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## Minutes of the May 24, 2018 Open Meeting

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

### Board Members Present

Paul Tyrell, PE, PLS, Chairman  
Dennis Drumm, PLS  
Erin Joyce, PE  
Daniel Caron, PE  
Ronald Willey, PE, Vice Chairman  
Paul Tsang, PE  
Azu Etoniru, PE, PLS  
Maurice Pilette, PE  
Joanne Linowes, Public Member

### Board Members Absent

Joyce Hastings, PLS

### Members of the Public Present

Abbie Goodman, TECET

### 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 9:03AM and notified attendees of the evacuation procedures.
2. The Board reviewed the minutes of the April 26, 2018 Open Meeting. Ron Willey moved, seconded by Azu Etoniru, to accept the meeting minutes. Motion passed with a vote of 9-0.
3. Chairman Paul Tyrell stated that he received a number of emails from licensees voicing their displeasure with the on-line license renewal system.

Erin Joyce and Maurice Pilette both indicated that navigating the website proved difficult and clear instructions did not appear to be readily accessible.

4. Sheila York provided the Board with a brief update on Continuing Professional Competency (CPC). She informed the Board that she is still working to obtain Jim Read's, DPL Chief Prosecutor, and Kevin Scanlon's, DPL General Counsel, input on the draft language. She reminded the Board that after the DPL has reviewed and approved the draft regulations they would need to be reviewed and approved by the Office of Consumer Affairs, followed by the Secretariat of the Commonwealth. If those agencies approve, the Board may begin the regulation amendment process and schedule the draft regulations for public comment and hearing.



5. Sheila York informed the Board that the draft policy language on the Use of the Title Engineer was still in draft form and should remain on the agenda.
6. Sheila York provided the Board with the updated draft Policy on the Professional Land Surveyor Massachusetts Examination Sub Committee language for discussion purposes. The update reflected the edits discussed at the April 26, 2018 meeting.

After review and a brief discussion, Dan Caron moved, seconded by Dennis Drumm to approve the Policy on the Professional Land Surveyor Massachusetts Jurisprudence Exam Sub Committee as amended. Motion passed with a vote of 9-0.

7. Sheila York updated the Board on an inquiry that the agency had received regarding a Chief Engineer of a municipality who does not hold a professional engineer license. She has reached out to the attorney for the municipality to discuss the matter.
8. Chairman Paul Tyrell recognized Cynthia Fitzgibbon, a member of the public who was in attendance and who requested an opportunity to address the Board regarding an ongoing land surveyor issue she has been dealing with for a number of years. Chairman Tyrell indicated that Ms. Fitzgibbon would be allowed to speak for a few minutes on this topic that was not reasonably anticipated by the Chair 48 hours prior to the Board meeting. Cynthia Fitzgibbon briefed the Board on the property boundary dispute and the resulting Land Court battle that she hopes the Board can provide guidance on. During the course of the discussion, it became clear that the Board had previously weighed in on a related matter, but that there may now be additional information.

Sheila York stated that in order for the Board to review any additional material, a new complaint would need to be filed.

Dennis Drumm told Ms. Fitzgibbon that she may file a new complaint if she seeks the Board's review of additional alleged violations of Board regulations or standards of practice.

9. Clinton Dick provided the Board with a copy of an email from Tom Lorentz, dated March 6, 2018, requesting clarification as to how to comply with the submittal of the sealed as-built drawings to public authorities if an engineer cannot assume responsibility with regard to verifying all of the as-built conditions.

Sheila York and Paul Tyrell stated that 250 CMR 5.03 (13) addresses this inquiry. The Board noted that it can advise only with regard to its own regulation requirements and will not comment on the acceptability of a comment without knowing all relevant facts. However, Section 5.03(13) allows a Registrant to limit his or her responsibility to certain work on a plan. Sheila York stated that she would respond to Tom Lorentz's email by referring him to the regulations that allow limitation of responsibility.

10. Clinton Dick provided the Board with a copy of an email from Darrin Galvao, dated May 18, 2018, asking for clarification regarding direct supervision and the qualifying engineering experience needed to become a licensed professional engineer.

