

Minutes of Professional Conduct Meeting—June 16, 2016



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 16, 2016

Approved on August 21, 2016

Prepared by: Beverly Coles-Roby

Meeting Location: MassDEP SERO
20 Riverside Drive
Lakeville, MA 02347

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting on May 19, 2016
3. Active Case List

- 1. Call to Order:** Board member Kirk Franklin called the meeting to order at approximately 1:02 p.m. The Board members in attendance were Maria Pinaud, James N. Smith, Farooq Siddique, Robert Rein, Debra Listernick, Kathleen Campbell, Dr. Gail Batchelder, and Dr. John Guswa. David Austin arrived at 1:05 p.m. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Wendy Rundle, Executive Director of the LSP Association (“LSPA”); Wes Stimpson of WES Associates; Lisa Alexander, MassDEP Bureau of Waste Site Cleanup, Audits and Enforcement Coordinator; and Jennie Wharff of MassDEP.
- 2. Previous Minutes:** The draft minutes of the meeting held on May 19, 2016, were approved as amended.
- 3. Old Business:**

Status of Complaint Review Teams & Active Case Table

At Mr. Franklin’s request, the Complaint Review Teams (“CRT”) reported on progress made since the May 2016 meeting. Ms. Coles-Roby gave the reports on the status of each case as reflected in the Active Discipline Case List.

Ms. Coles-Roby reported that 05C-07 would be discussed in Quasi-Judicial session after today’s meeting. In 08C-03 the trial exhibits for all parties were filed with the Office of Appeals and Dispute Resolution (“OADR”) by LSP staff. Additionally, the parties have filed

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their witnesses' testimony with OADR. The matter is set for trial October 12-13, 2016. She added that there has been no change in the status of 10C-01, which is being defended by the Attorney General's Office. During an interview conducted on April 27, 2016, the LSP in 11C-04 asked to supplement his submissions. Ms. Coles-Roby forwarded an inquiry to the LSP's legal counsel asking whether they still planned to file supplemental responses on June 8, 2016. At the time of the meeting, the documents had not been received. The LSP in 05C-07 and 12C-01 are the same individual. Once 05C-07 is resolved, LSP staff will interview the LSP in the second disciplinary matter. Ms. Coles-Roby indicated that she remains hopeful that the parties can agree to some form of settlement in 12C-01. The Screening Conference in 16C-01, set for June 13, 2016, was rescheduled until July 14, 2016. Finally, in 16C-02, a dismissal letter that was approved by non-recused Board members during a Quasi-Judicial Session on May 17, 2016 was posted to all parties on May 24, 2016.

4. New Business:

No new business was discussed.

5. Future Meetings: August 17, 2016--MassDEP NERO.

6. Adjournment: The meeting was adjourned at approximately 1:08 p.m.