



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup Professionals
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PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on May 14, 2024

Approved on: June 11, 2024

Prepared by: Terry Wood

Meeting Location: In person at 100 Cambridge Street, Boston and via ZOOM

List of Documents Used at the Meeting:

1. Agenda
2. Draft Professional Conduct Minutes from April 9, 2024
3. Active Case List

1. Call to Order: Jamie Smith called the meeting to order at 12:15 p.m.

Present via ZOOM: Gail Batchelder, Kathleen Campbell, Kirk Franklin, Gregg McBride, and Paul McKinlay. Board members present in the room: David Austin, Diane Baxter and Jamie Smith. Board members absent: Craig Ellis and Patrick Herron.

Staff members present in the room were: Chris Borges, Notoshia Dix, Matthew Lyne, and Terry Wood.

Also present remotely via ZOOM were: Charles Young-LSP & LSPA President, Rebecca Buswell-LSP/DEP, Wendy Rundle-LSPA Executive Director, Kristi Lefebvre-LSPA Communications Manager, and Sarah Phipps-Battelle.

2. Announcements: There were no announcements.

3. Review of Draft Minutes from April 9, 2024 Committee Meeting Minutes

The draft meeting minutes from April 9, 2024 were approved with corrections regarding which Board members were in attendance at the April 9, 2024 meeting. All Board members in attendance voted in favor by roll call vote except for Jamie Smith who abstained.

4. Old Business

A. Status of Complaint Review Teams (CRTs)

The active case list was reviewed, and the status of each case was discussed.

B. Complaint 23C-01

Mr. Lyne provided an update on this complaint submitted by a private party that alleges the LSP signed a contract with the complainant, received payment, and then hadn't shown up to do work on the site for a period of about a year. Previously, Mr. Lyne had spoken with the complainant's wife because the complainant was ill. She had indicated that the LSP had undertaken sampling work at the site after the complaint was filed, a submittal from the LSP was pending, and MassDEP was providing guidance. Mr. Lyne reported that he had received updated information from both the complainant's wife whose husband recently passed away and the LSP indicating the MCP submittal was to be filed sometime later this week. Mr. Lyne indicated that Complainant's wife had previously requested to put the Complaint on hold until the MCP submittal is filed, and the Committee had previously agreed to put the complaint on hold to obtain additional information regarding the status of the MCP submittal. Ms. Wood stated that historically the Board has not allowed Complainants to withdraw complaints once submitted. The Committee discussed whether the complaint was simply a fee dispute and, therefore, outside the LSP Board's jurisdiction. Ms. Wood stated that the allegation that the LSP did not complete any work at the site for a sustained period could potentially violate the Board's Rules of Professional Conduct. After discussion, a motion was made and seconded to appoint a screening team to review the complaint, LSP's response and other available information in order to make a recommendation to the Committee whether the Complaint should be accepted for investigation. Mr. Smith and Mr. Austin will serve on the screening team.

5. New Business - No new business.

6. Future Meeting – June 11, 2024 both in person at 100 Cambridge Street, Boston and via ZOOM.

7. Adjournment: The meeting was adjourned at 12:30 p.m.