After review and discussion by the Board, concerns were raised about the appearance that Mr. Galvao may be practicing engineering without the direct charge and supervision of a licensed professional engineer. Sheila York stated that she would respond to Darrin Galvao that an unlicensed individual may practice engineering only under the direct charge and supervision of a licensed professional engineer. The requirements for "direct charge and supervision" are set forth in 250 CMR 5.04. Only

engineering work performed during the lawful practice on engineering will be credited as qualifying work experience for licensure purposes.

11. Clinton Dick provided the Board with a copy of a memo from Tim Miller, P.E., NCEES Director of Examination Services, regarding upcoming changes to future NCEES exams as well as important reminders about exam deadlines for the fall exams in 2018.

Clinton Dick stated that the correspondence was informational in nature.

Paul Tyrell provided the Board with a brief synopsis of the 2018 NCEES Northeast Zone meeting that took place on May 17-19 in Portland, ME.

Joanne Linowes spoke about her experience at the meeting. She stated that she was proud of Chairman Paul Tyrell and Vice Chairman Ron Willey for the way in which they represented the Massachusetts Board and expressed her belief that the stature of the Board was held high.

Azu Etoniru attended the meeting as well and expressed how superbly the meeting was run. He further stated that it spoke to the high level of operation of the MA Board.

Azu Etoniru mentioned that one of the topics of discussion at the meeting was in regards to the possibility of ceasing to offer the State Specific Jurisprudence Exam.

Dennis Drumm reminded the Board that numerous states do not offer the State Specific Jurisprudence Exam and therefore, applicants in those states are not tested on state specific laws or requirements.

12. Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #41790. The Licensee was reporting action taken against his license by the NY Licensing Board in 2017. The discipline was related to the licensee failing to notifying the NY Licensing Board of an unsafe condition.

The Board determined that no action was required at this time.

Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #45131. The Licensee was reporting action taken against his license by the OK Licensing Board. The discipline was related to improperly relying on the representation of a business partner that his company had the proper license and for inadequate recordkeeping.

The Board determined that no action was required at this time.

Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #46413. The Licensee was reporting action taken against his license by the TX Licensing Board. The discipline was related to failing to submit design plans timely.

The Board determined that no action was required at this time.

Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #47948. The Licensee was reporting action taken against his license by the CA Licensing Board.

The Board determined that the matter should be forwarded to the Complaint Committee.

Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #48033. The Licensee was reporting action taken against his license by the NM Licensing Board. The discipline was related to practicing in NM without a license.

The Board determined that no action was required at this time.

Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #49332. The Licensee was reporting action taken against his license by the CO Licensing Board. The discipline was related to failing to practicing in CO without a license.

The Board determined that no action was required at this time.

Clinton Dick stated that the Board received a Self-Report of discipline from Applicant 2017-712-EN-PE-A. The Applicant was reporting discipline taken by the NV Board for signing and stamping drawings in disciplines in which he was not registered.

Dennis Drumm motioned, seconded by Joanne Linowes to allow the application to move forward. Motion passed with a vote of 9-0.

13. At 10:45 pm Dan Caron motioned, seconded by Dennis Drumm to enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion was unanimous.

14. Report of actions taken during closed investigate conference:

- 2017-001530-IT-ENF: Dismiss without prejudice
- 2018-000058-IT-ENF: Dismiss without prejudice
- 2018-000024-IT-ENF: Dismiss without prejudice
- 2017-001149-IT-ENF: Dismiss with an Advisory Letter

15. Open session resumed at 10:53AM.

16. At 10:54AM the Chair noted that there were no further topics for the public Board meeting. Dan Caron motioned to adjourn. Azu Etoniru seconded. Motion passed.

Respectfully submitted by,



Eric Funk  
Board of Registration of Professional Enqin...

Documents used at the public meeting:

- May 24, 2018 Public Agenda
- April 26, 2018 Public Session Minutes (draft)
- Email from Tom Lorentz, dated March 6, 2018.
- NCEES memo regarding future changes to exams.
- Email from Darrin Galvao, dated May 18, 2018.