

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 June 20, 2018

Approved on August 15, 2018

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 May 16, 2018
- Active Disciplinary Cases Table
- Docket Nos.: 05C-07; 08C-03; 10C-01; 11C-04; 12C-01; 17C-01(2); 18C-01

2. Call to Order: Co-Chairperson Kirk Franklin called the meeting to order at approximately 1:00 p.m. The Board members in attendance were Maria Pinaud, Gregg McBride, Kathleen Campbell, Marc J. Richards, James N. Smith and David Austin. Board members Debra Listernick, Farooq Siddique, and Dr. Gail Batchelder were absent. Staff members present were Beverly Coles-Roby and Lori Williamson. Wendy Rundle, Executive Director of the LSP Association ("LSPA"), was also present.

3. Previous Minutes: The draft minutes of the meeting held on May 16, 2018 were approved as amended. Mr. Franklin abstained from voting to approve the minutes.

4. Old Business: None

5. Status of Complaint Review Teams and Active Case List

At co-chairperson, Kirk Franklin's request, the Complaint Review Teams ("CRT") reported on progress made since the April 26, 2018 meeting. Ms. Coles-Roby gave the reports on the

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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 and 11C-04 would be discussed during Quasi-Judicial Session at the conclusion of today's Board meeting.

Ms. Coles-Roby indicated that she is drafting Final Findings of Fact and Rulings of Law with respect to 08C-03 and hopes to have them completed for the August 2018 Board meeting. She added that following 309 CMR 7.10(1)-(2) the respondent may file an objection to the Findings within thirty (30) days of the Board's vote and issuance. The prosecuting attorney can then file a Disciplinary Recommendation Memorandum leading to the next step of Oral Argument, should the respondent choose to petition the Board pursuant to 309 CMR 7.10 (3).

Ms. Coles-Roby contacted the assistant attorney general handling 10C-01 on June 8, 2018 for an update, but had not yet received a reply.

With respect to 12C-01, Ms. Coles-Roby said that the Complaint Review Team members provided copies of their report and was set to present its report today. However, two of the CRT members were unable to attend the meeting. Instead, the matter will go forward at the August 2018 meeting.

A draft denial letter of the Request for Consideration provided to Board members in 17C-05 will be forwarded to the parties if approved today.

In 18C-01, Ms. Coles-Roby told the Committee that that all relevant documents were delivered to the CRT. Post review by the CRT, the next step will be to schedule an initial meeting.

6. New Business:

No new business was discussed.

7. Future Meetings: August 15, 2018—MassDEP NERO

8. Adjournment: The meeting was adjourned at approximately 1:07 p.m.