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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 28, 2016 Open Meeting

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

Board Members Present

Joel Goodmonson, PE, Chairman
Edward Englander, Esq. Public Member
Maurice Pilette, PE
Dennis Drumm, PLS
Peter Hale, PLS, Secretary
Scott Cameron, PLS
John Duff Jr., PE
Daniel Caron, PE
Paul Tyrell, PE, Vice Chairman (left at 9:17am)

Board Members Absent

Ronald Willey, PE

Members of the Public Present

Abbie Goodman

Division Staff Members present at various times during the meeting:

Sheila York, Board Counsel
Clinton Dick, Executive Director
Aidan McGrath, Board Administrator

1. Paul Tyrell arrived early to review applications, and left the meeting at 9:17AM.
2. Chairman Joel Goodmonson opened the meeting at 9:36 AM and notified attendees of the new evacuation procedures.
3. Dennis Drumm addressed the Board regarding the language used in the November 2015 meeting minutes concerning 'hand-scoring'. Mr. Drumm explained that all examinations are hand scored to begin with, and that examinees are provided with breakdowns of their exams by topic area upon request (not 'hand-scoring', as had been previously indicated). Dennis Drumm motioned, seconded by Peter Hale, to amend the November 2015 meeting minutes to better reflect this policy. Motion passed.
4. Scott Cameron motioned, seconded by Dennis Drumm, to accept the December 17, 2015 meeting minutes as amended. Motion passed.
5. Scott Cameron motioned, seconded by Dennis Drumm, to accept the minutes of the December 17, 2015 Executive Session as presented and to hold those minutes confidential until the purpose for the Executive Session transpires. Motion passed.
6. At 9:45AM Applicant #54926, S.G., arrived to discuss his request to sit for the Massachusetts Land Surveyor Jurisprudence exam a seventh time. The applicant explained that he has invested a large amount of time and money into passing the exam. Dennis Drumm asked the applicant whether he was requesting to continue sitting for the exam, or whether he was requesting to sit for the exam one final time before his application would be denied. The applicant specified that he was requesting one final attempt at the exam. Board members recommended additional materials for

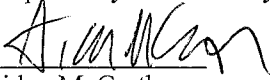


- the applicant to study in the case that his request would be approved. The applicant was informed that the Board had no further questions for him and he left the meeting at 10:02AM. The Board discussed the information the applicant had provided and his request to sit for the examination one additional time. Maurice Pilette motioned, seconded by John Duff, to approve the applicant's request to be allowed to sit for a seventh exam attempt with the understanding that this would be the applicant's final attempt. Motion passed.
7. The Board discussed the upcoming NCEES Northeast Zone Meeting. Paul Tyrell confirmed that he would be in attendance, and John Duff volunteered to attend. Paul Tyrell informed the Board that there was one additional vacant seat for any members who wanted to attend.
 8. The Board discussed, with Abbie Goodman, reviewing the current list of references for the Jurisprudence exam and perhaps assembling a list of recommended documents to study, or a syllabus.
 9. Executive Director Clinton Dick addressed the Board regarding the self-report of discipline for two different Massachusetts licensed Professional Engineers, licensee #36420, P.C., and licensee #50728, P.F. The Board did not take action against either license.
 10. Board Counsel Sheila York addressed the Board about Executive Order 562 and informed the Board that the EO 562 proposed regulation changes had been sent up for further regulatory review.
 11. The Board discussed the solar panel prescriptive process on the website of the state Department of Energy Resources ("DOER"). Sheila York indicated that she had not had a chance to discuss this document with a representative of Department of Public Safety. However, information on the state website indicates that the prescriptive process document was developed with input from DPS. The Board indicated that they would not be taking any action regarding the prescriptive process document at this time.
 12. Sheila York informed the Board that the DPL legal office will be holding a training for Board members prior to next meeting.
 13. Clinton Dick addressed the Board about a question of competency raised by a building inspector. In this case, a building inspector requested of the Board a competency determination issued by the Board on behalf of a licensed Professional Engineer. The Board indicated that they do not have oversight over local building inspectors and cannot influence the decisions of a building inspector on behalf of a licensee. Furthermore, the Board does not issue advisory opinions assessing a particular licensee's professional competency in areas outside of his or her initial discipline of licensure. Board regulations allow a licensee to perform engineering work outside of his or her discipline of licensure, provided he or she complies with Board regulations, including the competency regulation, 250 CMR 5.02(2). Professional engineers who do not comply with Board regulations may be subject to disciplinary action by the Board.
 14. Aidan McGrath addressed the Board concerning the ability of PE applicants in other states to take the NCEES 8 hour PE exams before the completion of their required work experience. Specifically, applicants have had concerns about applying in Massachusetts with exams that were passed before the completion of their work experience. The Board explained that in cases where comity applicants had passed their PE exams before completing their required work experience, the Board would

