



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

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PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on April 16, 2015

Approved on May 21, 2015

Prepared by: Beverly Coles-Roby

Meeting Location: MassDEP Boston
One Winter Street
Boston, MA 02108

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting on March 19, 2015
3. Active Case List

- 1. Call to Order:** James Smith called the meeting to order at approximately 1:09 p.m. The other Board members in attendance were Benjamin Ericson, Jack Guswa, David Austin, Debra Listernick, and Farooq Siddique. Board members Robert Rein, Gail Batchelder, Kathleen Campbell, and Kirk Franklin were absent. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Wendy Rundle, Executive Director of the LSP Association ("LSPA"), and Wes Stimpson, of WES Associates.
- 2. Previous Minutes:** The draft minutes of the meeting held on March 19, 2015, were approved as amended. Jack Guswa abstained from voting to approve the minutes.
- 3. Old Business**

Status of Complaint Review Teams & Active Case Table

At Mr. Smith's request, the Complaint Review Teams ("CRT") reported on progress made since the March meeting. Ms. Coles-Roby gave the reports on the status of each case as reflected in the Active Discipline Case List. Mr. Siddique asked about the recused members of the Board listed as Ben Ericson, Kirk Franklin and Deb Listernick in 05C-07. Ms. Coles-Roby stated that she was assigned to 05C-07, and would present the CRT's recommendation

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on Discipline at the Quasi-Judicial Session scheduled for later that day. Mr. Siddique questioned whether conflict of interest existed with respect to 12C-01. Ms. Coles-Roby indicated that the two cases, 05C-07 and 12C-01, were consolidated for purposes of settlement only. Mr. Guswa added that the settlement was rejected and the cases are now being handled separately. Ms. Coles-Roby clarified by saying that the offer of settlement was not rejected outright. Instead, the LSP's legal counsel failed to respond. Mr. Siddique asked whether the offer was communicated by certified mail. Ms. Coles-Roby stated that she emailed the attorney. Mr. Ericson noted that Ms. Coles-Roby had communicated with the attorney via electronic mail on past occasions. Ms. Coles-Roby agreed to attempt to reach the attorney to ensure that he received the communication. Mr. Smith noted that a lot of time has elapsed since the deadline of February 13, 2015 was given. Mr. Siddique suggested that another communication could be sent with an acknowledgment of receipt. Mr. Austin likewise asked Ms. Coles-Roby to reach out to the LSP's attorney to confirm that he received the email. Mr. Smith inquired about the recommendation for discipline drafted by the CRT in 05C-07. Ms. Coles-Roby informed the Committee that except as noted on the Active Discipline Case List, the remainder of the cases would be discussed in Quasi-Judicial Session.

- 4. New Business:** None
- 5. Future Meetings:** The next meeting will take place before the LSP Board Meeting on **May 21, 2015 at MassDEP SERO.**
- 6. Adjournment:** The meeting was adjourned at 1:21 p.m.