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OCCUPATIONAL LICENSURE

Minutes of the February 16, 2023 Open Meeting

Meeting was held remotely by video conference and telephone pursuant to Chapter 22 of the Acts of 2022: *An Act Making Appropriations for the Fiscal Year 2022 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects*, signed into law on February 12, 2022 and amended July 16, 2022.

The following attendance was recorded:

Board Members Present

Paul Tyrell, PE, PLS, Chairman
Ronald Willey, PE, Vice Chairman
Shannon Slaughter, Public Member
Joyce Hastings, PLS
Daniel Caron, PE
Azu Etoniru, PE, PLS
Paul Tsang, PE
Kenneth Anderson, PLS

Board Members Absent

Erin Joyce, PE

Members of the Public Present

Abbie Goodman, TECET
J Dan Bremser, MALSCE
Gianna Gioioso, PE License Applicant
Raymond Page, PLS License Applicant
Brenardo Niati, PLS License Applicant
Nancy Gould

Division Staff Members Present at Various Times during the Meeting:

Kathleen McNally, Executive Director
of Various Boards
Jenna Hentoff, Board Counsel
Andrew Bridges, OI
Andrew Lutynski, OI
Mary Pixley, Prosecuting Counsel
Philip Chan, Prosecuting Counsel
Eric Funk, Board Administrator

1. At 9:09AM, Ronald Willey motioned, seconded by Azu Etoniru, to open the meeting. Motion passed with a vote of 8-0. Members in Favor: Dan Caron, Azu Etoniru, Joyce



Hastings, Shannon Slaughter, Kenneth Anderson, Paul Tsang, Ronald Willey, and Paul Tyrell. Members opposed: None.

2. Chairman Paul Tyrell advised the Board of the importance of stress management and taking time for oneself.
3. The Board reviewed the minutes of the January 26, 2023 Open Meeting. Azu Etoniru moved, seconded by Ronald Willey, to accept the meeting minutes as written. Motion passed with a vote of 8-0. Members in Favor: Dan Caron, Azu Etoniru, Joyce Hastings, Shannon Slaughter, Kenneth Anderson, Paul Tsang, Ronald Willey, and Paul Tyrell. Members opposed: None.
4. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on March 23, 2023. No conflicts were reported.
5. Board Counsel Jenna Hentoff informed the Board that there was no new update pertaining to the draft language for Continuing Professional Competency (CPC) regulations likely due in part to the changes associated with Governor Healey taking office and filling key administrative roles.
6. Board Counsel Jenna Hentoff advised the Board that she received no additional comments regarding the "Professional Practice: A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts" ("Guide") after the Board reviewed previous revisions during the January 26, 2023 meeting including the requested language updates in Question #10 pertaining to 250 CMR 5.05 and the licensing of business entities, as well as the addition of the recently updated advisory task list, which was added under Question #11.

Board Counsel requested that if there were no further questions or comments regarding the draft, that a motion be put forth to move forward in the review process pending final review by the Architect Board at their meeting in April 2023.

Dan Caron moved, seconded by Azu Etoniru to approve the current draft of the Guide to move forward pending final review by the Architect Board at their meeting in April 2023. Motion passed with a vote of 8-0. Members in Favor: Dan Caron, Azu Etoniru, Joyce Hastings, Shannon Slaughter, Kenneth Anderson, Paul Tsang, Ronald Willey, and Paul Tyrell. Members opposed: None.

7. Board Counsel Jenna Hentoff informed the Board that there were no further legal topics for discussion.
8. Eric Funk informed the Board that after review of the NCEES Enforcement Exchange, there were no complaints opened against licensees for failure to notify the Board of discipline in another jurisdiction within the thirty (30) day window to report such discipline as outlined in the regulations.
9. Eric Funk stated that the Board received Self-Reports of discipline from Licensees #50744-E and #53838-M. Both Licensees were disciplined by the LA Board for providing engineering services on nine (9) projects in Louisiana and providing engineering services for and on behalf of The Dimension Group I in Louisiana in connection with said projects at a time when the firm's license was expired. The Licensees entered into separate Consent Orders, in which they each agreed to pay a fine of \$1,000.00; pay administrative costs of \$672.71; successfully complete the Board's online Louisiana Laws and Rules Quiz; successfully complete the Board's online Louisiana Professionalism and Ethics Quiz; agreed to the immediate suspension of their Louisiana professional engineer licenses if they failed to comply with any portion of their Consent Order, with said suspension continuing until they so complied; and the

publication of the Consent Order on the Board's website and a summary of the matter in the Board's official journal, the Louisiana Engineer and Surveyor Journal; and the reporting of the matter to the National Council of Examiners for Engineering and Surveying (NCEES), identifying the licensees by name.

