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CHARLES BORSTEL  
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PROFESSIONAL LICENSURE

Minutes of the September 28, 2017 Open Meeting

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

**Board Members Present**

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

**Board Members Absent**

Daniel Caron, PE

**Members of the Public Present**

Abbie Goodman, ACEC/MA  
Ken Anderson

**Division Staff Members Present**

**at Various Times during the Meeting:**

Sheila York, Board Counsel  
Clinton Dick, Executive Director  
Eric Funk, Board Administrator  
Jenna Hentoff, Prosecuting Counsel  
Seth Henderson, Prosecuting Counsel

1. Chairman Paul Tyrell opened the meeting at 9:05AM and notified attendees of the evacuation procedures.
2. The Board reviewed the minutes of the July 27, 2017 Open Meeting. Ron Willey moved, seconded by Ed Englander, to accept the meeting minutes. Motion passed unanimously.
3. The Board reviewed the minutes of the August 17, 2017 Open Meeting. Scott Cameron moved, seconded by Ed Englander, to accept the meeting minutes. Motion passed unanimously.
4. Chairman Paul Tyrell indicated that the Board would be discussing the comments and/or edits each member submitted regarding the Continuing Professional Competency (CPC) Subcommittee's draft regulatory changes to 250 CMR.

Joel Goodmonson recused himself from the discussion at 9:10 am.



Dennis Drumm asked for clarification on how the Board would be addressing the proposed changes. Specifically he asked if the Board would review and discuss each proposed change one at a time and vote to accept or make additional revisions or would they review the proposed changes as a whole and then discuss/vote afterward.

Sheila York stated that it was the Board's prerogative how the process should be handled.

Paul Tyrell then opened the discussion by asking the members how they wished to handle the proposed changes. The consensus of the Board was to discuss each proposed change individually; make changes as needed after discussion; and vote.

Maurice Pilette asked Sheila York for clarification on what happens next if all proposed changes are accepted. Sheila stated that the purpose of the vote was to finalize the proposed regulatory change language to 250 CMR so that a proposed draft of the regulations could then be reviewed internally and, if required, by other supervising state agencies. Upon completion of that review, the draft regulations would be published for public comment and a formal public hearing scheduled.

Dennis Drumm stated that the draft currently does not contain numbers for each of the definitions. Sheila York stated that the draft will be cleaned up after the language changes have been finalized and submitted for review.

5. Chairman Paul Tyrell opened the discussion of the draft regulations.

250 CMR 2.09 (2): Board accepted the proposed change for the definition of Continuing Education Unit (CEU) to be "Unit of credit used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course."

250 CMR 2.09 (5): Board accepted the proposed change for the definition of Semester/Quarter Hour to be "Credit for course in any accredited university or related program or other related college course by a recognized entity."

250 CMR 2.09 (8): Board discussed amending the term "Juried" to "Peer Reviewed." After a brief discussion the Board agreed to amend "Juried" to "Peer Reviewed."

250 CMR 5.02 (1) (J): Maurice Pilette requested that the number of PDHs required biennially be changed from 18 to 14. This brought about a rather spirited debate. Paul Tyrell motioned, seconded by Dennis Drumm, to keep the requirement at 18 PDHs. Motion passed with a vote of 7-1.

250 CMR 5.10 (3) (A): Board agreed to amend the language regarding online course or seminars to state, "Online courses or seminars delivered through web based technologies must occur in real time and there must be allowed interaction between the instructor and the Registrant."

250 CMR 5.10 (3) (C): Board agreed to strike this proposed addition as the presenting a seminar to a society is addressed under 250 CMR 5.10 (3) (B). This will result in the subsequent proposed changes in numbering to revert back to the original format.

250 CMR 5.10 (3) (D): Board agreed to the following change in language, "Publishing a book, or an original article or paper in a peer reviewed Professional Journal."

250 CMR 5.10 (4) (A): Board agreed to accept the original language as written and make no edits to this section.

250 CMR 5.10 (4) (B): Board agreed to accept the original language as written and make no edits to this section.

250 CMR 5.10 (4) (C): Board agreed to accept the original language as written and make no edits to this section.

250 CMR 5.10 (4) (D): Board agreed to strike the words "or similar" from the last sentence in this section.

250 CMR 5.10 (4) (E): Board agreed to amend the language to "A Registrant who published a book in the Registrant's area of professional practice will earn 15 PDHs."

250 CMR 5.10 (4) (F): Board agreed to amend the language to "A Registrant who published a peer reviewed Professional paper in the Registrant's area of professional practice will earn 6 PDHs."

250 CMR 5.10 (4) (G): Board agreed to amend the language to "A Registrant who published a non-peer reviewed paper or article in the Registrant's area of professional practice will earn 3 PDHs."

250 CMR 5.10 (4) (H): Board agreed to strike the words "through this method unless approved by the Board prior to renewal" from the last sentence in this section.

250 CMR 5.10 (4) (I) (a): Board agreed to accept the original language as written and make no edits to this section.

250 CMR 5.10 (4) (I) (b): Board agreed to amend the language to "2 additional PDHs per year for sitting as an officer or director of such organizations."

250 CMR 5.10 (4) (I) (c): Board agreed to amend the language to "2 additional PDHs per year for participating on committees of such organizations."

6. Prosecutors Jenna Hentoff and Seth Henderson appeared to discuss settlement terms with the Board. Scott Cameron motioned, seconded by Ed Englander, to suspend the open session and enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion was unanimous.

7. Report of actions taken during closed investigate conference:

Joel Goodmonson recused himself from the discussion of 2016-000687-IT-ENF and left the room.

- 2016-000687-IT-ENF: Guidance on settlement provided to Prosecutor
- EN-15-025: Guidance on settlement provided to Prosecutor

8. Open session resumed at 10:38AM.

9. Sheila York provided the Board with the revised draft policy language on Early Exam Takers. Dennis Drumm motioned, seconded by Scott Cameron, to approve the policy on Early Exam Takers.

Sheila York stated that she was still working on the draft policy language regarding the use of the title Engineer.

10. Chairman Paul Tyrell resumed the discussion of the draft regulations.

250 CMR 5.10 (5): Board agreed to amend the language to "A Registrant may complete continuing education required for renewal of his or her registration through the use of means such as audio, video, print or online programs of a continuing education course or program, as long as:"

250 CMR 5.10 (6): Board agreed to amend "four" to "three" in the second sentence and keep 14 in the third sentence.

250 CMR 5.10 (6) (A): Board agreed to strike the words "prescribed by the Board" from this section.

250 CMR 7.02 (2): Board agreed to amend the language in the first sentence to "The Board has not implemented an audit requirement or procedure, however, the Board may..."

250 CMR 7.02 (2) (O): Board agreed to amend the language in this section to reflect that an audit can only happen if first there is a finding of guilt and/or disciplinary action has been taken. Sheila York will work on the language change.

11. Chairman Paul Tyrell indicated that there was no discussion for the 2018 NCEES Call for Awards Nominations.
12. Scott Cameron and Ron Willey provided the Board with a Summary of Actions at the 2017 NCEES Annual Meeting.
13. At 11:38AM the Chair noted that there were no further topics for the public Board meeting. Ron Willey motioned to adjourn. Ed Englander seconded. Motion passed.

Respectfully submitted by,



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Eric Funk  
Board of Registration of Professional Enqin...

#### List of Documents used at the Meeting

Agenda of the September 28, 2017 Meeting  
Draft minutes of the July 27, 2017 Open Meeting  
Draft minutes of the August 17, 2017 Open Meeting  
Draft regulations for 250 CMR regarding continuing education