



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup Professionals
ONE WINTER STREET, 3rd Floor
BOSTON, MA 02108
PHONE: (617) 556-1091 FAX: (617) 292-5872

PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on February 19, 2015

Approved on March 19, 2015

Prepared by: Beverly Coles-Roby

Meeting Location: MassDEP CERO
8 New Bond Street
Worcester, MA 01606

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting on January 15, 2015
3. Active Case List

- 1. Call to Order:** Kirk Franklin called the meeting to order at approximately 1:22 p.m. The other Board members in attendance were Benjamin Ericson, Kathleen Campbell, Debra Listernick, Farooq Siddique, John Guswa, Gail Batchelder, James Smith and Robert Rein. Board member David Austin was absent. 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, and Kevin O'Reilly of the LSPA, Regulations Committee.
- 2. Previous Minutes:** The draft minutes of the meeting held on January 15, 2015 were approved as amended. Kirk Franklin abstained from voting.
- 3. Old Business**

Status of Complaint Review Teams & Active Case Table

At Mr. Franklin's request, each Complaint Review Team ("CRT") reported on progress made since the November meeting. Ms. Coles-Roby indicated on the status of each case. Farooq Siddique commented that a note should be added to the Active Discipline Cases Table regarding the LSP who is a respondent in both 05C-07 as well as 12C-01. Ms. Batchelder said we need to proceed with the two separate cases. Beverly Coles-Roby read a portion of her email to legal counsel for the LSP involved in 05C-07 and 12C-01. She indicated that she had not received a response regarding settlement from him by the February 13, 2015

Minutes of Professional Conduct Meeting--February 19, 2015

deadline set by the Board at its January 15, 2015 Quasi-Judicial Session. Mr. Franklin indicated that the discipline should be presented to the Professional Conduct Committee for a vote at the next scheduled meeting.

Ms. Coles-Roby stated that the Order to Show Cause in 08C-03 will be presented for review at the Board's March 2015 meeting.

Ms. Coles-Roby reported that the attorney who represents the respondent in 10C-01 agreed to the Board's offer of settlement, i.e., that he will not reapply for his LSP license, which he allowed to expire on January 30, 2011; and that he will be permitted to review the Board's press release regarding the matter. However, the LSP will not be permitted to alter or amend it. Ms. Coles-Roby outlined next steps in the matter and told the Committee that she will prepare a press release. Ms. Batchelder said that she assumed the Committee will review the press release. Mr. Ericson stated that press releases usually quote a LSP Board member. There was some discussion as to who should be quoted in the press release. In the past, the chairperson of the Professional Conduct Committee was quoted. Ms. Coles-Roby suggested that perhaps the Committee should ask some other Board member, for example a member of the CRT who would be familiar with the investigative details of the case. She also suggested that the Board not use recycled comments which had been problematic in the past. Ms. Batchelder asserted that the chairperson was best suited to provide the quote. Mr. Stimpson asked whether discipline is public information. Ms. Batchelder responded that that there is a precedent for this case and that it is worthwhile to settle the matter.

4. **New Business:** None
5. **Future Meetings:** The next meeting will take place before the LSP Board Meeting on March 19, 2015.
6. **Adjournment:** The meeting was adjourned at 1:40 p.m.