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Commonwealth of Massachusetts
Division of Professional Licensure
BOARD OF REGISTRATION OF PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

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UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

CHARLES BORSTEL
DIRECTOR, DIVISION OF
PROFESSIONAL LICENSURE

Minutes of the January 26, 2017 Open Meeting

Board members arrive early and begin processing applications. The following attendance was recorded:

Board Members Present

Paul Tyrell, PE, Chai
Ronald Wiley, PE, Vice Chair
Dennis Drumm, PLS
Maurice Pilette, PE
Edward Englander, Esq., Public Member
Paul Tsang, PE
Peter Hale, PLS, Secretary
Scott Cameron, PLS
Daniel Caron, PE

Board Members Absent

Joel Goodmonson, PE

Members of the Public Present

Division Staff Members Present

at Various Times during the Meeting:

Sheila York, Board Counsel
Clinton Dick, Executive Director
Eric Funk, Board Administrator
Seth Henderson, Prosecuting Counsel
Mary Pixley, Prosecuting Counsel

1. Chairman Paul Tyrell opened the meeting at 9:35 am and notified attendees of the evacuation procedures.
2. At 9:36 am, Dan Caron motioned, seconded by Ron Wiley, to suspend the open session and enter into Closed Investigative Session under M.G.L. c. 112 §65C to discuss settlement terms in EN-15-025 and EN-15-016. Motion passed unanimously.
3. Report of actions taken during closed investigate conference:
 - 20150618EN025-IT-ENF: Settlement Guidance provided to Prosecutor
 - 20150407EN016-IT-ENF: Settlement Guidance provided to Prosecutor
4. Open session resumed at 10:02am.
5. Chairman Paul Tyrell requested that the Board consider rescheduling the meeting dates for April, November, and December of 2017. The Board agreed to the new dates of April 20, 2017, November 16, 2017, and December 21, 2017. Executive Director Clinton Dick indicated that the Board calendar would be updated to reflect the changes.
6. Ron Wiley addressed the Board regarding the Subcommittee on Early PE Test Takers. The recommendation from the subcommittee is as follows: (1) If an individual takes the exam early and gets licensed in that state, then the Board can approve that person



as a comity applicant, assuming s/he is otherwise qualified; (2) If an individual takes the exam early in one state, but then seeks licensure in Massachusetts and has four years of experience, then that person cannot be approved as an initial applicant; instead, the person must go back to the state where s/he took the exam, become licensed there, and then apply to Massachusetts as a comity applicant; (3) If an individual applies right out of college to take the exam in Massachusetts, then the Board would not approve him/her to sit for that exam. Sheila York will write this policy up for review by the Board and DPL.

7. Ron Wiley addressed the Board regarding the Subcommittee on Educational Requirements for Licensure. The subcommittee's recommendation is that the Board require humanities to be made up if the applicant is deficient in any number of hours. Furthermore, if an applicant has an undergraduate degree from a foreign country, but receives a Master's degree that is ABET accredited, then such education count toward educational requirements for licensure.
8. At 10:35 am, Dan Caron motioned, seconded by Ed Englander to go to Executive Session, pursuant to G.L. c. 30A, §21(a) (1) for the purpose of discussing the character rather than professional competency of reinstatement applicant D.C., and pursuant to G.L. c. 30A, § 21(a)(7) for the purpose of complying with or exercising the Board's authority under G.L. C. 66, § 10; G.L. c. 4 § 7 para. 26(a) & (c) and G.L. c. 6, s. 172. Members in Favor: Paul Tyrell, Peter Hale, Scott Cameron, Dan Caron, Dennis Drumm, Edward Englander, Maurice Pilette, R. Willey, and Paul Tsang. Members opposed: None. The Chair stated that he expected to be in Executive Session for approximately ten minutes.
9. Open session resumed at 10:45 am.
10. At 10:46 am, Peter Hale motioned, seconded by Ed Englander to suspend the open session and enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed unanimously.
11. Report of actions taken during closed investigate conference:
 - 20151005EN015-IT-ENF: Settlement Guidance provided to Prosecutor
12. Open session resumed at 11:03am.
13. Sheila York provided an update on Executive Order 562 Regulation Review. She stated that the proposed regulatory changes to 250 CMR 2.00-7.00 should be posted on our website by mid-February.
14. Sheila York discussed inactive licensure status. Sheila informed the Board that she would report her recommendation first to the Continuing Professional Competency Committee, but that her recommendation likely would be not to adopt or create an inactive status for Professional Engineer or Professional Land Surveyor licenses.
15. Sheila York informed the Board that she had draft language regarding the Delegation of Authority to DPL Staff. She stated that there were four (4) delegations of authority:
 - (1) To delegate the authority to execute Order to Show Cause Notices, Consent Agreements, and Final Decisions on behalf of the Board and to sign off on case closings primarily to the Board's Executive Director and secondarily to the Deputy Director of Policy and Boards of the Division of Professional Licensure, provided the documents has been approved by the Board Chair as consistent with the terms

