



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

Minutes of Meeting on September 10, 2024

Approved on: October 8, 2024

Prepared by: Terry Wood

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

List of Documents Used at the Meeting:

1. Agenda
2. Draft Professional Conduct Minutes from August 13, 2024
3. Active Case List

1. Call to Order: Kirk Franklin called the meeting to order at 12:25 p.m.

Present remotely via ZOOM: Gail Batchelder, Kathleen Campbell, Craig Ellis, Kirk Franklin, Patrick Herron, Gregg McBride, and Paul McKinlay. Board members present in the room: David Austin and Diane Baxter. Jamie Smith joined the meeting in person at 12:26 p.m.

Staff members present in the room were: Matthew Lyn and Terry Wood.

Staff members present remotely via ZOOM: Chris Borges and Notoshia Dix.

Also present remotely via ZOOM were: Wendy Rundle-LSPA Executive Director, Kristi Lefebvre, LSPA Communications Manager, and Nick Cappiello.

2. Announcements: There were no announcements.

3. Review of Draft Minutes from August 13, 2024 Committee Meeting Minutes

The draft meeting minutes from the August 13, 2024 meeting were approved without changes by all members in attendance via roll-call vote. Mr. Smith had not yet joined the meeting so did not vote.

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 reported that the Screening Team (David Austin and Jamie Smith, assisted by Mr. Lyne), had completed their review of the complaint, LSP response, and related information and recommend the complaint be dismissed. The Complaint was filed in July 2023 by a private party against an LSP that the Complainant hired to respond to a gasoline release on the Complainant's property. The contract amount was \$3,630 and the work was to include a round of groundwater sampling and the submittal of an IRA Status report. The Complainant alleged that upfront payment of 50% of the contract amount (\$1,815) was made to the LSP when the contract was executed in Dec. 2021 and that another \$1,000 payment was made approximately eight months later when the LSP arrived on site to conduct the contracted field work (well sampling). The LSP was unable to sample the wells that day because they turned out to be dry. The Complainant alleges that, over the next 12 months, the LSP failed to respond to the Complainant's numerous attempts to reach the LSP to finish the work and the LSP never returned to the site or completed the contracted work (well sampling and an IRA Status Report). The LSP provided a response to the Complaint and indicated that an accident and subsequent rehab & recovery had limited the LSP's ability to meet professional obligations.

The LSP completed the groundwater sampling in October 2023 and provided the laboratory report to the Complainant. The Complainant stated that the LSP told him/her that the money the Complainant had paid had been spent. The LSP recommended a new LSP to complete the IRA status report. This new LSP is in the process of assisting the Complainant with a new proposal for work.

Mr. Lyne reported that the Screening Team believes this case amounts to a contract dispute outside the Board's jurisdiction, and does not think that the allegations reach the level of misconduct involving fraud or deceit. As such, the Screening Team recommends dismissal.

A motion was made and seconded to accept the recommendation of the screening team. The motion passed unanimously by roll-call vote.

5. New Business - No new business.

6. Future Meeting – October 8, 2024 both in person at 100 Cambridge Street, Boston and remotely via ZOOM.

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7. Adjournment: The meeting was adjourned at 12:35 p.m.

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.
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