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Minutes of the March 23, 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
Erin Joyce, PE
Joyce Hastings, PLS
Daniel Caron, PE
Azu Etoniru, PE, PLS
Paul Tsang, PE
Kenneth Anderson, PLS

Board Members Absent

Members of the Public Present

Abbie Goodman, TECET
Kenneth Conte, PLS, President MALSCE
Ghanshyam Gaudani, PE License Applicant
Brenardo Niati, PLS License Applicant
Luke Detwiler, PE License Applicant

Division Staff Members Present

at Various Times during the Meeting:

Kathleen McNally, Executive Director of
Various Boards
Jenna Hentoff, Board Counsel
Seth Henderson, Prosecuting Counsel
Eric Funk, Board Administrator

1. At 9:04AM, Ronald Willey motioned, seconded by Kenneth Anderson, to open the meeting. Motion passed with a vote of 9-0. Members in Favor: Erin Joyce, Ronald Willey, Dan Caron,



Azu Etoniru, Paul Tyrell, Joyce Hastings, Kenneth Anderson, Paul Tsang, and Shannon Slaughter. Members opposed: None.

2. Chairman Paul Tyrell informed the Board that a work emergency had arisen and logged off the meeting at 9:06AM. Vice Chair Ronald Willey took over as Acting Chair.
3. Vice Chair Ronald Willey reminded the Board of the importance of seatbelt safety. He stated that he had to replace a seatbelt in his vehicle after his dog Lila chewed through the previous one.
4. The Board reviewed the minutes of the February 16, 2023 Open Meeting. Azu Etoniru moved, seconded by Kenneth Anderson, to accept the meeting minutes as written. Motion passed with a vote of 8-0. Members in Favor: Erin Joyce, Ronald Willey, Dan Caron, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tsang, and Shannon Slaughter. Members opposed: None.
5. Vice Chair Ronald Willey informed the Board that the next meeting is scheduled to take place on April 20, 2023. No conflicts were reported.
6. The Board tabled discussion of the NCEES Law Enforcement topic that was to be presented by Chairman Paul Tyrell until the April 20, 2023 meeting.
7. Board Counsel Jenna Hentoff informed the Board that there was no new update pertaining to the draft language for Continuing Professional Competency (CPC) regulations. She stated that the draft is still awaiting review by the Executive Office of Administration and Finance (A&F).
8. Board Counsel Jenna Hentoff advised the Board that there was no new update regarding the "Professional Practice: A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts" ("Guide"). She further stated that the Architect Board was scheduled to meet in early April, and she anticipated having an update for the Board at the April 20, 2023 meeting.
9. Board Counsel Jenna Hentoff advised the Board that an update on an extension to the remote meeting provisions of Chapter 22 of the Acts of 2022 was anticipated by the end of March. She stated that an extension was believed to be forthcoming.
10. Board Counsel Jenna Hentoff informed the Board that there were no further legal topics for discussion.
11. 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.
12. Eric Funk stated that the Board received a Self-Report of discipline from Licensee #56982-C who was disciplined by the MO Board for practicing architecture without a license. The discipline stems from a project to renovate an office space into ice cream parlor. During the project, the Licensee, a licensed Structural Engineer, applied his seal and signature to eight (8) pages of designs, at least three (3) of which did not involve any structural engineering design. The Licensee entered into a Settlement Agreement, in which he agreed to a three (3) year probationary period during which time he agreed to submit quarterly reports and pay any fees or expenses incurred as a result of the settlement.

Kenneth Anderson moved, seconded by Azu Etoniru, to take no further actions. Motion passed with a vote of 8-0. Members in Favor: Erin Joyce, Ronald Willey, Dan Caron, Azu Etoniru,

Joyce Hastings, Kenneth Anderson, Paul Tsang, and Shannon Slaughter. Members opposed: None.

13. 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 the April meeting.
14. Vice Chair Ronald Willey welcomed applicant #1028526, Luke Detwiler, to the meeting to discuss his application for approval in PE Civil by Examination. Mr. Detwiler introduced himself and provided a brief summary of his engineering work background.

