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Division of Professional Licensure
Board of Registration of Professional Engineers
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UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

DIANE SYMONDS
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes of the April 25, 2019 Open Meeting

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

Board Members Present

Paul Tyrell, PE, PLS, Chairman
Ronald Willey, PE, Vice Chairman
Daniel Caron, PE
Erin Joyce, PE
Paul Tsang, PE
Azu Etoniru, PE, PLS
Maurice Pilette, PE
Joanne Linowes, Public Member

Board Members Absent

Dennis Drumm, PLS
Joyce Hastings, PLS

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 9:24AM and notified attendees of the evacuation procedures.
2. The Board reviewed the minutes of the March 28, 2019 Open Meeting. Ron Willey moved, seconded by Azu Etoniru, to accept the meeting minutes with minor edit on page 2. Motion passed with a vote of 8-0.
3. Paul Tsang briefed the Board members on the Subcommittee's meeting regarding written response to the Massachusetts Department of Public Utilities' inquiry into the use of professional engineers by natural gas companies.

Chairman Paul Tyrell mentioned that he had reviewed the written comments from the American Council of Engineering Companies of Massachusetts (ACEC/MA) and found similarities between the comments they provided and the comments that the Subcommittee provided.

Abbie Goodman informed the Board that the www.acecma.org website has posted a direct link to the Energy and Environmental Affairs website where all comments filed in response to the DPU's request can be viewed by entering Docket Number 19-34.



Chairman Paul Tyrell stated that it is the opinion of the Board that all work currently underway should cease until such time that it has undergone a review by a licensed professional engineer.

Abbie Goodman stated that there are concerns about the ability of currently licensed professional engineers to cover the scope of work that should undergo review. She further stated that a list of Engineering Firms is being compiled.

Abbie Goodman informed the Board that Sen. Ed Markey and Rep. Lori Trahan filed new federal legislation, known as the Leonel Rondon Pipeline Safety Act, aimed at increasing gas pipeline safety.

Ron Willey commented that he did not see any language regarding Process Safety Management (PSM) or Management of Change (MOC) in the DPU's request. He further stated that per OSHA, the PSM standard requires employers to develop and implement written MOC procedures to address the safety and health impacts of contemplated changes, including organizational changes, as they relate to process chemicals, technology, equipment, procedures and facilities (29 CFR 1910.119(l)(1)).

Sheila York stated that she will keep the Board updated on the progress of the DPU regulations.

4. Clinton Dick informed the Board that discussion had occurred with NCEES regarding NCEES handling the verification of exam scores instead of the Board handling the verifications if the exam took place from 2010 forward.
5. Eric Funk updated the Board on an unexpected problem that arose with the administration of the state specific jurisprudence examination. Board counsel advised that, for informational purposes only, Erin Joyce would provide the Board with a description of her brother's experience trying to take the examination on April 5th, but that Ms. Joyce would not participate in any matter relating to her brother's application.

Erin Joyce explained that on April 5, 2019 her brother arrived at UMass Boston to take the State Specific Land Surveying Exam. The letter that Professional Credential Services, Inc. (PCS), which has merged with Virtual, Inc., had sent to her brother directed him to the wrong address for the exam. After numerous calls to PCS, her brother was informed that the exam location was actually in Boston's Back Bay and not at UMass Boston and he was able to exam later that afternoon.

Eric Funk informed the Board that another issue occurred involving three (3) examinees in Central Mass who arrived at the test location only to find that no proctor had been scheduled to appear for the exam. Several calls were placed to PCS by both Eric Funk and Clinton Dick and the matter was ultimately resolved and the examinees all tested later that afternoon.

Chairman Paul Tyrell inquired as to the language in the Board's contract with PCS/Virtual Inc. and whether or not this constituted breach of contract. He further stated that exam security is a serious concern.

Sheila York indicated that an update would be provided regarding the contract with the examination vendor at a future meeting.

6. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on May 23, 2019.

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

Sheila York distributed a revised draft of the response language to correspondence from Mr. Morse and Mr. Levesque which was discussed at the February 28, 2019 meeting. The draft language was presented in the form of a new FAQ regarding site plans/property line determination for the Board's website.

At the recommendation of Chairman Paul Tyrell, the discussion was tabled until the next Board meeting to allow Dennis Drumm and Joyce Hastings to participate in the discussion.

8. Clinton Dick informed the Board that the monitoring report for Docket No. 2016-000599-IT-ENF was received.
9. Clinton Dick informed the Board that the Self-Report of discipline item on the agenda should have been removed as it was from the previous month.
10. At 10:45AM, the Board voted to enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a vote of 8-0.

Report of actions taken during closed investigate conference:

- 2019-000007-IT-ENF: Refer to the Office of Prosecutions
- 2019-000154-IT-ENF: Refer to the Office of Prosecutions
- 2019-001310-IT-ENF: Refer to the Office of Prosecutions
- 2019-001215-IT-ENF: Dismiss with an Advisory Letter
- 2019-001195-IT-ENF: Dismiss with an Advisory Letter
- 2019-001275-IT-ENF: Dismiss without prejudice

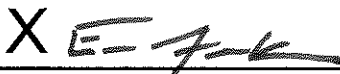
11. Open session resumed at 11:02AM.
12. Clinton Dick provided the Board with a copy of a letter from Paula Houle, dated April 6, 2019, inquiring into engineering practice with respect to septic system design and as-built.

Chairman Paul Tyrell stated that with respect to what Ms. Houle stated in her letter, he did not see any evidence of malpractice on the part of the engineer. He indicated that the matter should be directed to the Board of Health.

Sheila York indicated that she would draft a response to Ms. Houle.

13. At 11:30AM the Chairman noted that there were no further topics for the public Board meeting. Ron Willey motioned to adjourn. Azu Etoniru seconded. Motion passed unanimously.

Respectfully submitted by,



Eric Funk
Board of Registration of Professional Enqin...

- Draft Minutes of March 28, 2019 Open Meeting
- Letter Paula Houle, dated April 6, 2019, inquiring into engineering practice with respect to septic system design and as-built.