



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

EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes of the February 28, 2019 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
Azur Etoniru, PE, PLS
Maurice Pilette, PE
Joanne Linowes, Public Member (via telephone)

Board Members Absent

Dennis Drumm, PLS
Paul Tsang, PE

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 9:46AM and notified attendees of the evacuation procedures. Chairman Tyrell further stated that one board member, Joanne Linowes, is participating in the meeting via telephone and that all votes in public session would therefore be roll call votes.
2. The Board reviewed the minutes of the January 24, 2019 Open Meeting. Azur Etoniru moved, seconded by Ron Willey, to accept the meeting minutes with minor edit on page 2. Motion passed with a roll call vote of 7-0-1. Members in favor: Paul Tyrell, Dan Caron, Ronald Willey, Maurice Pilette, Erin Joyce, Joyce Hastings, and Azur Etoniru. Members opposed: None. Members abstaining from the vote: Joanne Linowes.

The Board reviewed the minutes of the July 19, 2018 Executive Session. Ron Willey moved, seconded by Azur Etoniru, to accept the meeting minutes with one minor edit and to keep the executive session minutes confidential until the purpose of the session has expired. Motion passed with a roll call vote of 7-0-1. Members in favor: Paul Tyrell, Dan Caron, Ronald Willey, Maurice Pilette, Erin Joyce, Joyce Hastings, and Azur Etoniru. Members opposed: None. Members abstaining from the vote: Joanne Linowes.



3. Chairman Paul Tyrell requested a status update on "Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts", dated 1997 and prepared by The Joint Committee for Architects, Engineers, and Land Surveyors on Professional Practice.

Chairman Paul Tyrell reminded the Board that Abbie Goodman, ECAC/MA, had sent him an email regarding condo site plans and who signs the documents that get filed and recorded with the Registry of Deeds. He stated that this email brought to his attention the above referenced document from 1997 and he felt that it would be informative for the current Board members to review the document for future discussion and possible update.

Chairman Paul Tyrell stated that both the Engineer Board and Architect Board have updated their regulations since the document was first published and now that the Department of Public Safety/Office of Public Safety and Inspection are part of the DPL the time is right for a review and update of the guide.

Sheila York informed the Board that the Division could reach out to the Board of Building Regulation and Standards (BBRS), the Architect Board, the Architectural Access Board and other concerned parties regarding the formation of a committee to discuss updating the language.

Chairman Paul Tyrell requested that Abbie Goodman reach out to the Massachusetts Association of Land Surveyors and Civil Engineers (MALSCE); Boston Society of Civil Engineers Section (BSCES) of the American Society of Civil Engineers (ASCE); Massachusetts Society of Professional Engineers (MSPE); Structural Engineers Association of Massachusetts (SEAMASS); Boston Society of Architects; American Institute of Architects (AIA) Massachusetts; etc. for potential participation with the committee.

Sheila York and Chairman Paul Tyrell stated that they would initiate the request on behalf of the Division and agreed that the topic will remain on the Board's agenda moving forward.

4. Chairman Paul Tyrell informed the Board that the next meeting was scheduled to take place on March 28, 2019. He further stated that due to a scheduling conflict, he would be unable to attend. Vice Chair Ron Willey stated that he would be in attendance to chair the meeting.
5. Sheila York provided the Board with an update on the proposed revisions to the Policy on Applicants with Criminal History.

Sheila York stated the update to the policy is prompted by a statutory amendment which required licensing boards to notify applicants which prior convictions on their record may preclude them from obtaining licensure.

Chairman Paul Tyrell stated that he did not see any issue with the draft language.

Ron Willey moved, seconded by Azu Etoniru, to accept the draft language update to the Policy on Applicants with Criminal History. Motion passed with a roll call vote of 7-0-1. Members in favor: Paul Tyrell, Dan Caron, Ronald Willey, Maurice Pilette, Erin Joyce, Joyce Hastings, and Azu Etoniru. Members opposed: None. Members abstaining from the vote: Joanne Linowes.

6. Sheila York stated that there is no update at this time on the policy language for Use of the Title Engineer.

Sheila York further stated that she did not have any updates on pending legal matters at this time.

7. Joyce Hastings gave the Board a report on the interview that was conducted by the Engineering Interview Committee:
 - Applicant 1012361: Committee recommends this applicant, a 20 year comity applicant who has passed the required PE examination, be approved for licensure; Ron Willey motioned to so approve, seconded by Maurice Pilette. Motion passed with a roll call vote of 8-0-. Members in favor: Paul Tyrell, Dan Caron, Ronald Willey, Maurice Pilette, Erin Joyce, Joyce Hastings, Azu Etoniru and Joanne Linowes. Members opposed: None. Members abstaining from the vote: None.
8. Joyce Hastings gave the Board a report on the four interviews that were conducted by Land Surveyor Interview Committee:
 - Applicant 1013578: Committee recommends this applicant be approved to take the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Maurice Pilette. Motion passed with a roll call vote of 8-0-. Members in favor: Paul Tyrell, Dan Caron, Ronald Willey, Maurice Pilette, Erin Joyce, Joyce Hastings, Azu Etoniru and Joanne Linowes. Members opposed: None. Members abstaining from the vote: None.
 - Applicant 1013387: 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 Maurice Pilette. Motion passed unanimously.
 - Applicant 1013447: Committee recommends this applicant be approved to take the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Maurice Pilette. Motion passed unanimously.
 - Applicant 1013367: Committee recommends that this applicant provide additional information specific to property line surveys and the land surveyors that oversaw that work as well as additional samples of boundary survey work performed by him. Ron Willey motioned to so approve, seconded by Maurice Pilette. Motion passed unanimously.
9. Clinton Dick provided the Board with a copy of an email from Joseph Levesque, dated January 29, 2019, regarding engineering/surveying endorsements.

