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CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes of the July 27, 2017 Open Meeting

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

Board Members Present

Paul Tyrell, PE, Chairman
Joel Goodmonson, PE
Paul Tsang, PE
Edward Englander, Esq., Public Member
Maurice Pilette, PE
Scott Cameron, PLS
Daniel Caron, PE
Dennis Drumm, PLS

Board Members Absent

Peter Hale, PLS, Secretary
Ronald Willey, PE

Members of the Public Present

Paul Foley
Ken Anderson
Azu Etoniru
Abbie Goodman

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 9:35AM and notified attendees of the evacuation procedures.
2. The Board reviewed the minutes of the June 22, 2017 Open Meeting. Scott Cameron moved, seconded by Ed Englander, to accept the meeting minutes. Motion passed unanimously.
3. Chairman Paul Tyrell indicated that the Board would be discussing next steps regarding the Continuing Professional Competency (CPC) Subcommittee's recommendations report.

Joel Goodmonson recused himself from the discussion.

Paul Tyrell asked the Board members if they had reviewed the subcommittee's recommendations report and reminded members that per agreement at the May 25,



2017 meeting, it was anticipated that a discussion and vote would take place regarding the proposed changes to the regulations.

Dennis Drumm indicated that the committee's recommendation was to implement CPC requirements, but without a specific audit requirement. He noted that the report did provide carefully considered and thought out draft regulatory change language.

Maurice Pilette asked if the vote would be for accepting the committee's draft regulatory language or if it was for moving forward with the committee's recommendation to implement CPC requirements.

Sheila York stated that it was her understanding that the Board vote today would be on whether the Board wants to move forward with the committee's recommendation to implement CPC and if that motion passed, then there would be continued discussion at future board meetings on the specific proposed regulatory language.

Dan Caron stated that the full Board should be allowed to participate in any discussion regarding regulatory language.

Maurice Pilette reiterated his concern that the committee's report was lacking supporting data for CPC and that the report itself does not support the committee's recommendation that CPC requirements should be implemented.

Dennis Drumm clarified that while there is little to no evidence in support of adopting CPC, if the Board voted to move forward with draft regulations to address CPC, the committee would be in agreement.

Paul Tyrell invited the public in attendance to provide comment if they wished to do so.

Clinton Dick provided Board members with a copy of a 7/27/17 letter from Michael J. Scipone, PE, President of the ACEC/MA received earlier in the morning.

Paul Foley, Ken Anderson, Azu Etoniru and Abbie Goodman spoke in support of the Board moving forward with draft regulations addressing continuing education requirements.

Paul Tyrell stated that he would like to see the Board move forward with adopting the draft regulations as outlined in the committee's report.

Ed Englander stated that he would like to hear comments/opinions from all members of the Board and have formal public input before the Board makes a decision.

Scott Cameron asked if the August meeting could be rescheduled to accommodate the schedules of all Board members to ensure full attendance. Clinton Dick stated that would be possible and proposed August 17, 2017 as the new date. Clinton Dick stated that he would reach out to all members to ensure availability.

Maurice Pilette motioned, seconded by Ed Englander, to delay taking a vote on whether or not to implement continuing education until more board members are available to discuss, but for no longer than ninety (90) days.

Motion passed with a vote of 6-1 with Paul Tyrell opposing. Joel Goodmonson was not present and abstained from the vote.

4. Chairman Paul Tyrell reminded the Board that he and Ron Willey would be attending the 2017 NCEES Annual Meeting.
5. Sheila York informed the Board that the policy on Non-ABET Degree application candidates with general education deficiencies would be posted on the website.

Sheila York asked the Board if they had any comments regarding the draft policy on Early Exam Takers.

Dennis Drumm stated that he felt that the draft language could be revised to be more concise.

Joel Goodmonson asked if under the new policy, work samples would no longer be required to be provided by the applicant. Sheila York clarified that the applicant would need to submit work samples as part of the NCEES record or if requested by the Board.

Paul Tyrell indicated that NCEES should be contacted to see if they would be designating these types of candidates as MLE (model law engineers).

Sheila York stated that the Board could inquire with NCEES regarding the MLE designation.

