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## Minutes of the April 20, 2017 Open Meeting

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

### Board Members Present

Paul Tyrell, PE, PLS, Chairman  
Joel Goodmonson, PE  
Ronald Willey, PE  
Dennis Drumm, PLS  
Maurice Pilette, PE  
Edward Englander, Esq., Public Member  
Paul Tsang, PE  
Peter Hale, PLS, Secretary  
Scott Cameron, PLS  
Daniel Caron, PE

### Members of the Public Present

Abbie Goodman, ACEC/MA  
Joanna Ioannides, PE Exam Applicant  
Richard Anderson

### Division Staff Members Present

#### at Various Times during the Meeting:

Sheila York, Board Counsel  
Clinton Dick, Executive Director  
Eric Funk, Board Administrator

1. Chairman Paul Tyrell opened the meeting at 9:38am and notified attendees of the evacuation procedures.
2. The Board reviewed the minutes of the March 23, 2017 Open Meeting. Scott Cameron moved, seconded by Ed Englander, to accept the meeting minutes. Motion passed unanimously.
3. The Chair noted that the next topic for discussion was the recommendations report from the CPC subcommittee. Joel Goodmonson recused himself from the discussion and left the room at 9:40 am. Dennis Drumm provided the Board with the Continuing Professional Competency (CPC) Subcommittee's recommendations report.

Dennis Drumm read the report aloud to the Board members and a handout was provided that outlined the subcommittee's proposed changes to 231 CMR 2.09 (1); 231 CMR 5.02 (1)(e) (2)(f); 231 CMR 5.10 (1)(a-c) (2)(a-f) (3)(a-e) (4)(a-i) (5)(a-c) (6)(a)(b) (7)(a-c); and 231 CMR 7.02 (2)(o). As described in the report, the subcommittee found scant information on the issue of mandatory CPC. In the report, the CPC subcommittee recommends that CPC requirements be implemented, but without a specific audit requirement.

Paul Tyrell stated that the subcommittee held roughly 6-8 meetings during the yearlong review process and researched both domestic and foreign sources. He



further stated that the subcommittee conducted a comprehensive and thoughtful analysis of the research they gathered.

Dennis Drumm proposed that Board members review the research and recommendations of the subcommittee and table the discussion and vote until the May 25, 2017 or June 22, 2017 meeting depending on availability of all members to be present.

Maurice Pilette stated that he does not feel that there is a need for changes to the CE requirements and does not feel that the subcommittee report supports changing the regulations. He further stated that he plans to vote against adopting any proposed changes to the regulations regarding this matter.

Paul Tyrell stated that Maurice Pilette's points are well taken and that the purpose of the CPC was to generate a draft of potential changes to the regulations pertaining to CE's. Paul Tyrell stated that such a report would be beneficial to the Board for thoughtful consideration and determination of any potential changes to the regulations in this matter.

Dennis Drumm informed the Board that the information provided in the report is not all negative.

Maurice Pilette noted the large number of engineering disciplines licensed by the Board and questioned whether engineers in certain disciplines could find adequate CE courses in that discipline. Mr. Pilette asked how many ethics courses should an engineer be required to take and whether or not there were resources available to monitor CE's for 15,000+ licensed engineers.

Paul Tyrell stated that our regulations currently require that registrants maintain competency in their licensed field and that the Board has seen a number of repeat offenders over the years to suggest that not enough registrants are maintaining competency.

Maurice Pilette stated that he does not feel that engineers should be forced to do this.

Dan Caron asked Sheila York what the process entails if the proposed changes were to move forward.

Sheila York explained that the process entails discussion of the proposed regulation change language by the Board, a majority vote to propose specific amendments to Board regulations, review and approval of the proposed regulations by the Administration, followed by a public hearing and comment period, and further review and vote on final wording of regulations by the Board and potential further review by the Administration.

Paul Tyrell stated that should the members vote to adopt the proposed changes, the Board would make a proposal to add the new language to the regulations. He further stated that he would prefer the full Board be present for such a vote to occur.