Erin Joyce provided a summary of the Board's review of Mr. Detwiler's application along with an overview of the MA regulatory requirements for licensure with a focus on what the Board is looking for when reviewing submissions.

Azu Etoniru explained to Mr. Detwiler that the documentation that he provided did not adequately or clearly explain his work experience in the field of civil engineering and water resources. He further stated that while the supplemental email that he submitted provided a better understanding of his work at HDR and GZA, the Board would need better annotated and/or additional examples of his engineering experience which clearly explain his engineering judgement and decision making.

Dan Caron agreed with Azu Etoniru and pointed out that the documentation provided for both his HDR and GZA experience was not stamped nor was it annotated to clearly show what work was performed by Mr. Detwiler. He requested that Mr. Detwiler provide a consolidated work sample packet highlighting just the work product the Board has now requested.

Mr. Detwiler thanked the Board for the guidance and indicated that he would work on compiling the requested documentation for the Board once he received the guidance instructions from Eric Funk.

15. Board Counsel Jenna Hentoff provided the Board with a brief overview of applicant #1030066, who indicated that they had discipline from another state's engineer licensing board. The applicant entered into a consent agreement with the KY Board for violations including failing to conduct his engineering practice to protect the public health, safety and welfare and failing to perform services only in the areas of his competence. Per the consent agreement, the applicant's professional engineering license was suspended for one (1) month. He further agreed to pay a fine of \$1,000 within six (6) months of the executed agreement; take and pass an engineering ethics course #pdh-60 offered by Texas Tech University within one (1) year of the executed agreement; take and pass a truss design course approved by the Board within six (6) months of the executed agreement; and be on probation for a period of two (2) years, during which time he was required to submit quarterly reports to the Board listing all projects he was involved with. The Board would then select up to five (5) of the projects for review.

Dan Caron motioned, seconded by Kenneth Anderson to take no further action against the applicant and allow his application to move forward in the licensure process. Motion passed with a vote of 8-0. Members in Favor: Erin Joyce, Ronald Willey, Dan Caron, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tsang, and Shannon Slaughter. Members opposed: None.

16. Vice Chair Ronald Willey presented the application review report provided by Eric Funk for Board consideration. Azu Etoniru moved, seconded by Kenneth Anderson, to accept the report and ratify the application approvals. Motion passed with a vote of 8-0. Members in Favor: Erin Joyce, Ronald Willey, Dan Caron, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tsang, and Shannon Slaughter. Members opposed: None.

17. Vice Chair Ronald Willey opened the meeting to the public for comment and recognized Kenneth Conte.

Mr. Conte informed the Board that he was recently elected as the incoming president of the Massachusetts Association of Land Surveyors and Civil Engineers (MALSCE). He stated that he is a licensed PLS and one of his priorities is increasing interest in the field of land surveying as the number of licensed surveyors has steadily decreased over the years. He also noted that the Board's proposal for continuing education (CE) or continued professional competency (CPC) was of particular interest and requested a copy of the current draft language awaiting review by A&F.

18. At 10:12AM, Kenneth Anderson moved, seconded by Azu Etoniru, to end the Open Session of the meeting and enter Closed Investigative Conference pursuant to G.L. c. 112, § 65C. Motion passed with a vote of 8-0. Members in Favor: Erin Joyce, Ronald Willey, Dan Caron, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tsang, and Shannon Slaughter. Members opposed: None.
19. At 10:24AM, Azu Etoniru moved, seconded by Kenneth Anderson to exit closed session and adjourn the meeting. Motion passed with a vote of 8-0. Members in Favor: Erin Joyce, Ronald Willey, Dan Caron, Azu Etoniru, Joyce Hastings, Kenneth Anderson, Paul Tsang, and Shannon Slaughter. Members opposed: None.

Respectfully submitted by,



Eric Funk
Board Administrator

Documents used at the public meeting:

- Agenda for March 23, 2023 Meeting
- Draft Minutes of February 16, 2023 Open Meeting
- Application documents for applicant #1028526
- Self-reports of discipline documents for licensee #56982-C
- Application documents for applicant #1030066