as amended. Mr. Siddique abstained from voting to approve the minutes.

**4. Old Business: None**

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

Mr. Smith asked whether the Professional Conduct Committee Active Cases spreadsheet had been retired. Ms. Coles-Roby explained that the ongoing issues associated with having no LSP Board staff meant prioritizing certain critical responsibilities. She added, that applied to the investigations and prosecutions since the Investigator position had been largely vacant since November 2018.

Ms. Coles-Roby reported that 05C-07 and 08C-03 would be discussed in Executive Session at the conclusion of today's Board meeting.

She said that she continued to prepare witness testimony in 12C-01.

Ms. Coles-Roby said that she would set a meeting date with Complaint Review Team members Ms. Campbell and Dr. Batchelder who indicated that they had previously met to discuss finishing technical aspects of the CRT report. Ms. Coles-Roby asked that she be kept in the loop.

Ms. Coles-Roby indicated that she would schedule a CRT meeting in 18C-02. She noted that she would prepare the first draft of LSP interview questions as the CRT members agreed.

With respect to 20C-01 and 20C-02, matters pending against two LSPs arising out of the same set of operative facts, Ms. Coles-Roby stated that she forwarded communications to some percipient witness, but they failed to respond. Ms. Coles-Roby told the Committee that the cases would be discussed further in the Executive Session. Dr. Batchelder asked whether a Screening Team should be formed. Ms. Garcia-Serrano thought that doing so might be premature. Dr. Batchelder thought a Screening Team might help sort out the issues but agreed that the case was docketed but there was no actual complaint. Ms. Coles-Roby responded that the docket number is assigned so that she can attribute work hours spent on a particular matter, and these matters were labeled investigations.

Ms. Rundle asked why 20C-01 and 20C-02 were being handled in Executive Session. She added that new complaints should be with a Screening Team or a Complaint Review Team. Dr. Batchelder responded that the matters were different. Ms. Rundle asked whether there would be more information on the matters, the way things have also been done. In the interest of providing some information Ms. Coles-Roby said that the two cases involve two LSPs who allegedly engaged in wrongdoing and that MassDEP is also a party.

## 6. Future Meetings: March 10, 2020--MassDEP CERO

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

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