Ron Willey encouraged all members to read the regulations and proposed changes.

Ed Englander requested that all pertinent documentation be emailed to the members for review.

Sheila York stated that the documents would be emailed but advised members not to share any comments outside of a board meeting.

Ed Englander motioned, seconded by Dennis Drumm to hold discussion and vote on proposed changes to the regulations until the June 22, 2017 Board meeting, provided all members present. Motion was unanimous.

4. Abbie Goodman provided a brief overview of the proposed bill in Maine to amend laws governing professional engineers. A copy of the proposed language was provided as well. Abbie Goodman stated that the proposed amendment seeks in part to abolish the continuing education requirement for licensed engineers. She further stated that she believes that the legislation is "dead" and that the major issue regarding the paucity of research regarding the efficacy of mandating continuing competency is a lack of funding.

Joel Goodmonson returned to the meeting.

5. Applicant J.I. Application # 57870 appeared before the Board at the request of Ron Willey. The applicant had requested permission to sit for the PE Chemical exam for a fourth time and Ron Willey requested her presence to answer a few questions.

Ron Willey spoke with her regarding her degree from Dalhousie University in Canada.

The Applicant discussed her past experiences with the PE examination. She further stated that she enrolled in and completed the School of PE 16 hour Chemical refresher course and has taken a few online practice exams in preparation for the next offering of the exam in January 2018 as it is now only offered online.

Ed Englander motioned, seconded by Joel Goodmonson to approve Applicant No. 57870 to sit for the PE exam for a fourth time. Motion was unanimous.

6. Paul Tyrell placed a conference call to Applicant AK Application # 50702, a candidate for licensure reinstatement. This application had been reviewed at the March 23, 2017 Board meeting but placed on hold until the Board was able to clarify information related to his employment history.

Paul Tyrell reviewed the work history provided by the applicant in his application and the applicant was able to satisfactorily answer the questions related to his work history.

Paul Tyrell requested that this applicant provide an updated experience table listing all years of employment including the two years from 2000 to 2002 that were left off the original document. Applicant #50702 was informed that the Board would review such documentation at the next Board meeting in May for approval.

7. Sheila York provided an update on the Policy regarding Applicants with General Education Deficiency Evaluations and requested that the policies regarding (1) Use of the Title Engineer and (2) Early Examination Takers be held until the June 22, 2017 Board meeting.

Sheila York stated that in the case of applicants with general education deficiency evaluations of just one credit, the Board requires applicants to have completed eight years of experience to be eligible. She requested that the Board consider allowing applicants with a deficiency of just one GE credit to make up the missing credit to qualify for licensure with only four years of experience.

Sheila York stated that she was working on a revised FAQ for the Board to review. She informed the Board that since most courses available award three credits at

successful completion, the draft language would reflect that if an applicant was deficient by three general education credits or fewer, the applicant could make up the deficiency by completing a course.

Joel Goodmonson stated that as this scenario is most prevalent with foreign degree applicants, the same standard should apply for foreign and domestic degrees.

Paul Tyrell stated that if an applicant is an advanced degree holder, but the degree is not from an ABET-accredited institution, he would like to see a similar option made available. He recommended that if an applicant with a foreign degree is deficient in general education by six credits or fewer, but holds an advanced degree from an institution that has an ABET-accredited engineering program, that degree could be used to make up the deficiency.

Sheila stated that she would be redrafting the policy and FAQ with the changes and would provide the Board with the draft for review at the next Board meeting.

Sheila York stated that the other topics were not ready for distribution as of yet but would provide an update at the next Board meeting.

8. Clinton Dick spoke to the Board about the upcoming Sanctions Hearing on May 24, 2017 and the Adjudicatory Hearing September 19-20, 2017. The Sanctions Hearing will begin at 2:00 PM on May 24, 2017. Paul Tyrell stated that he will be in attendance.

Clinton Dick stated that with regard to attendance at the Adjudicatory Hearing in September, he will email the case number and license type to the Board for and it can be determined at a later date which Board members will attend.

