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GOVERNOR

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OCCUPATIONAL LICENSURE

## Minutes of the June 22, 2023 Open Meeting

Meeting was held remotely by video conference and telephone pursuant to Chapter 2 of the Acts of 2023: *An Act Making Appropriations for the Fiscal Year 2023 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects*, signed into law on March 29, 2023.

*The following attendance was recorded:*

### **Board Members Present**

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

### **Board Members Absent**

### **Members of the Public Present**

Patrick Doyle, PE License Applicant  
Kevin Flowers, PLS License Applicant  
Abbie Goodman, TECET

### **Division Staff Members Present at Various Times during the Meeting:**

Kathleen McNally, Executive Director of  
Various Boards  
Colleen Maloney, Associate Commissioner of  
Policy and Boards  
Jenna Hentoff, Board Counsel  
Patricia LaFore, Board Counsel  
Eric Funk, Board Administrator  
Mary Pixley, Prosecuting Counsel  
Jazmin Lorenzo, Intern  
Sohaila Ammar, Intern



1. At 9:04AM, Executive Director Kathleen McNally provided notice that pursuant to M.G.L. Ch. 30A, § 20, the meeting would be recorded.
2. At 9:05AM, Azu Etoniru motioned, seconded by Shannon Slaughter, to open the meeting. Motion passed with a vote of 9-0. Members in Favor: Erin Joyce, Dan Caron, Azu Etoniru, Paul Tyrell, Joyce Hastings, Shannon Slaughter, Kenneth Anderson, Ronald Willey, and Paul Tsang. Members opposed: None.
3. Chairman Paul Tyrell cautioned the Board about distracted driving.
4. At 9:08AM Shannon Slaughter logged out of the meeting briefly.
5. The Board reviewed the minutes of the May 25, 2023 Open Meeting. Azu Etoniru moved, seconded by Joyce Hastings, to accept the minutes as written. Motion passed with a vote of 8-0. Members in Favor: Erin Joyce, Dan Caron, Azu Etoniru, Paul Tyrell, Joyce Hastings, Kenneth Anderson, Ronald Willey, and Paul Tsang. Members opposed: None.
6. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on July 27, 2023. Shannon Slaughter and Ronald Willey both have conflicts and may not be in attendance.
7. Board Counsel Jenna Hentoff introduced Patricia LaFore, who will transition to the role of Board Counsel over the next few months. Jenna Hentoff informed the Board that the change was due to an internal reshuffling of Board assignments.

Chairman Paul Tyrell welcomed Patricia LaFore to the Board and provided her with a quick overview of the Board's membership.

8. At 9:13AM Shannon Slaughter logged back into the meeting.
9. Executive Director Kathleen McNally and Board Counsel Jenna Hentoff advised the Board that they recently held a hybrid meeting for another Board using the DOL's new OWL Labs camera system. They reported that the system was easy to use and that in-person members and those attending virtually were able to participate with ease.

Chairman Paul Tyrell requested that the meeting scheduled for July 27, 2023 be held as a hybrid meeting using the OWL system. Four (4) of the Board members indicated that they anticipated attending the meeting in-person with the rest to join virtually. Executive Director Kathleen McNally stated that the public posting for the meeting would indicate an in-person meeting with a link for virtual attendance.

10. Executive Director Kathleen McNally advised the Board that while senior management has been fully briefed on their request to convert the State Specific Jurisprudence (JP) exam from paper and pencil to a computer-based testing (CBT) format, there was no update available at present time. She stated that she would continue to push for agency movement on this matter.
11. Eric Funk informed the Board that the JP Exam Subcommittee would be meeting on June 23, 2023 to review and score the April 2023 Jurisprudence (JP) exam. He further stated that the subcommittee's report would be provided at the next Board meeting scheduled for July 27, 2023.

12. Board Counsel Jenna Hentoff provided the Board with a draft copy of the recently updated CORI policy for their review and consideration. She informed the Board that Stephen Jacobson, CORI Counsel for the DOL, drafted the updated CORI policy to ensure uniformity across the DOL and to be in-line with current requirements.

Kenneth Anderson moved, seconded by Azu Etoniru, to accept the updated CORI policy. Motion passed with a vote of 9-0. Members in Favor: Erin Joyce, Dan Caron, Azu Etoniru, Paul Tyrell, Joyce Hastings, Shannon Slaughter, Kenneth Anderson, Ronald Willey, and Paul Tsang. Members opposed: None.

13. Board Counsel Jenna Hentoff informed the Board that the draft language for Continuing Professional Competency (CPC) regulations is still under review by the Executive Office of Administration and Finance (A&F).

Chairman Paul Tyrell asked if there was a specific person at A&F reviewing the draft, to which Jenna Hentoff responded that it was in their General Counsel's Office.

14. Board Counsel Jenna Hentoff advised the Board that the draft "Professional Practice: A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts" ("Guide") had been forwarded to the Deputy General Counsel for the DOL Agency for review. She further stated that it was communicated to the Deputy General Counsel that this document has been in process for a very lengthy time and both Boards are anxious to see it move forward in the review process as expeditiously as possible.

15. Board Counsel Jenna Hentoff informed the Board that there were no further legal topics for discussion.

16. Executive Director Kathleen McNally informed the Board that the revised and updated complaint tracking spreadsheet was still undergoing review and updating with the hope that a current version would be available in the coming months.