Dennis Drumm reiterated that the Board will not admit anyone to the PE exam prior to the applicant having demonstrated they have met the work experience requirements. He suggested that the policy could simply state that the only applicants who would be licensed by the MA Board based on passing an early exam would be comity applicants.

Sheila York stated that she would re-draft the policy to incorporate the Board's comments and redistribute for review at the next Board meeting.

Sheila York stated that she would work on the policy regarding the use of the title Engineer once the re-draft policy for Early Exam Takers was complete.

6. Clinton Dick stated that the Board received a Self-Report of discipline from Licensee #49666-M. The Licensee had failed to report to the WI Licensing Board that disciplinary action had been taken against his license in MO. The discipline was related to the use of engineering drawings prepared and copyrighted by another engineer, without that engineer's consent. 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 the Licensee.

7. Clinton Dick briefed the Board on Quarterly Report No. 2 in Docket No. EN-15-001, Licensee #49209-C. The report was provided to the Board per the consent agreement in the matter.

The Board expressed concern that Licensee #49209-C was engaging in the same practice as before and that the terms of her probation are not being met.

Clinton Dick and Sheila York stated that a letter would be drafted and provided to Paul Tyrell for review before being sent to the Licensee asking for clarification on several points of concern to the Board.

8. Clinton Dick presented the Board with a copy of an email from Christopher Frano, dated June 13, 2017, requesting approval to sit for the exam after completing his education requirements but before he secures his diploma for his master's program.

Maurice Pilette indicated that it would set a bad precedent if the Board approved Frano's request.

Paul Tryell stated that Frano should submit a complete application for review by the Board.

Clinton Dick clarified for the Board that Frano had completed all the required educational courses to secure a diploma for his master's degree, but was planning to take an additional course that would delay receipt of his final transcript and diploma. Clinton Dick further stated that the school registrar was willing to provide written correspondence stating that Frano had completed all required courses to obtain his degree.

Dan Caron asked that the Registrar be contacted requesting that the letter be sent directly to the Board. The Board agreed that his application could be submitted with an official transcript along with a letter from the school registrar saying he had met the educational requirements for the master's degree. As with any applicant, the Board cannot make any determination as to whether Frano meets the requirements to sit for the PE examination until it reviews his application.

9. Clinton Dick presented the Board with a copy of an email from Michael Yanovitch, Deputy Building Commissioner for the Town of Brookline, dated June 19, 2017, asking for guidance when two engineers come to conflicting conclusions.

Maurice Pilette stated that such a matter should be resolved using the Building Code Board of Appeals for Brookline.

Joel Goodmonson stated that the Board has no jurisdiction over such matters per 250 CMR 5.02 (1) (h).

10. Clinton Dick presented the Board with a copy of an email from Michael Bruce, dated July 3, 2017, inquiring about the ability of a PE to stamp part of a plan if a PLS stamps the page that contains boundary lines.

Paul Tyrell stated that only a PLS can stamp a site/plot plan but a PE or a PLS is allowed to stamp an As Built plan. Sheila York will respond to Mr. Bruce.

11. At 11:45 a.m., Ed Englander motioned, seconded by Paul Tyrell to suspend the open session and enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion was unanimous.

12. Open session resumed at 11:56 a.m.

13. Report of actions taken during closed investigate conference:

- 2017-000544-IT-ENF: Dismiss without prejudice
- 2017-000381-IT-ENF: Dismiss without prejudice
- 2017-000421-IT-ENF: Dismiss without prejudice
- 2017-000772-IT-ENF: Dismiss with an Advisory Letter

14. At 12:01 p.m. the Chair noted that there were no further topics for the public Board meeting. E. Englander motioned to adjourn. Dan Caron seconded. Motion passed.

Respectfully submitted by,



Eric Funk

Board of Registration of Professional Engin...

Documents used:

Agenda for the July 27, 2017 meeting

Draft Minutes of the June 22, 2017 meeting

Letter from Michael J. Scipone, PE, President of the ACEC/MA dated 7/27/17

Letter from Malek Al-Khatib, PE on behalf of the BSCES dated 7/26/17 Letter from Paul R.

Foley, MALSCE President dated July 10, 2017

Email from Christopher Frano, dated June 13, 2017

Email from Michael Yanovitch, dated June 19, 2017

Quarterly Report No. 2 in Docket No. EN-15-001

Self-report of discipline by Alan Lankford