



COMMONWEALTH OF MASSACHUSETTS
**Board of Registration
of
Hazardous Waste Site Cleanup Professionals**

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PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on November 21, 2013

[Approved on January 16, 2014]

Prepared by: Lynn P. Read

Meeting Location: Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting on October 31, 2013
3. Active Case List
4. Memorandum dated November 15, 2013, from Ms. Coles-Roby, Case Management System
5. LSP Board Policy #2007-01

1. Call to Order: Benjamin Ericson called the meeting to order at approximately 1:00 p.m. Also present were David Austin, Kathleen Campbell, John Guswa, Debra Listernick, Robert Rein, James Smith, and Farooq Siddique. Kirk Franklin arrived at approximately 1:05 p.m. Gail Batchelder was absent. Staff members present were Beverly Coles-Roby and Lynn Read. Also present were Wendy Rundle, Executive Director of the LSP Association (LSPA), and Lawrence Feldman of GZA GeoEnvironmental, Inc.

2. Announcements: There were no announcements.

3. Minutes of Meeting Held on October 31, 2013: The draft minutes of the meeting held on October 31, 2013, were approved as written.

4. Old Business

A. Status of Complaint Review Teams

At Mr. Ericson's request, each Complaint Review Team (CRT) reported on progress made since the October meeting. Ms. Coles-Roby reported there were two new complaints, the first of which, number 13C-02, had been previously screened by a Screening Team under a

different number and dismissed by the Board. She said the dismissed complaint was extremely brief, and the new complaint contained much more factual background. The Committee members present discussed whether the Board must accept amended filings of complaints that have previously been dismissed, which subject LSPs to repeated claims based on the same facts. Ms. Read noted that this complaint was received only very recently, and it would be screened by the staff pursuant to the Board's regulations and intake process before the Board determined whether to accept it for investigation. **The Committee members present asked that the question of the standard for re-filing complaints be placed on the list of possible amendments to the Board's regulations.**

The Committee members present discussed assigning recently-appointed Board members who were not yet serving on CRTs, to more recent cases, to relieve other Board members currently serving on multiple CRTs. **Mr. Austin and Mr. Rein agreed to serve on the CRTs for complaint numbers 11C-04 or 13C-01, if they are not recused.**

5. New Business: Case Management System

The Committee members present discussed Ms. Coles-Roby's memorandum regarding Case Management System, which discussed Board Policy #2007-01 and suggested time standards for each phase in the investigation and adjudication of disciplinary complaints. Mr. Siddique noted that a hearing will be concluded within two years under the suggested time standards. He said the Board's goal should be the steady progress of each case. Mr. Ericson and Ms. Coles-Roby said it is important to have a standard to evaluate how cases are progressing, and LSPs whose licenses are at issue should receive the speediest process the Board can give. Members discussed that the suggested deadlines are reasonable if the Board has full staff support, and in 2007, the Board had two staff attorneys and two investigators. **Mr. Ericson suggested the members review how their disciplinary cases have gone and that this matter be placed on the agenda for the next meeting.**

6. Future Meetings

The Committee is scheduled to meet on December 19, 2013 at the Northeast Regional Office of MassDEP in Wilmington, Massachusetts.

7. Adjournment: The meeting was adjourned at approximately 1:47 p.m.