She again informed the Board that senior management has been forwarded the invite for the upcoming NCEES Virtual Law Enforcement Forum: Responsible Charge and Supervision webinar, and that they are aware that the Board finds value in the DOL's Investigations and Prosecutions staff availing themselves of the numerous law enforcement resources and training opportunities NCEES provides to member Boards.

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

18. Joyce Hastings gave the Board a report on the seven (7) interviews that were conducted by the Land Surveyor Oral Exam/Interview Committee. She informed the Board that there were four (4) in-state applicants and three (3) out-of-state applicants (NY, CT, NH) interviewed. Three (3) applicants were recommended to move forward to exam - two (2) from out-of-state and one (1) in-state. Three (3) of the candidates were 20-year experience applicants. The full breakdown is as follows:

- **Applicant 1029854:** Applicant applied under classification “d” which requires 12-years of qualifying surveying experience under the direct supervision of a licensed PLS. Applicant noted 20-years of experience in surveying. Upon review and discussion with this applicant, the Committee found that the applicant is currently able to demonstrate only 8-years of qualifying surveying experience under the direct supervision of a licensed PLS. Committee recommends that applicant obtain at least four (4) years of additional boundary survey experience under the direct supervision of a Massachusetts licensed PLS.
- **Applicant 1029374:** Applicant applied under classification “b” which requires 4-years of qualifying surveying experience under the direct supervision of a licensed PLS. Committee found that there was a license issue with one of his supervisory references who also stamped one of the work samples he provided with his application. The issue disqualified the experience and plan which contributed to the applicant failing to demonstrate to the Board that he had the required 4-years of qualifying surveying experience under the direct supervision of a licensed PLS. Committee recommends that applicant obtain at least two (2) years of additional boundary survey experience under the direct supervision of a Massachusetts licensed PLS.
- **Applicant 1027507:** Committee recommends this applicant be approved to take the Principles and Practices exam and the State Specific Jurisprudence (JP) exam.
- **Applicant 1029086:** Committee found that the applicant failed to demonstrate an adequate understanding of the Massachusetts Rules of Evidence, as well as Massachusetts Survey Law. Committee recommends that applicant obtain an additional six (6) months of boundary survey experience under the direct supervision of a Massachusetts licensed PLS and complete a course on the legal principles and practices of Land Surveying in Massachusetts.
- **Applicant 1021614:** Applicant applied under classification “e” which requires at least 20-years of qualifying surveying experience under the direct supervision of a licensed PLS with at least 10-years in responsible charge. Applicant owns and manages a firm in Massachusetts that advertises both engineering and surveying services, but the firm does not have a full-time PE or PLS on staff and it was unclear if there was in fact a PLS or PE in responsible charge of the day-to-day engineering and surveying services being offered. During the oral exam/interview, applicant failed to demonstrate an adequate understanding of the Massachusetts Rules of Evidence, as well as Massachusetts Survey Law. Committee recommends that applicant complete a course on ethics; legal principles and practices of Land Surveying in Massachusetts; Fundamentals of Land Surveying; and Principles of Boundary Law.
- **Applicant 1027264:** Committee recommends this applicant be approved to take the State Specific Jurisprudence (JP) exam.
- **Applicant 1026970:** Committee recommends this applicant be approved to take the State Specific Jurisprudence (JP) exam.

Dan Caron motioned to adopt the committee’s recommendations, seconded by Ronald Willey. Motion passed with a vote of 9-0. Members in Favor: Erin Joyce, Dan Caron, Azu Etoniru, Paul Tyrell, Joyce Hastings, Shannon Slaughter, Kenneth Anderson, Ronald Willey, and Paul Tsang. Members opposed: None.

19. There were no comments from the public.
20. At 9:43AM, Dan Caron stepped away from the meeting for two (2) minutes and returned at 9:45AM.
21. At 9:45AM, Ronald Willey moved, seconded by Azu Etoniru, to end the Open Session of the meeting and enter Closed Executive Session pursuant to G.L. c. 30A, §21(a) (1) to discuss the character, rather than competence, of an applicant. Motion passed with a vote of 8-0. Members in Favor: Erin Joyce, Azu Etoniru, Paul Tyrell, Joyce Hastings, Shannon Slaughter, Kenneth Anderson, Ronald Willey, and Paul Tsang. Members opposed: None.

Executive Director Kathleen McNally acknowledged that recording of the Open Session of the meeting had ended.

22. At 10:49AM, the Board exited Closed Executive Session and entered Closed Investigative Conference pursuant to G.L. c. 112, § 65C.
23. At 11:08AM, Dan Caron moved, seconded by Ronald Willey, to exit closed session and adjourn the meeting. Motion passed with a vote of 7-0. Members in Favor: Dan Caron, Paul Tyrell, Joyce Hastings, Shannon Slaughter, Kenneth Anderson, Ronald Willey, and Paul Tsang. Members opposed: None.

Respectfully submitted by,

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Eric Funk  
Board Administrator

Documents used at the public meeting:

- Agenda for June 22, 2023 Meeting
- Draft Minutes of May 25, 2023 Open Meeting
- Current and draft updated Board CORI policies