



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

Minutes of Meeting on January 21, 2016

Approved on February 18, 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 November 19, 2015
3. Active Case List

- 1. Call to Order:** Co-Chairperson Kirk Franklin called the meeting to order at approximately 1:00 p.m. The Board members in attendance were Maria Pinaud, Robert Rein, Debra Listernick, James N. Smith, Kathleen Campbell, and David Austin. Dr. Gail Batchelder arrived at 1:03 p.m. Board member Farooq Siddique and Dr. John Guswa were absent. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Wendy Rundle, Executive Director of the LSP Association ("LSPA"), Gerard Martin, Deborah Marshall, and John Handrahan of MassDEP.
- 2. Previous Minutes:** The draft minutes of the meeting held on November 19, 2015, were approved as written.
- 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 November 2015 meeting. Ms. Coles-Roby gave the reports on the status of each case as reflected in the Active Discipline Case List.

Ms. Coles-Roby stated that the Final Decision in 05C-07 was approved by the Board in Quasi-Judicial Session on December 2, 2015. However, the task of adding citations to the document from the evidentiary record was not completed. She hopes to have it done by the

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next Board meeting so that oral argument by the LSP's legal counsel could be scheduled within the next sixty days. Ms. Rundle asked whether that oral argument would be held in the public session of the Board meeting. Ms. Coles-Roby indicated that in the course of the argument the LSP's identity would be revealed to the Board. So yes, it would take place during the public portion of the meeting.

She also reported that witness preparation is on-going in 08C-03, adding that the Board's witnesses' testimony must be filed by February 26, 2016. She concluded by asserting that the matter is still on track for trial in August 2016.

Ms. Coles-Roby informed the Committee that the only issue is whether the Board has the statutory and/or regulatory authority to issue press releases. She said that she would contact the Assistant Attorney General assigned to represent the Board in 10C-01 to determine whether the matter could be resolved by motions if the parties could agree on a briefing schedule.

In the matter of 11C-04, Ms. Coles-Roby reminded the Committee that this case is very large with a great number of documents, but she also said Ms. Williamson has made significant progress in terms of her investigation. Ms. Williamson has disseminated all relevant documents to the CRT and prepared questions for their review. The CRT will meet before the next Board meeting and is ready to set a date to interview the LSP with the idea in mind that the case will be presented to the Board in Quasi-Judicial Session at its March meeting.

Ms. Coles-Roby told the Committee that documents are being gathered in 12C-01.

Finally, Ms. Coles-Roby stated that the Board received a new case 16C-01, from MassDEP on January 12, 2016. The complaint was forwarded to the LSP.

5. Future Meetings: February 18, 2016--MassDEP NERO.

6. Adjournment: The meeting was adjourned at approximately 1:10 p.m.