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CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes of the August 23, 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
Joyce Hastings, PLS
Ronald Willey, PE, Vice Chairman
Azu Etoniru, PE, PLS
Maurice Pilette, PE
Joanne Linowes, Public Member
Paul Tsang, PE

Board Members Absent

Daniel Caron, PE

Members of the Public Present

David Petersile

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 9:55AM and notified attendees of the evacuation procedures.
2. The Board reviewed the minutes of the July 19, 2018 Open Meeting. Ron Willey moved, seconded by Azu Etoniru, to accept the meeting minutes with a minor edit to #11 on page three. Motion passed with a vote of 8-0. Joyce Hastings abstained from the vote as she was not in attendance at the meeting.
3. Chairman Paul Tyrell gave the Board a report on the four interviews that were conducted by the Engineering Interview Committee:
 - Applicant 1009674: Committee recommends this applicant, a 20 year applicant, be approved to sit for the PE exam; Ron Willey motioned to so approve, seconded by Azu Etoniru. Motion passed unanimously.
 - Applicant 1010287: Committee recommends this applicant, a 20 year applicant, be approved to sit for the PE exam; Ron Willey motioned to so approve, seconded by Azu Etoniru. Motion passed unanimously.
 - Applicant 1011665: Committee recommends this applicant, a 20 year applicant, be approved to sit for the PE exam; Ron Willey motioned to so approve, seconded by Azu Etoniru. Motion passed unanimously.



- Applicant 1010548: Committee recommends this applicant, a 20 year applicant, be approved to sit for the PE exam; Ron Willey motioned to so approve, seconded by Azu Etoniru. Motion passed unanimously.
4. Dennis Drumm gave the Board a report on the five interviews that were conducted by Land Surveyor Interview Committee:
- Applicant 1011768: Committee recommends this applicant be approved to take the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Joyce Hastings. Erin Joyce was recused from the vote. Motion passed with a vote of 8-0.
 - Applicant 1010094: Committee recommends this applicant be approved to take the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Joyce Hastings. Motion passed unanimously.
 - Applicant 1010257: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Joyce Hastings. Motion passed unanimously.
 - Applicant 1012071: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Joyce Hastings. Motion passed unanimously.
 - Applicant 1010200: Committee recommends this applicant be approved to take the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Joyce Hastings. Motion passed unanimously.
 - Applicant 1005780: Committee recommends this applicant obtain an additional 2 years of experience addressing the reconciliation of record evidence versus physical evidence in compliance with the common recognized legal aspects of land surveying, utilizing computational and graphic methods available via those specialized computer applications developed for land surveyors; Ron Willey motioned to so approve, seconded by Joyce Hastings. Motion passed unanimously.
5. Chairman Paul Tyrell recognized PE Exam Applicant David Petersile was in attendance. Before any discussion was held, Maurice Pilette recused himself from the meeting as he had previously worked with David Petersile on a project.

Paul Tyrell requested that a brief summary of Mr. Petersile's application be provided for the benefit of the Board. Eric Funk provided a summary and Paul Tyrell then opened up discussion of Mr. Petersile's application to the full Board.

Erin Joyce stated that she was in attendance at Mr. Petersile's interview in February 2018 and that she had conducted a thorough re-examination of his application and the additional clarification information that Mr. Petersile provided at the request of Clinton Dick. Erin Joyce stated that at this time, her assessment of Mr. Petersile's eligibility had not changed and she would not be recommending that his application move forward.

Azu Etoniru stated that while he was not present at the original subcommittee interview of Mr. Petersile, he has been present for his subsequent appearances before the Board and has had the opportunity to conduct an examination of his application.

He further stated that it is his opinion that the application materials provided by Mr. Petersile do not demonstrate the required level of experience to meet the requirements for approval to exam.

Chairman Paul Tyrell indicated that his original opinion was unchanged and that he would not be recommending that the application move forward at this time. He asked if there were any other members who wished to comment and noting that there were none, he asked for a motion by the Board regarding Mr. Petersile's application for examination.

Dennis Drumm motioned, seconded by Joyce Hasting, to accept the recommendation of the Committee that Mr. Petersile, a 20 year applicant, be advised to withdraw his application as he does not have the required acceptable work experience per 250 CMR 3.05 (2) at this time. Motion passed with a vote of 6-1 with Ron Willey voting no and Joanne Linowes abstaining from the vote.

6. Chairman Paul Tyrell provided a brief recap of the NCEES Annual Meeting, held August 15-18, in Scottsdale, AZ.

Erin Joyce attended the meeting, which she said she found enlightening. She informed the Board that one of the sessions she attended was about "hot topics" such as decoupling experience from the PE exam requirements (18 states have adopted decoupling); use of the title engineer; industrial exemption; computer based testing; discontinuation of the Software PE exam; emeritus status; retired vs. inactive status; the Structural I exam; and is a stamp on a drawing/document valid if the EN that stamped it is no deceased?

