



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MIKE KENNEALY
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Professional Licensure
Board of Registration of Professional Engineers
and Land Surveyors

1000 Washington Street • Boston • Massachusetts • 02118

JOHN C. CHAPMAN
UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes of the December 20, 2018 Open Meeting

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

Board Members Present

Paul Tyrell, PE, PLS, Chairman
Daniel Caron, PE
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

Dennis Drumm, PLS

Members of the Public Present

Abbie Goodman, TECET
Kenneth Anderson, TECET
Zachary Rohlfs, BR+A

Division Staff Members Present at Various Times during the Meeting:

Sheila York, Board Counsel
Clinton Dick, Executive Director
Eric Funk, Board Administrator
Seth Henderson, Prosecutor

1. Chairman Paul Tyrell opened the meeting at 9:15AM and notified attendees of the evacuation procedures.
2. The Board reviewed the minutes of the October 25, 2018 Open Meeting. Ron Willey moved, seconded by Azu Etoniru, to accept the meeting minutes. Motion passed with a vote of 9-0.
3. Sheila York and Eric Funk briefed the Board regarding numerous questions from applicants about the requirements for and acceptability of evaluations of foreign degrees. Applicants who have attended foreign universities and/or obtained foreign degrees and who subsequently were informed by either NCEES or PCS that they would need to obtain an NCEES Foreign Credential Evaluation to determine if their education is equivalent to the ABET accreditation standard are questioning why only the NCEES evaluation is accepted. In several cases, the applicants contended that their credentials had been evaluated by WES, the World Education Services which conducts International Credential Evaluations and therefore they did not feel that they also need to go through the NCEES evaluation process. In a number of other instances, the applicants contended that because the school or university they attended outside the United States was a signatory/member of the Washington Accord or one of



the other Mutual Recognition Agreements (MRAs or Accords) recognized by ABET (Seoul Accord, Sydney Accord, Dublin Accord and the bilateral agreement between Engineers Canada and ABET) and therefore they do not understand why the NCEES evaluation is required.

Chairman Paul Tyrell stated that his understanding of the accords was such that the signatories have agreed to make every reasonable effort to ensure that the engineering licensing and registration bodies in the respective countries recognize the substantial equivalence of engineering programs accredited by the other signatories. However, it is the licensing and registration organizations in each signatory's country which make the final decision regarding the recognition of an individual's credentials for the purpose of licensing and registration.

Chairman Paul Tyrell further stated that while Massachusetts is a signatory of the Washington Accord, the Board requires that applicants with foreign undergraduate degrees must go through the NCEES Foreign Credential Evaluation process to determine if their education is ABET equivalent.

Additional discussion related to the acceptability of WES evaluations resulted in the determination that for applications submitted under classification C, D, or E, the Board would accept the WES evaluation but may require additional evaluation after a review of the entire application has been conducted.

4. Sheila York provided the Board with a brief update on NCEES and the alleged exam breach.

Sheila York informed the Board that NCEES has rescinded their efforts to collect a monetary penalty from the state of Massachusetts for the alleged exam breach back in April 2018.

Sheila York further stated that NCEES and the DPL continue to have discussions regarding a new contract and will provide the Board with further details at a future meeting.

5. The Board received an update from Abbie Goodman on the National Transportation Safety Board's (NTSB) Safety Recommendation Report on Natural Gas Distribution System Project Development and Review dated November 14, 2018.

Abbie Goodman informed the Board that the Massachusetts House of Representatives (House) was expected to pass Bill H.4979, *An Act to Ensure the Safety and Soundness of the Commonwealth's Natural Gas Infrastructure*, as early as December 20, 2018 and the Senate was anticipated to vote on the measure as early as December 21, 2018.

Abbie Goodman indicated that ACEC/MA had issued a letter to the Governor outlining a number of the concerns the organization has with the language in the Bill.

Chairman Paul Tyrell raised the question of why the H.4979 only pertained to natural gas and did not touch on other public utilities that pose potential risks to the health and safety. He further indicated his concern that the current language appeared to place the authority to identify when an Engineer stamp was required with the Department of Public Utilities (DPU) and not the Board.

Chairman Paul Tyrell asked Clinton Dick about the Board reaching out to DPU to discuss the proposed process and current Board regulatory requirements (250 CMR), among other topics. Clinton Dick stated that DPU may be receptive to such a discussion and would bring the matter to Deputy Director and General Counsel Kevin Scanlon.

Chairman Paul Tyrell stated that he would provide Clinton Dick with talking points for review.

Abbie Goodman stated that as currently proposed, the DPU would be responsible for drafting the new regulations.

Maurice Pilette stated that local code officials are being put in a very difficult position with respect to both Federal and State requirements.

Chairman Paul Tyrell stated that the Board would have continuing discussions on the matter as it unfolds within the State Legislature.

Abbie Goodman stated that she would provide Sheila York with copies of the related correspondence for distribution to the Board members and Paul Tyrell informed the Board that NCEES has released a statement regarding the matter that was posted on their website.