Eric Funk also stated that the Board received a Self-Report of discipline from The Dimension Group I. The firm was disciplined by the LA Board for providing engineering services on nine (9) projects in Louisiana and providing engineering services for and on behalf of The Dimension Group I in Louisiana in connection with said projects. The firm entered into a Consent Order, in which it agreed to pay a fine of \$1,500.00; pay past unpaid renewal fees of \$120.00; pay administrative costs of \$672.71; have each of its supervising professionals successfully complete the Board's online Louisiana Laws and Rules Quiz; have each of its supervising professionals successfully complete the Board's online Louisiana Professionalism and Ethics Quiz; agreed to the immediate suspension of its Louisiana professional engineering firm license if it fails to comply with any portion of the Consent Order, with said suspension continuing until it so complies; and the publication of this Consent Order on the Board's website and a summary of the matter in the Board's official journal, the Louisiana Engineer and Surveyor Journal; and the reporting of the matter to the National Council of Examiners for Engineering and Surveying (NCEES), identifying the firm by name.

Azu Etoniru moved, seconded by Dan Caron, to take no further actions. Motion passed with a vote of 8-0. Members in Favor: Dan Caron, Azu Etoniru, Joyce Hastings, Shannon Slaughter, Kenneth Anderson, Paul Tsang, Ronald Willey, and Paul Tyrell. Members opposed: None.

10. Chairman Paul Tyrell welcomed applicant #1026209, Gianna Gioioso, to the meeting to discuss her application for approval in PE Civil by Examination. Ms. Gioioso introduced herself and provided a brief summary of her background.

Chairman Paul Tyrell provided a summary of the Board's review of Ms. Gioioso's application along with an overview of the MA regulatory requirements for licensure, especially pertaining to Construction Engineering and related Construction Phase Services.

Azu Etoniru explained to Ms. Gioioso that the Board is looking for examples of her engineering experience where she demonstrated engineering judgement and decision making. He noted that much of Construction Engineering and Construction Phase Services work is not pure design engineering, which is what the Board would like to see samples of. He further stated that the Board's regulations require that an applicant have a well-rounded engineering background which would require her to provide samples of her engineering design work outside of construction engineering or provide greater detail of where she exercised engineering design decision making with respect to specific construction or construction phase services. An example he used pertained to Ms. Gioioso's submission of calculations related to the height of a retaining wall. He stated that if she was able to provide samples of the engineering design decision making work she performed for the load capacity requirements for that particular type of retaining wall, such work could be considered the practice of engineering.

Dan Caron requested that Ms. Gioioso provide a consolidated work sample packet highlighting just the work product the Board has now requested.

Azu Etoniru offered to provide additional written guidance to Ms. Gioioso.

Chairman Paul Tyrell explained that based on what he had reviewed, Ms. Gioioso would need to provide additional engineering design experience work to meet the regulatory requirement of at least 3-years of engineering design experience work.

Ms. Gioioso thanked the Board for the guidance and indicated that she would work on compiling the requested documentation for the Board once she received the guidance instructions from Azu Etoniru.

11. Eric Funk advised the Board that the case tracking spreadsheet continues to undergo updating with the hope that a current version would be available for March 23rd meeting.
12. Chairman Paul Tyrell presented the application review report provided by Eric Funk for Board consideration. Kenneth Anderson moved, seconded by Azu Etoniru, to accept the report and ratify the application approvals. Motion passed with a vote of 8-0. Members in Favor: Dan Caron, Azu Etoniru, Joyce Hastings, Shannon Slaughter, Kenneth Anderson, Paul Tsang, Ronald Willey, and Paul Tyrell. Members opposed: None.
13. There were no public comments.
14. At 9:56AM, Kenneth Anderson moved, seconded by Azu Etoniru, to end the Open Session of the meeting and enter Closed Investigative Session pursuant to G.L. c. 112, § 65C. Motion passed with a vote of 8-0. Members in Favor: Dan Caron, Azu Etoniru, Joyce Hastings, Shannon Slaughter, Kenneth Anderson, Paul Tsang, Ronald Willey, and Paul Tyrell. Members opposed: None.
15. Chairman Paul Tyrell had a prior commitment and logged out of the meeting at 9:57AM.
16. At 10:50AM, Azu Etoniru moved, seconded by Kenneth Anderson to exit closed session and adjourn the meeting. Motion passed with a vote of 7-0. Members in Favor: Dan Caron, Azu Etoniru, Joyce Hastings, Shannon Slaughter, Kenneth Anderson, Paul Tsang, and Ronald Willey. Members opposed: None.

Respectfully submitted by,



Eric Funk
Board Administrator

Documents used at the public meeting:

- Agenda for February 16, 2023 Meeting
- Draft Minutes of January 26, 2023 Open Meeting
- Draft "Professional Practice: A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts"
- Application documents for applicant #1026209
- Self-reports of discipline documents