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Commonwealth of Massachusetts
Division of Professional Licensure
BOARD OF REGISTRATION OF PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

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UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

CHARLES BORSTEL
DIRECTOR, DIVISION OF
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Minutes of the February 25, 2016 Open Meeting

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

Board Members Present

Joel Goodmonson, PE, Chairman
Paul Tyrell, PE, Vice Chairman
Maurice Pilette, PE
Edward Englander, Esq. Public Member
Dennis Drumm, PLS
Peter Hale, PLS, Secretary
Scott Cameron, PLS
John Duff Jr., PE
Ronald Willey, PE

Board Members Absent

Dan Caron, PE

Members of the Public Present

Abbie Goodman
William Stowe

Division Staff Members present at various times during the meeting:

Sheila York, Board Counsel
Clinton Dick, Executive Director
Jim Read, Chief Prosecutor
Aidan McGrath, Board Administrator

1. Chairman Joel Goodmonson opened the meeting at 9:40am and notified attendees of the evacuation procedures.
2. Chief Prosecutor Jim Read appeared before the Board to discuss with the Board a topic that had not been reasonably anticipated by the Chair within 48 hours in advance of the meeting. Attorney Read provided an overview of the Office of Prosecutions and updated the Board on the recent outcome of a criminal complaint that had been brought against an unlicensed individual for fraudulent use of a licensee's professional seal.
3. The Board reviewed the meeting minutes from the January 28th, 2016 meeting. In reviewing the draft minutes, the Board discussed its procedures for recording a dissenting vote. If a member wishes for a dissenting vote to be recorded in the minutes of a public session, then the member needs to request that a roll call vote be taken. Under this policy, if no roll call vote is taken, then the minutes will reflect only whether the motion passed and will not identify any dissenting vote. The Board also discussed that a policy or regulation update may have to be created regarding the acceptance of PE and PLS NCEES examinations taken before the completion of the requisite work experience. Scott Cameron motioned, seconded by John Duff, to accept the minutes of the January 28th, 2016 public session as amended. Motion passed.
4. The Board reviewed the minutes from the January 28th 2016 Executive Session. Scott Cameron motioned, seconded by John Duff, to accept the minutes of the January 28th, 2016 Executive Session and to hold those minutes confidential until the purpose for the executive session transpires. Motion passed.



5. The Board reviewed the transcripts from the University of Massachusetts Dartmouth's Civil and Environmental Engineering program. The Board's determined that the program offers no Land Surveying specific courses and, thus, does not satisfy the educational requirements to sit for the PLS examination.
6. Aidan McGrath addressed the Board regarding NCEES ABET equivalency appraisals. In a number of cases, the only reason a degree was found not to be ABET-equivalent by NCEES was that there was a deficit in "General Studies" courses. The Board stated that while they do respect the decisions of NCEES equivalency appraisals and the metrics they use to determine equivalency, the Board would be more likely to accept a degree as meeting Massachusetts educational standards for licensure if the only credit deficit was in the "General Studies" course content area, and that each application would be evaluated based on its own merits and not solely on the NCEES equivalency appraisal.
7. Ron Willey asked the Board whether there was any specific regulation or policy regarding the acceptance of foreign Master's degrees towards the one-year work experience credit in 250 CMR 3.04(4)(a). Joel Goodmonson replied that if the postgraduate study program is ABET-accredited, the one year credit will be given automatically. If the postgraduate study program is not ABET-accredited, the decision to grant a one-year work experience credit is up to the Board's discretion.
8. Board Counsel Sheila York addressed the Board about Executive Order 562 and informed the Board that the EO 562 proposed regulation changes had been sent up prior to the January 28th, 2016 Board meeting for further regulatory review, and that she had received no further update regarding those regulations.
9. Dennis Drumm addressed the Board concerning the interview the Professional Land Surveyor interview subcommittee had conducted that morning. Specifically, it appeared that the applicant had previously been approved for the SIT certification. During their review of the application materials for this individual, the interview subcommittee did not feel that the certification should have been issued, and that while the certificate may have been issued in error, they recommended that the Board take no action against the certificate. The Board clarified that in circumstances such as this, a previous, incorrect approval of SIT certification does not waive the educational requirements for full licensure.
10. Clinton Dick addressed the Board regarding two self-disclosures by Patrick M. Convery and James Skowronski regarding discipline taken by other licensing authorities in those jurisdictions. Given the nature of the discipline, Mr. Dick recommended that the Board take no further action against either licensee. Ron Willey motioned, seconded by Edward Englander, to accept these recommendations and not to take further action against the licensees. Motion passed.
11. Clinton Dick explained to the Board that there was a deficiency in the posting of the notice for the interview subcommittees that met on February 9th, and therefore the applications and recommendations of the subcommittees needed to be reviewed at today's meeting. The Board decided that the recommendations of the subcommittees and any motions passed on the basis of those recommendations would be conducted in public session. If at any point during this process the Board or the subcommittees felt it was necessary to discuss any private information of an applicant or reveal any questions or answers that would be used to assess future applications, the Board would enter executive session in order to do hold those conversations.

