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**Commonwealth of Massachusetts
Division of Occupational Licensure
Board of Registration of Professional Engineers
and Land Surveyors**

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REGULATION

LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

Minutes of the November 17, 2022 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
Erin Joyce, PE
Paul Tsang, PE
Azu Etoniru, PE, PLS
Kenneth Anderson, PLS
Maurice Pilette, PE

Board Members Absent

Members of the Public Present
Abbie Goodman, TECET

**Division Staff Members Present
at Various Times during the Meeting:**
Esther Laine, Deputy Commissioner of Boards
Jenna Hentoff, Board Counsel
Eric Funk, Board Administrator

1. At 9:02AM, Kenneth Anderson motioned, seconded by Dan Caron, to open the meeting. Motion passed with a vote of 9-0. Members in Favor: Shannon Slaughter, Paul Tsang, Dan Caron, Ronald Willey, Joyce Hastings, Paul Tyrell, Kenneth Anderson, Maurice Pilette, and Erin Joyce. Members opposed: None.
2. Chairman Paul Tyrell reminded the Board that with the holidays approaching and work/personal gatherings where alcohol will be available, it is important to drink responsibly and call a car service or have a designated driver available to ensure everyone gets home safely.

3. The Board reviewed the minutes of the October 27, 2022 Open Meeting. Kenneth Anderson moved, seconded by Ronald Willey, to accept the meeting minutes as written. Motion passed with a vote of 7-0-2. Members in Favor: Shannon Slaughter, Paul Tsang, Dan Caron, Ronald Willey, Joyce Hastings, Kenneth Anderson, and Erin Joyce. Members opposed: None. Members abstaining: Paul Tyrell and Maurice Pilette.
4. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on December 15, 2022. Due to conflicts with both staff and member schedules, the Board decided to cancel the December 15, 2022 meeting. The next meeting date was set for January 26, 2023 with calendar invites to be sent by Eric Funk. The remaining meeting dates for 2023 will be set at the January 26, 2023 meeting.

5. Board Counsel Jenna Hentoff provided the Board with the revised language for the second footnote on the advisory to clarify areas of “common” practice between a PLS and Civil PE. The revised language for the 2nd footnote was provided by Dan Caron and Azu Etoniru.

After consideration, Kenneth Anderson motioned, seconded by Ronald Willey, to accept the revised language for the 2nd footnote and have the updated advisory posted to the Board’s website and added as an addendum to the current draft of the “Professional Practice: A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts”. Motion passed with a vote of 9-0. Members in Favor: Shannon Slaughter, Paul Tsang, Dan Caron, Ronald Willey, Joyce Hastings, Paul Tyrell, Kenneth Anderson, Maurice Pilette, and Erin Joyce. Members opposed: None.

6. Vice Chairman Ronald Willey had a prior engagement and logged out of the meeting at 9:15AM.
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. The draft is still under review by the Deputy General Counsel at the Agency’s Secretariat.
8. Board Counsel Jenna Hentoff provided the Board with the latest redlined version of “Professional Practice: A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts” (“Guide”) for their review and consideration. Not all members of the Board had the opportunity to fully review the revised Guide prior to the meeting and it was decided that further discussion would take place at the next scheduled meeting.

Dan Caron noted that the language under Question #10 in the Guide, “*May business entities such as firms, partnerships or corporations provide professional design services?*”, appeared to only address Architectural services and requested that it be expanded to clarify the Board’s requirements under 250 CMR 5.05. Eric Funk and Jenna Hentoff stated that they would put together language to address this for the Board to review at the next scheduled meeting.

9. Board Counsel Jenna Hentoff informed the Board that there were no further legal topics for discussion.
10. Azu Etoniru joined the meeting at 9:27AM.
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. However, the Board had been notified by a licensee that they signed a consent agreement for discipline with the MO Board but was unable to provide a copy of the fully executed consent agreement prior to the meeting. The licensee was informed of the reporting

requirements and indicated that a signed, fully executed copy would be forwarded as soon as it was available. The Board will continue to monitor.

12. 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 meeting on January 26, 2023.