not discount the PE exam and require the applicant to reexamine. Instead, the Board would more closely scrutinize the work experience submitted by the applicant, to ensure that the applicant continued to perform their work at levels the Board would find acceptable. The Board also indicated that these situations would only occur via comity applicants from other states and that any applicants for initial licensure in Massachusetts may not be given credit for a PE examination passed prior to the completion of their required work experience.

15. The Chair announced that for the next agenda item the Board would go into Executive Session pursuant to G.L. c. 30A, §21(a) (1) for the purpose of discussing character rather than professional competency of applicant, C.V., 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. Peter Hale motioned, seconded by Edward Englander, to suspend the open meeting and enter into Executive Session for the purposes stated by the Chair. A roll call vote was taken. Roll call vote: Members in Favor: Joel Goodmonson, Peter Hale, Scott Cameron, John Duff Jr., Dennis Drumm, Edward Englander, Maurice Pilette; Members opposed: None.
16. At 11:45AM the Board resumed public session.
17. Aidan McGrath addressed the Board about the required references in the PE application. He had recently received multiple inquiries regarding obtaining three PE references, especially in fields where holding an active PE license may not be as common. The Board indicated that this requirement is not flexible, see 250 CMR 2.02(4), and that applicants who are concerned they may not have three PE references could seek out a professional engineer and request that the PE become closely familiar with the applicant's professional work materials such that the PE could comment on the applicant's competence, professional reputation and technical ability.
18. Abbie Goodman left the meeting at 12:09PM.
19. Closed investigative session began at 12:10PM
20. At 12:00 PM, Maurice Pilette moved, seconded by S. Cameron, to suspend the public meeting and enter into Closed Investigative Session under G.L. c. 112, § 65C to discuss recommendations of the Complaint Committee. All in favor.
21. Open Session resumed at 12:30 PM
22. Report of actions taken during closed investigative conference:
 - 20141015EN009-IT-ENF: Forward to Prosecutions
 - EN 16-009: Dismiss without prejudice
 - EN 16-011: Dismiss without prejudice
 - EN 16-012: Dismiss without prejudice
 - EN 16-014: Dismiss without prejudice
23. At 12:31 PM, the Chair noted that there were no further topics for the public Board meeting. Scott Cameron moved to adjourn. The motion was seconded by Peter Hale. Motion passed.

Respectfully submitted by,


Aidan McGrath

Board of Registration of Professional Engineers and Professional Land Surveyors

Documents Used at the public session of the Board Meeting:

Draft Minutes of November 19, 2015 meeting

Draft Minutes of December 17, 2015 Open meeting

Draft Minutes of December 17, 2015 Executive Session

Request from Applicant S.G. #54926

“Prescriptive Process for Structural Approval of Small PV Systems”, dated 2/13/13, from
DOER website

Email from Mike Perkins, Building Inspector, dated January 5, 2016, re: Competency

Email from John Tinsley, PE, dated January 5, 2016: re: Competency