



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

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PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on January 15, 2015

Approved on February 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 November 20, 2014
3. Active Case List

- 1. Call to Order:** James Smith called the meeting to order at approximately 1:23 p.m. The other Board members in attendance were David Austin, Benjamin Ericson, Kathleen Campbell, Debra Listernick, Farooq Siddique, John Guswa, Gail Batchelder and Robert Rein. Board member Kirk Franklin was absent. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Wendy Rundle, Executive Director of the LSP Association ("LSPA"), William Kenney of Prime Engineering Inc., Rebecca Woolley Environmental Analyst at MassDEP, and Michael Flynn of LSPA, Regulations Committee.
- 2. Previous Minutes:** The draft minutes of the meeting held on November 20, 2014 were approved as amended. James Smith and Gail Batchelder abstained from voting.

3. Old Business

Status of Complaint Review Teams & Active Case Table

At Mr. Smith's request, each Complaint Review Team ("CRT") reported on progress made since the November meeting. Ms. Coles-Roby reported on the status of each case. She added that a fuller report on three of the matters would occur in the Quasi-Judicial Session scheduled for later today.

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Ms. Batchelder asked how it works if the Executive Director is the only attorney on staff and is recused from a case. Ms. Coles-Roby explained that in two of the cases that she took over from the former Assistant General Counsel, the LSPs are represented by legal counsel who are fully informed of her role and have agreed to her continued representation of the Board in negotiating settlement.

Mr. Austin stated that the Board should dismiss 13C-01 because of the length of time that may elapse before it is reached. Ms. Batchelder responded saying that we cannot just drop a case once it has been accepted as a complaint. She went on to say that once accepted, the CRT has to come back with a recommendation. Mr. Ericson commented that some plans had been made to interview the LSP by the former attorney. Mr. Austin replied that it will be really annoying to have these cases just sitting. Ms. Batchelder added that the LSPs should be notified. Mr. Smith commented that the delay is almost as painful as the disciplinary action itself.

- 4. New Business:** None
- 5. Future Meetings:** The next meeting will take place before the LSP Board Meeting on February 19, 2015.
- 6. Adjournment:** The meeting was adjourned at 1:33 p.m.