13. Eric Funk informed the Board that NCEES was seeking a listing of funded delegates for the 2023 NCEES Zone Interim Meeting which will be held in Houston, TX on April 27-29, 2023.

Joyce Hastings, Erin Joyce, and Dan Caron indicated that they would be interested in attending the meeting as funded delegates.

14. Chairman Paul Tyrell presented the application review report provided by Eric Funk for Board consideration. Kenneth Anderson moved, seconded by Shannon Slaughter, to accept the report and ratify the application approvals. Motion passed with a vote of 9-0. Members in Favor: Shannon Slaughter, Paul Tsang, Dan Caron, Erin Joyce, Joyce Hastings, Paul Tyrell, Kenneth Anderson, Maurice Pilette, and Azu Etoniru. Members opposed: None.

15. Eric Funk informed the Board that applicant #1025400, Samira Ayati, had submitted her application for approval in PE Civil by Comity which was reviewed by both Erin Joyce and Chairman Paul Tyrell. During the course of the review process, Ms. Ayati was informed that her supporting work experience documentation did not meet the requirements as outlined in 250 CMR 3.04 (4): Table I, 250 CMR 3.05 (2), or 250 CMR 3.05 (10). Ms. Ayati has provided additional supporting work experience documents on multiple occasions for review. Ms. Ayati's application was brought to before the Board for further review of her work experience in order to determine whether she has provided sufficient evidence that she had the required breadth and depth of qualifying engineering experience under the direct supervision of a licensed P.E. After a brief discussion, the Board asked that Ms. Ayati be invited to the January meeting in order to discuss her application and work experience qualifications with the Board.

16. Board Counsel Jenna Hentoff provided the Board with a brief overview of applicant #1020354, Kanayo Lala, who had previously been licensed by the MA Board but had his license revoked. Mr. Lala had submitted a new application to the Board for licensure by examination but did not provide sufficient information related to prior discipline on his application. He further failed to answer all questions on the application.

Chairman Paul Tyrell recommended that the application be fully completed and that additional context regarding his discipline was needed. He asked that the applicant's current and previous file be provided to him for further review. Kenneth Anderson volunteered to review the files as well. It was determined that after their review, Chairman Paul Tyrell and Kenneth Anderson would provide Eric Funk and Jenna Hentoff with a listing of items that Mr. Lala should address in writing to the Board for consideration.

After the Board has received and reviewed the requested documentation, the Board would consider next steps which could include inviting the applicant to a future Board meeting to discuss his application in person.

17. There was no correspondence for Board discussion.

18. There were no public comments.

At 10:05AM, Kenneth Anderson moved, seconded by Azu Etoniru, to end the Open Session of the meeting and enter Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a vote of 9-0. Members in Favor: Shannon Slaughter, Paul Tsang, Dan Caron, Erin Joyce, Joyce Hastings, Paul Tyrell, Kenneth Anderson, Maurice Pilette, and Azu Etoniru. Members opposed: None.

Report of actions taken during closed investigate conference:

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| ➤ 2022-000457-IT-ENF: | Dismiss |
| ➤ 2022-000458-IT-ENF: | Dismiss |
| ➤ 2022-000541-IT-ENF: | Dismiss with Advisory |
| ➤ 2022-000572-IT-ENF: | Dismiss with Advisory |
| ➤ 2022-000582-IT-ENF: | Dismiss with Advisory |
| ➤ 2022-000643-IT-ENF: | Dismiss |
| ➤ 2022-000668-IT-ENF: | Dismiss with Advisory |

Respectfully submitted by,

Eric Funk
Board Administrator

Documents used at the public meeting:

- Agenda for November 17, 2022 Meeting
- Draft Minutes of October 27, 2022 Open Meeting
- Draft “Professional Practice: A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts”
- Updated draft Board advisory clarifying tasks that may be performed by Professional Land Surveyors (“PLS”) and Professional Engineers qualified in the Branch of civil engineering (“PE (Civil)”) in the Commonwealth of Massachusetts
- Application documents for applicant #1025400
- Application documents for applicant #102354