12. The Professional Land Surveyor interview subcommittee members discussed applicants 1002459, 1002952, 1001126, 1002988, 1002990, 58436, 1002303, 1002902, 1002871, and 1001783 and recommended that they be approved by the Board to sit for the required examination(s). The subcommittee discussed applicant number 1001133 and recommended that that applicant be required to obtain additional work experience. Ron Willey motioned, seconded by Edward Englander, to approve applicants 1002459, 1002952, 1001126, 1002988, 1002990, 58436, 1002303, 1002902, 1002871, and 1001783 to sit for the required examination(s) and to require applicant number 1001133 to obtain additional work experience. Motion passed.
13. The Professional Engineer interview subcommittee members discussed applicants 1003061 and 1002959 and recommended that they be approved to sit for the PE exam. Ron Willey motioned, seconded by Edward Englander, to approve applicants 1003061 and 1002959 to sit for the PE examination. Motion passed.
14. Joel Goodmonson addressed the Board regarding the six exam attempts rule for two-part examinations, such as the 16 hour NCEES structural exam. The Board agreed that in the case where an applicant passed one half of a two-part exam, the applicant would still need to submit increasing amounts of education and/or work experience following each succeeding failed exam per 250 CMR 3.06, and that the Board will take into account which specific parts of each two-part exam the applicant has failed when reviewing a request to sit for an additional exam going forward.
15. Aidan McGrath asked the Board whether or not Board review was necessary when an applicant wants to change the discipline of the PE exam they have already been approved to take. The Board stated that the only time Board review would not be necessary is when an applicant would like to switch from approval to sit for the NCEES 16 hour Structural exam to approval to sit for the 8 hour NCEES Civil exam.
16. Abbie Goodman addressed the Board about the current resources available to Professional Land Surveyor applicants looking to study for the Massachusetts state-specific examination. Dennis Drumm agreed to put together a basic list of review materials for the state-specific exam.
17. At 11:35am, Edward Englander motioned, seconded by John Duff, to enter quasi-judicial session pursuant to G.L. c.30A, s.18 to deliberate on a final decision in EN-12-035. Motion passed.
18. At 11:36am the Board resumed public session. Scott Cameron motioned, seconded by John Duff, to direct staff to issue a final decision in the matter of EN-12-035. Motion passed.
19. At 11:37am, Scott Cameron motioned, seconded by Ron Willey, to suspend the public meeting and enter into closed session under G.L. c.112, §65C to discuss the recommendations of the Complaint Committee. Motion passed.
20. Public session resumed at 11:38am.
21. Report of actions taken during closed investigative conference:
 - EN-15-016: Refer to the Office of Prosecutions
22. At 11:40am, the Chair noted that there were no further topics for the public Board meeting. Scott Cameron moved to adjourn. The motion was seconded by Peter Hale. Motion passed.

Respectfully submitted by,



Aidan McGrath

Board of Registration of Professional Engineers and Professional Land Surveyors

Documents Used at the public session of the Board Meeting:

University of Massachusetts Dartmouth: Civil and Environmental Engineering transcripts - redacted

Redacted Application materials relating to 1002459, 1002952, 1001126, 1002988, 1002990, 58436, 1002303, 1002902, 1002871, 1001783, 1001133, 1003061 and 1002959