9. Clinton Dick presented a written request from Applicant NC #54070, to be granted permission by the Board to take the PE exam for a seventh time. A copy of the letter was provided to each Board member for review and consideration.

After consideration, Paul Tyrell directed Board staff to decline the request. Clinton Dick and Sheila York indicated that they would provide a written response detailing the Board's decision to Applicant # 54070.

10. At 11:00 AM the following Board members of the Complaint Committee left to convene an investigative conference.
  - Ed Englander
  - Dennis Drumm
  - Joel Goodmonson

A quorum of the Board remained at the meeting.

11. Sheila York presented the Board with a letter from Deron Davis, United States Department of Agriculture, regarding services requiring state licensure. She explained that the letter is an update to the list of Conservation Practice Standards developed by the USDA – Natural Resources Conservation Service (NRCS) to be considered for professional engineering licensure requirements in Massachusetts.

Paul Tyrell requested that Sheila York email the full list of Conservation Practices Considered for Licensure in Massachusetts as detailed by the NRCS for a more detailed review by members.

Sheila York further stated that in some instances, the letter provided an update to conservation practice areas.

After further review, Ron Willey and Paul Tyrell both stated that all practices listed should require licensure. Mr. Tyrell withdrew his request that the list be emailed again to board members.

Sheila York stated that she would contact Deron Davis indicating that all practice areas require licensure.

12. Clinton Dick informed the Board of an email received from William Phelan, a structural engineer whose company is seeking guidance on how long they should retain stamped documents or supporting information.

Peter Hale stated that this request does not sound like a Board issue.

Dan Caron stated that they should contact their insurance carrier as document retention is often a requirement covered under their policy.

Maurice Pilette asked if Massachusetts had such a policy.

Ron Willey asked if the Board had such a policy.

Sheila York stated that the Board has not specified a policy for engineers, however, 250 CMR 5.04(5) requires Registrants to maintain a verifiable written record demonstrating Direct Charge and Supervision. She further stated that for land surveyors, 250 6.01(6) states, "The surveyor shall maintain supporting documentation sufficient to demonstrate compliance with 250 CMR and to substantiate their findings in response to lawful inquiries long enough to meet applicable legal and regulatory requirements."

Sheila York stated that she would reach out to William Phelan regarding his question and recommend that his business contact their legal counsel as well as their insurance carrier.

13. Sheila York informed the Board of an email that was received from Curt Freedman. Clinton Dick provided each member with a copy of the email for them to review.

Maurice Pilette stated that in order for the Board to take action in such matters, there would have to be evidence of a code violation.

Dan Caron stated that the Board should not engage in providing answers or guidance to hypothetical questions or scenarios.

Sheila York informed the Board that she had drafted a response and read her draft to the Board.

Ron Willey and Paul Tyrell both concurred with her response and requested that she send such to Curt Freedman.

14. At 11:35 am, Ron Willey motioned, seconded by Dan Caron to suspend the open session and enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion was unanimous.

15. Report of actions taken during closed investigate conference:

- 2016-001112-IT-ENF: Dismiss without prejudice
- 2016-000312-IT-ENF: Dismiss without prejudice

16. Open session resumed at 11:45 am.

17. At 11:46 am, the Chair noted that there were no further topics for the public Board meeting. R. Willey motioned to adjourn, seconded by Dan Caron. Motion passed.

Respectfully submitted by,



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Eric Funk  
Board of Registration of Professional Engin...

List of Documents Used in the Public Meeting

- Agenda for the April 20, 2017 Board meeting
- Draft Minutes of the March 23, 2017 Board Meeting
- Continuing Professional Competency Subcommittee Report
- Written request of Applicant N.C., Application # 54070
- Letter from Deron Davis, United States Department of Agriculture, dated 1/20/17, regarding services requiring state licensure
- Email from William Phelan, Professional Engineer, dated 3/20/17, inquiring about record retention for stamped plans and supporting documentation
- Email from Curt Freedman, Professional Engineer, dated 3/23/17, regarding informing authorities of potential safety violations