



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

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PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on January 16, 2014

[Approved on February 26, 2014]

Prepared by: Lynn P. Read

Meeting Location: Massachusetts Department of Environmental Protection (MassDEP)
Southeast Region
20 Riverside Drive
Lakeville, MA

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting on November 21, 2013
3. Active Case List

- 1. Call to Order:** Benjamin Ericson called the meeting to order at approximately 1:32 p.m. Also present were David Austin, Gail Batchelder, Kathleen Campbell, John Guswa, Debra Listernick, Robert Rein, James Smith, and Farooq Siddique. Kirk Franklin was absent. Staff members present were Beverly Coles-Roby and Lynn Read. Also present were Millie Garcia-Serrano, MassDEP's Deputy Regional Director for Waste Site Cleanup in the Southeast Region; Wendy Rundle, Executive Director of the LSP Association (LSPA); Matthew Hackman, president of the LSPA; Wesley Stimpson; and Matt Young.

Announcements: There were no announcements.

- 2. Minutes of Meeting Held on November 21, 2013:** The draft minutes of the meeting held on November 21, 2013, were discussed, and minor corrections were requested. Mr. Stimpson asked whether the new complaint 13C-02 was previously numbered 12C-02. Ms. Coles-Roby said that after Complaint No. 12C-02 was reviewed and screened out by the Board, the complainant came back with new information, and a new docket number was assigned. The members present discussed that the Board's regulations require that when a complaint is dismissed, the complainant has a period of 30 days in which to request reconsideration. **The members present requested that the Board's precedent should be reviewed to determine whether this case should receive a new docket number or should use 12C-02. With minor changes, the minutes of November 21, 2013 were approved unanimously.**

3. Old Business

Status of Complaint Review Teams & Active Case Table

At Mr. Ericson's request, each Complaint Review Team (CRT) reported on progress made since the November meeting.

Case Management System

Mr. Ericson said that in the November meeting, the Committee agreed to review the progress of their cases and to follow up the discussion of Ms. Coles-Roby's memorandum about a Case Management System. He said he believed the proposed time standards were a good idea, and he will focus on moving CRT investigations forward. Ms. Campbell said the Committee had agreed the time standards were a good idea if the Board has full staff support, but it does not have a full staff currently. Members noted that in some cases, the respondent LSP causes the delay, and there are many factors the Board does not control that affect the progress of a case. Mr. Ericson noted the courts have time standards, and parties can ask for an extension, which brings the time standards to everyone's attention. Member said the 2007 Policy was developed when the Board had a large backlog of cases. Ms. Coles-Roby said the time standards are for the purpose of prompting the Board and the attorneys to keep cases moving, and the staff is prioritizing the oldest cases first. **Members suggested the Committee address the time standards during the review of the Active Case List.**

4. New Business

Dr. Guswa asked the Committee to consider options for handling discipline of LSPs who resign their licenses after a complaint is brought against them, to allow the Board to turn its attention to LSPs who are actively practicing. He said currently the Board has no option but to carry such a case to the end of the Board's disciplinary process. Members discussed what the Board's options would be if the Board settles such a case with the LSP but the LSP re-applied for a license. Dr. Batchelder said the public must be made aware if such an LSP were to come back to practice. **Dr. Guswa requested that the legal issues involved in this situation be researched.**

6. Future Meetings

The Committee is scheduled to meet on February 26, 2014 at the Central Regional Office of MassDEP in Worcester, Massachusetts.

7. Adjournment: The meeting was adjourned at approximately 2:05 p.m.