Chairman Paul Tyrell summarized the email by stating that ultimately, Mr. Levesque is asking the Board to determine at what point engineering crosses over into land surveying.

Azu Etoniru concurred and added that the use of "incidental to" in the regulations is open to a wide interpretation which can be problematic to registrants.

Erin Joyce stated that the Board can point Mr. Levesque to 250 CMR 5.01 (2) but in the end, it is the registrants responsibility.

Sheila York proposed that with the help of either Chairman Paul Tyrell or Azu Etoniru, the Board draft a new FAQ using this example that can be added to the website. She further stated that she would provide a draft for the Board's review at an upcoming meeting.

10. Clinton Dick provided the Board with a copy of an email from Eric J. Morse, dated January 30, 2019, asking the Board to provide clarification on limitations of the civil engineer's signing authority in regards to performing and certifying land surveying "incidental" to a civil design.

Joyce Hastings stated that more and more frequently, cities and towns are weighing in on distance requirements related to boundary lines/surveys.

Chairman Paul Tyrell stated that in general, anything that is in the public domain can be used for property line determination but when in doubt, hire a licensed land surveyor to perform the boundary work.

Erin Joyce agreed with Joyce Hastings and added that unfortunately, cities and towns do not know enough about the regulations/requirements to determine when a land surveyor is required. She wonders if greater outreach by the Board is necessary.

Sheila York stated that 250 CMR 5.01 (2) addresses his question in part.

Chairman Paul Tyrell added that a licensed PE is prohibited from providing any relationship to boundary lines as that would cross over into the practice of land surveying.

Sheila York stated that a response would be provided to Mr. Morse.

11. Clinton Dick provided the Board with a copy of an email from Bill Perkins, the Executive Director for the Designer Selection Board, dated January 21, 2019, asking about any "hierarchy" with respect to professional engineer licenses.

Abbie Goodman provided the Board with additional context related to Architects on the Designer Selection Board who are looking to perform specific work. She further stated that Mr. Perkins is looking for something from the Board that indicates that discipline is not relevant but that education and experience determine ability of registrants to practice engineering.

Chairman Paul Tyrell stated that the Board cannot provide a "hierarchy" of licensure.

Maurice Pilette stated that when a building official does not accept a registrant's stamp, the aggrieved party can appeal the decision to the State Building Code Appeals Board.

Sheila York stated that a response would be provided to Mr. Perkins.

12. Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #38889-ST. The Licensee was disciplined by the LA Board for a failure to register a firm. 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 11:44AM, the Board voted to enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a roll call vote of 8-0. Members in favor: Paul Tyrell, Dan Caron, Ronald Willey, Maurice Pilette, Erin Joyce, Joyce Hastings, Azu Etoniru, and Joanne Linowes. Members opposed: None.

Report of actions taken during closed investigate conference:

- 2017-000504-IT-ENF: Dismissed without prejudice
- 2017-001023-IT-ENF: Dismissed without prejudice
- 2017-001168-IT-ENF: Dismissed without prejudice
- 2017-000948-IT-ENF: Dismissed without prejudice
- 2017-000178-IT-ENF: Dismissed without prejudice
- 2017-000999-IT-ENF: Dismissed without prejudice
- 2017-000855-IT-ENF: Dismissed without prejudice
- 2017-000451-IT-ENF: Forward to the Office of Prosecutions

14. At 11:55AM 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,



Eric Funk
Board of Registration of Professional Engin...

Documents used at the public meeting

- Agenda for February 28, 2019 Meeting
- Draft Minutes of January 24, 2019 Open Meeting
- Draft Minutes of the July 19, 2018 Executive Session
- "Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts"
- Copy of the Massachusetts Board of Registration of Professional Engineers and Professional Land Surveyors Policy Bulletin Regarding Applicants with Criminal Convictions or Pending Criminal Charges
- Email from Joseph Levesque, dated January 29, 2019, regarding engineering/surveying endorsements.
- Email from Eric J. Morse, dated January 30, 2019, asking the Board to provide clarification on limitations of the civil engineer's signing authority in regards to performing and certifying land surveying "incidental" to a civil design.
- Email from Bill Perkins, the Executive Director for the Designer Selection Board, dated January 21, 2019, asking about any "hierarchy" with respect to professional engineer licenses.