Azu Etoniru was also in attendance and stated that he was most interested in the discussions centered on states moving away from or eliminating the Jurisprudence exam and revising the PLS exam to be module based with specific modules dedicated to individual state's needs.

7. Chairman Paul Tyrell requested that the monthly agenda topic related to Board meeting dates include a list of the meeting dates should conflict arise and an alternative date be needed.
8. Sheila York provided the Board with revised draft policy language regarding the use of the title Engineer that was dated 8/23/2018. The language was revised per based on previous Board discussion on the topic.

Board members engaged in a spirited discussion of the language and came to the conclusion that the policy language should be revised using the NCEES Model Law; previous Board decisions; the Attorney General's Policy position of 1965; and contain exemption language for engineer-in-training (EIT) holders.

Sheila York stated that she would revise the language using the above criteria and provide a new draft at a later Board meeting.

9. Sheila York provided the Board members with a copy of an email from Robert Anderson, Chief of Inspections, Board of Building Regulations and Standards (BBRS), Office of Public Safety and Inspection (OPSI) dated July 20, 2018. The email that was forwarded to the Board by Robert Anderson was in regards to a question about alarm systems, System Technicians, and compliance with M.G.L. Chapter 112, § 81R (a) that the BBRS received from a building inspector in Barnstable.

Sheila York provided the email to the Board as an FYI as she hopes that the Board can work with the BBRs/OPSI to codify the trade exemption language as it pertains to the practice of engineering.

Sheila York stated that she had spoken with Maurice Pilette who provided insight on the topic and he recommended that both Paul Tsang and Dan Caron be involved in the discussions as they have a great deal of experience in this area as well.

10. Sheila York informed the Board that there were currently no pending legal matters for discussion.
11. Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #23470-M. The Licensee had failed to obtain a Certificate of Authority for his business and was disciplined by the OK Board. 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 stated that the Board received a Self-Report of discipline from Licensee #47948-ST. 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.

13. At 11:09 AM, Ron Willey motioned, seconded by Joyce Hastings, to enter into Executive Session pursuant to G.L. c. 30A, §21(a) (1) to discuss the character, rather than competency of Licensee A.A. Motion passed with a roll call vote of 9-0. Members in favor: Paul Tyrell, Dennis Drumm, Ronald Willey, Paul Tsang, Maurice Pilette, Erin Joyce, Joyce Hastings, Azu Etoniru, and Joanne Linowes. Members opposed: None. The Chairman estimated that the open session would resume in ten minutes.
14. Open session resumed at 11:24AM.
15. Clinton Dick provided the Board with a copy of a letter from Paul Tappel, dated July 24, 2018, regarding engineer titles in Massachusetts when an individual is not licensed as an engineer.

Sheila York informed the Board that she would be providing a written response to Paul Tappel regarding his question.

16. Clinton Dick provided the Board with a copy of an email from Mary Guiney, Town of Kingston Conservation Agent, dated August 14, 2018, regarding the submission by a licensed P.E. of a copy of a previously stamped and signed plan as the "as-built drawings" with an added disclaimer that appears to contradict the validity of the P.E. stamp as well as the tasks and obligations outlined in the contract.

Sheila York stated that 250 CMR 5.03 (13) speaks directly to this questions and she will provide a response to Mary Guiney directing her to the regulatory language.

17. At 11:57AM, the Board voted to enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a vote of 9-0.

Report of actions taken during closed investigate conference:

- 2018-000447-IT-ENF: Dismiss
- 2018-000175-IT-ENF: Forward to the Office of Prosecutions
- 2018-000166-IT-ENF: Forward to the Office of Prosecutions
- 2018-000420-IT-ENF: Dismiss
- 2018-000660-IT-ENF: Dismiss with an Advisory Letter
- 2018-001284-IT-ENF: Dismiss

18. At 12:05 PM the Chair noted that there were no further topics for the public Board meeting. Ron Willey motioned to adjourn. Joanne Linowes seconded. Motion passed unanimously.

Respectfully submitted by,



Eric Funk
Board of Registration of Professional Enjin...

Documents used at the public meeting

- Agenda for August 23, 2018 Meeting
- Draft Minutes of July 19, 2018 Meeting
- Letter from Paul Tappel, dated July 24, 2018, regarding engineer titles in Massachusetts when an individual is not licensed as an engineer.
- Email from Mary Guiney, Town of Kingston Conservation Agent, dated August 14, 2018, regarding the submission by a licensed P.E. of a copy of a previously stamped and signed plan.