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Commonwealth of Massachusetts  
Division of Professional Licensure  
BOARD OF REGISTRATION OF PROFESSIONAL  
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BUSINESS REGULATION

CHARLES BORSTEL  
DIRECTOR, DIVISION OF  
PROFESSIONAL LICENSURE

## Minutes of the April 28, 2016 Open Meeting

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

### Board Members Present

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

### Board Members Absent

### Members of the Public Present

Joseph Vela, Sr.  
John Duff

### Division Staff Members present at various times during the meeting:

Sheila York, Board Counsel  
Clinton Dick, Executive Director  
Aidan McGrath, Board Administrator  
Bruce Hopper, Chief Legal Counsel

1. Chairman Joel Goodmonson opened the meeting at 9:30am and notified attendees of the evacuation procedures.
2. John Duff, former Board member, addressed the Board, thanking them for their work over the years. The Board thank Mr. Duff for his years of service on the Board. John Duff left at 9:35am.
3. The Board reviewed the minutes of the March 24<sup>th</sup>, 2016 Board meeting. Edward Englander moved, seconded by Scott Cameron, to accept the meeting minutes. Motion passed unanimously.
4. Chairman Goodmonson stated that the next item on the agenda was a request by Joseph A. Vela, Applicant No. 100514, to take an oral examination instead of the written NCEES PE examination. The Chairman noted that the Board had received and reviewed a letter from Mr. Vela's attorney, dated April 18, 2016, regarding Mr. Vela's request. The Chair observed that Mr. Vela was present and provided him with ten minutes to speak in support of his request. Mr. Vela read portions from a written statement which he stated he would submit to the Board after his presentation. Mr. Vela provided background information on his application for licensure as a sanitary engineer and noted that the Board had in the past licensed applicants in the discipline of sanitary engineering based on an oral examination. Mr. Vela stated that if the Board's regulations no longer permit licensure based on an oral examination then the Board should require all licensed sanitary engineers to now take the civil or mechanical written NCEES PE Examination. If that does not happen, he believes he



is being singled out and discriminated against. Mr. Vela specifically requested that following his statement the Board take a roll call vote on his request.

After Mr. Vela's statement, the Board deliberated on his request. Paul Tyrell noted that Mr. Vela was asserting that his subcommittee interview constituted an oral examination. Mr. Tyrell clarified that the interview he and Board Member Dan Caron had with Mr. Vela in August, 2014 was the personal interview required for a twenty year engineering candidate, it was not an oral examination. Mr. Tyrell discussed the appropriate language for a motion on Mr. Vela's request. Board Counsel explained that a roll call vote was not necessary because the discussion was in public session, unless any board member wanted to request a roll call vote. No Board member requested a roll call vote. Mr. Drumm stated that Board regulations require applicants to pass the written NCEES PE Examination. After discussion on the appropriate wording of the motion, Dennis Drumm moved, seconded by Edward Englander, to deny Mr. Vela's request to take an oral examination instead of the written PE examination and to require, in accordance with Board regulations, that Mr. Vela pass the written NCEES PE examination. Motion passed unanimously.

Mr. Vela requested that the Board provide him with a formal response letter notifying him of its decision after the meeting. Board Counsel stated that she would do so by sending his attorney a letter. At 9:54 am, Mr. Vela left.

5. The Board discussed the upcoming 2016 NCEES annual meeting. It was announced that there were still available seats for representatives of the Massachusetts Board, though no formal commitments were made to fill those seats at this meeting.
6. The Board discussed the NCEES Southern Zone Motion. Mr. Goodmonson stated that while the Board was welcome to discuss the Southern Zone Motion at this meeting, they did not need to provide an official decision. It was noted that at their NCEES zone committee meeting, Board members Peter Hale, Paul Tyrell, and Ron Willey voted in favor of the motion, and specified that while the Zone voted in favor of the motion, that did not necessarily mean that Massachusetts had voted in favor as well. The Board continued discussion of the NCEES Southern Zone motion, and requested that the Southern Zone more specifically state what the motion would request of NCEES. The Board decided to take no vote on this matter until they received more information.
7. Board Counsel Sheila York updated the Board on the status of the Executive Order 562 proposed regulation changes. The Board has received approval from Administration and Finance to move forward to the formal regulation promulgation process. She needs to complete the required notifications and will aim to schedule the public hearing for the date of the June meeting.
8. Clinton Dick informed the Board that NCEES would not be accepting new applications for NCEES records between May 22<sup>nd</sup> and June 20<sup>th</sup>, and stated that this would affect possible applicants for licensure in Massachusetts in the coming months. In discussing the NCEES records, Paul Tyrell requested that Board staff provide further information at the next meeting regarding the application process for engineering and land surveying applicants.
9. Clinton Dick requested that the Board members try to renew their licenses online in order to test out the new eLicensing system.
10. Dennis Drumm addressed the Board regarding a letter from PLS applicant 1001133. Mr. Drumm stated that while the applicant expressed frustration with the application process, there was no additional review required.

11. Peter Hale provided the Board with a thorough account of the recent NCEES Zone meeting. He stated that NCEES may be willing to finance future attempts to raise awareness of the Land Surveying profession in schools, and was looking to licensing boards for any other groups to take the lead. Ron Willey had been elected as the Secretary of the NCEES Zone Committee. Peter Hale also noted that NCEES announced that roughly 25% of FE exam takers do not continue towards licensure as a Professional Engineer. He also reported that in Maryland, 21 exam takers were dismissed for wearing FitBits to the exam, and that those FitBits were confiscated.
12. Dan Caron addressed the Board concerning digital signatures and their integrity when working on projects with other firms. He expressed concern that once his signature had been applied to documents, other firms would want to edit the documents, at which point his signature would become invalid. The Board informed him that his description of the process was accurate, and that if any changes were to be made to drawings that he had stamped and digitally signed, the digital signature would no longer be valid.
13. Ron Willey left the meeting at 11:29 am.
14. The Board rescheduled the CPC meeting for June 14<sup>th</sup>, 2016.
15. At 11:34am Edward Englander motioned, seconded by Scott Cameron, to suspend the public session in order to enter closed, investigative session. Motion passed unanimously. Dennis Drumm recused himself during the discussion of EN 2015-1511 and EN 2015-1512.
16. Report of actions taken during closed, investigative session:
  - EN-2015-1511: Dismiss without prejudice
  - EN-2015-1512: Dismiss without prejudice
  - EN-2016-005: Dismiss with advisory letter
  - EN-2015-1479: Dismiss without prejudice
  - EN-2015-1529: Dismiss without prejudice.

Public session resumed at 11:45 am.

17. In a topic not reasonably anticipated by the chair, there was follow up on the recent NCEES Zone meeting. Peter Hale mentioned that NCEES uses a "cut score" method of scoring PLS exams, and stated it may be worth considering use of a cut score for the Massachusetts state-specific portion of the exam. Dennis Drumm replied that using such a cut score is only practical for large sample sizes, such as for the NCEES PLS examination, but would be less reliable for a smaller sample size, such as for the Massachusetts state-specific exam.
18. At 11:51am the Chair noted that there were no further topics for the public Board meeting. Paul Tyrell motioned to adjourn. D. Caron seconded. Motion passed unanimously.

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:

Minutes of the March 24<sup>th</sup>, 2016 Board meeting

Letter from PLS Applicant 1001133, dated March 25, 2016

Letters from Daniel R. Seigenberg, dated April 18, 2016, re: Joseph A. Vela, Sr., CPD, FASPE

Prepared statement from Joseph Vela read at the April 28<sup>th</sup>, 2016 Board meeting