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CHARLES BORSTEL
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PROFESSIONAL LICENSURE

Minutes of the July 19, 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
Azu Etoniru, PE, PLS
Maurice Pilette, PE
Joanne Linowes, Public Member

Board Members Absent

Joyce Hastings, PLS
Paul Tsang, 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

1. Chairman Paul Tyrell opened the meeting at 9:37AM and notified attendees of the evacuation procedures.
2. The Board reviewed the minutes of the June 21, 2018 Open Meeting. Azu Etoniru moved, seconded by Dennis Drumm, to accept the meeting minutes. Motion passed with a vote of 7-0. Erin Joyce abstained from the vote as she was not in attendance at the meeting.
3. Ron Willey motioned, seconded by Dennis Drumm to enter into Closed Quasi-Judicial Session pursuant to G.L. c. 30A, §18 to discuss the Final Decision and Order in Docket Number EN-15-1491.
4. Open session resumed at 10:13AM. Report of actions taken during closed quasi-judicial session:
 - EN-15-1491: Voted to issue final decision and sanction.
5. Chairman Paul Tyrell recognized the attendance of Christopher Knotts, PE, Chairman of the Louisiana Professional Engineering and Professional Land Surveying Board (LA Board), as well as NCEES Southern Zone vice president.



Christopher Knotts provided the Board with a quick overview of the operations of the LA Board. Highlights included that the Board is self-funded through the collection and retention of all licensing fees; the only money that they do not retain is money generated from fines, which goes to the general fund; they have a staff of 16, including investigators; and staff review and approve all MLE comity licensure applications and provide a list of those approved to the Board.

Christopher Knotts then spoke about his position with NCEES. He gave the Board a brief overview of the history of NCEES which has 501(c)(3) status despite over thirty million dollars in reserves. He stated that there are currently seventy (70) member Boards but started out with only five (5) back in 1920; and Member Boards control the course of operation of NCEES while NCEES enacts resolutions approved by the Boards.

Christopher Knotts then answered a number of questions from Board members on a variety of NCEES and LA Board topics.

6. Clinton Dick provided the Board with a copy of an email from NCEES regarding the mistake of Licensee No. 54249 being designated a Model Law Engineer (MLE) by NCEES.

Clinton Dick stated that Licensee 54249 was just recently licensed by the MA Board but that shortly after he was notified that the Licensee was the subject of discipline in five (5) separate jurisdictions. He further stated that this information was not indicated on the NCEES record provided to the Board during application review nor was it disclosed on the Board's application.

Ron Willey motioned, seconded by Dennis Drumm to send the matter to investigations. Motion passed with a vote of 8-0.

7. Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #32801-M. The Licensee had failed to renew his license and his business license in several jurisdictions in a timely manner and was disciplined in each jurisdiction. Clinton Dick informed the Board that the Licensee had properly reported such discipline to MA.

The Board determined that they will take no action against Licensee.

8. Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #39636-C. The Licensee was reporting action taken against his license by the GA Licensing Board. The discipline was related to stamping documents without a licensed business entity. Clinton Dick informed the Board that the Licensee had properly reported such discipline to MA.

The Board determined that they will take no action against Licensee.

9. Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #42819-ST. The Licensee was reporting action taken against his license by the FL Licensing Board. The discipline was related a continuing education violation and the Licensee voluntarily relinquished his license. Clinton Dick informed the Board that the Licensee had properly reported such discipline to MA.

The Board determined that they will take no action against Licensee.

10. Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #50744-E. The Licensee was reporting action taken against his license by the CO

Licensing Board. The discipline was related to action taken by Massachusetts. Clinton Dick informed the Board that the Licensee had properly reported such discipline to MA.

The Board determined that they will take no action against Licensee.

11. Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #48504-C that came to the attention of the Board less than 48 hours in advance of the meeting. The Licensee was reporting action taken against his license by the WI Licensing Board. The discipline was related a continuing education violation and the Licensee was issued a fine. Clinton Dick informed the Board that the Licensee had properly reported such discipline to MA.

The Board determined that they will take no action against Licensee.

12. Clinton Dick informed the Board that the topic of application number 1009080 would be tabled until the August 2018 meeting.
13. Clinton Dick provided the Board with an overview of application number 46514. The applicant had been informed by letter dated December 1, 2017, that he would only have one more opportunity to take the PE Exam, which would be in April 2018. The applicant did not pass the exam in April 2018. The applicant was applying to take the exam in October 2018, but this would exceed the allowed exams per the Board's decision and what the Board communicated to the applicant.

Dennis Drumm motioned, Dan Caron seconded, to deny the applicant the ability to sit for the October 2018 PE Exam. Motion passed with a vote of 6-1 with Maurice Pilette voting no and Joanne Linowes abstaining from the vote.

14. Clinton Dick provided the Board with a copy of an email from Amir Massoumi, dated June 22, 2018, asking if a licensed engineer can reference the Massachusetts State Building Code, or the Existing Building Code of Massachusetts.

After discussion by the Board it was determined that the matter presented in the email was code related and therefore did not fall under the purview of the Board. It was decided that a response would be drafted and sent to Amir Massoumi relaying the Boards determination that the question is better suited to the Board of Building Regulation and Standards (BBRS).

Ron Willey motioned, seconded by Dan Caron, to provide a response to Amir Massoumi directing him to the BBRS. Motion passed with a vote of 7-0.

15. Clinton Dick provided the Board with a copy of an email from Maria Thompson on behalf of Christian Benavides, dated July 2, 2018, asking if there are any licensing requirements to perform 3-D laser scanning.

Paul Tyrell stated that there are no Board requirements for licensure to perform 3-D laser scanning. He further stated that anyone can perform 3-D laser scanning and that it is how that data is used that may require a licensed land surveyor or engineer.

Azu Etoniru and Dennis Drumm both stated that 250 CMR 5.04 provides guidance on this topic for licensed engineers and land surveyors.

Sheila York stated that a response would be provided to Maria Thompson.

16. Clinton Dick informed the Board that the Executive Session on the agenda would be postponed until the next meeting.
17. At 12:01PM, the Board voted to enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a vote of 7-0.

Report of actions taken during closed investigate conference:

- 2018-000726-IT-ENF: Follow-up with the Office of Investigations
- 2017-000978-IT-ENF: Forward to the Office of Prosecutions
- 2017-000978-IT-ENF: Dismiss
- 2017-000978-IT-ENF: Dismiss with an Advisory Letter

18. Open session resumed at 12:27PM.

19. At 12:28PM the Chair noted that there were no further topics for the public Board meeting. Ron Willey motioned to adjourn. Dan Caron seconded. Motion passed.

Respectfully submitted by,



Eric Funk
Board of Registration of Professional Engin...

Documents used at the public meeting

- Agenda for July 19, 2018 Meeting
- Draft Minutes of June 21, 2018 Meeting
- Email from Amir Massuomi, dated June 22, 2018, asking if a licensed engineer reference the Massachusetts State Building Code, or the Existing Building Code of Massachusetts
- Email from Maria Thompson on behalf of Christian Benavides, dated July 2, 2018, asking if there are any licensing requirements to perform 3-D laser scanning.