established by the Board. This delegation of authority shall remain in effect and force unless and until overridden by a subsequent vote of the board.

(2) To delegate the authority to issue a written Order of Summary Suspension, pending a 10-day hearing pursuant to G.L. c.112, §65B, primarily to its Executive Director and secondarily to the Deputy Director of Policy and Boards at the Division of Professional Licensure, after determining, in consult with the Chair and based upon credible sworn affidavits and documentary evidence, that a licensee's continued practice poses an immediate and serious threat to the public health, safety, or welfare. This delegation of authority shall remain in effect and force unless and until overridden by a subsequent vote of the board.

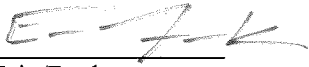
(3) To delegate the authority to act as a Presiding Officer for all adjudicatory proceedings, conducted pursuant to 801 Code Mass. Regulations. §§1.00 et seq., in all cases where the Board has voted to issue an Order to Show Cause or where an Order to Show Cause will be issued, to a Division of Professional Licensure Hearings Officer. At least one Board member will participate unless otherwise determined by the Board Chair. This delegation of authority shall remain in effect and force unless and until overridden by a subsequent vote of the board.

(4) To delegate authority primarily to the Board's Executive Director and secondarily to the Deputy Director of Policy and Boards, or in the extended absence of both the Executive Director and the Deputy Director, to Board Counsel to issue a Final Decision ordering revocation of the Respondent's license to practice, or in the case of an unlicensed Respondent, assessing the maximum fine permitted by law, in cases where a DPL Hearing Officer has entered a finding of default against the Respondent. This delegation of authority shall remain in effect and force unless and until overridden by a subsequent vote of the board. Dennis Drumm motioned, seconded by Ed Englander to accept delegation 1. Vote was unanimous in favor. Dennis Drumm motioned, seconded by Ed Englander to accept delegation 2. Vote was unanimous in favor. Dennis Drumm motioned, seconded by Ed Englander to accept delegation 3. Vote was unanimous in favor. Dennis Drumm motioned, seconded by Ed Englander to accept delegation 4. Vote was unanimous in favor.

16. Clinton Dick informed the Board that he did not have any items for the Executive Director report. He did remind the Board members to complete the ethics training and submit the completion certificates to him and to submit their travel reimbursement forms in a timely manner.
17. Clinton Dick and Sheila York then provided the Board with a brief update regarding the Department of Public Safety's possible move to DPL.
18. Under application questions, Clinton Dick informed the Board that a comity application was received that did not have references from five (5) license Professional Engineers. The applicant had argued that the application was not clear on the requirement for references and did not agree with the Board's assessment that the five (5) references must hold a PE license. Dennis Drumm stated that Board regulations require comity applicants to obtain an NCEES record to verify their experience and the requirement from NCEES is that five (5) references are required and they all must hold a PE license. M. Pilette referenced that it was for the benefit of the Board's review that have the NCEES record. Clinton Dick stated that he would relay this information to the applicant. Edward Englander asked whether there was an opportunity for applicant's to appeal NCEES's refusal to issue a record. Sheila York and Clinton Dick will review and discuss further with the Board.

19. At 11:53 am, the Chair noted that there were no further topics for the public Board meeting. E. Englander motioned to adjourn, seconded by D. Drumm. Motion passed.

Respectfully submitted by,



Eric Funk

Board of Registration of Professional Engineers and Professional Land Surveyors

Documents Used by the Board during the Public Session
Agenda for the January 26, 2017 Meeting