6. Clinton Dick reminded the Board that the first meeting of 2019 would be held on January 24, 2019.

Joanne Linowes stated that she would not be in attendance but might be able to call into the meeting.

7. Sheila York briefed the Board on a proposed update to the Policy on Applicants with Criminal History. Sheila York stated that the DPL currently has a good policy in place but due to the 2018 Acts Relative to Criminal Justice Reform bill, the policy requires an update. Sheila York informed the Board that she would provide a copy of the draft language for review and discussion at the next meeting.
8. Sheila York stated that she did not have any further pending legal matters to report to the Board.
9. Clinton Dick reported to the Board on the letter that was received from Attorney Ed Krippendorf, on behalf of Elliot Paturzo, regarding the inability to find supervision as mandated by the executed consent agreement in Docket Number 20150326EN015-IT0ENF.

Clinton Dick informed the Board that the case was a land surveying matter revolving around stamping issues and that Attorney Krippendorf had reported difficulty with locating a monitor as stipulated in the agreement.

Chairman Paul Tyrell stated that the matter of oversight could be considered by the Complaint Committee but that it was preferred that Attorney Krippendorf continue his efforts to locate a land surveyor willing to provide the required monitoring services.

Abbie Goodman and Ken Anderson both indicated that Attorney Krippendorf could be advised to contact MALSCE for assistance in locating a monitor.

Clinton Dick stated that he would provide draft response language to Sheila York for review before reaching out to Attorney Krippendorf with a recommendation.

10. Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #52316-ST. The Licensee was disciplined by the TX Board for failing to properly include the firm name and registration number on engineering documents. 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 provided the Board with a copy of an email from Matt Bailey, dated December 6, 2018, regarding using one's stamp when the plan has unsafe features.

Dan Caron provided context for the Board as he was familiar with the matter in question. Dan Caron stated that the matter pertained to an impasse with local authorities with respect to grounding transformers on electrical services tie to photovoltaic power production systems.

Dan Caron stated that a licensee should not stamp anything that they are not comfortable with stamping.

Sheila York stated that she would respond to Mr. Bailey with reference to 250 CMR 5.00.

12. Clinton Dick provided Board members with a copy of a Memorandum for the National Governors Association from the Office of the Secretary of the Navy, the Office of the Secretary of the Army, and the Office of the secretary of the Air Force, regarding Consideration of Schools and Reciprocity of Professional Licensures for Military Families in Future Basing or Mission Alternatives.

Clinton Dick stated that the memorandum was information for the Board and did not require discussion or action at this time.

13. Chairman Paul Tyrell reminded the Board that nominations and/or a vote would be held for the positions of Chairman, Vice Chairman, and Secretary.
14. Chairman Paul Tyrell recognized that members of the public were in attendance and offered them an opportunity to be heard if they wished to speak.

Ken Anderson informed the Board that he would be formally requesting a written advisory regarding an ongoing issue related to the filing of layout plans with the Registry of Deeds.

15. Zachary Rohlfs took the opportunity to express his concern that gas companies are telling engineers what they can and can't design. Specifically he mentioned that Eversource and National Grid have been engaging in the practice.

Ron Willey and Sheila York both recommended that he email the Board with more information for their review and consideration.

16. At 10:25AM, 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:

- 2017-000545-IT-ENF: Guidance provided to Prosecuting Counsel
- 2018-000726-IT-ENF: Dismiss without prejudice
- 2018-000855-IT-ENF: Dismiss without prejudice
- 2018-000818-IT-ENF: Dismiss without prejudice

17. Open session resumed at 10:44AM.

18. Joyce Hastings provided the Board with the Jurisprudence Exam Sub Committee report on the October 2018 exam results. There is a recommendation to set the passing rate at 69%. There were eleven exam takers. Four of the exam takers were MA residents and three were first time takers. Of the eleven exam takers, five achieved a passing score of at least 69%. Ron Willey motioned to accept the recommendation, seconded by Joanne Linowes. Motion passed with a vote of 9-0.
19. At 11:04AM the Chair noted that there were no further topics for the public Board meeting. Azu Etoniru motioned to adjourn. Ron Willey seconded. Motion passed unanimously.

Respectfully submitted by,

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Eric Funk
Board of Registration of Professional Enqin...

Documents used at the public meeting

- Agenda for December 20, 2018 Meeting
- Draft Minutes of October 25, 2018 Meeting
- Letter from Attorney Ed Krippendorf, on behalf of Elliot Paturzo, regarding the inability to find supervision as mandated by the executed consent agreement in Docket Number 20150326EN015-IT0ENF
- Email from Matt Bailey, dated December 6, 2018, regarding using one's stamp when the plan has unsafe features.
- Memorandum for the National Governors Association from the Office of the Secretary of the Navy, the Office of the Secretary of the Army, and the Office of the secretary of the Air Force, regarding Consideration of Schools and Reciprocity of Professional Licensures for Military Families in Future Basing or Mission Alternatives.