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DRAFT Minutes of the May 30, 2024, 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 Remotely

Paul Tyrell, PE, PLS, Chairman
Ronald Willey, PE, Vice Chairman
Azu Etoniru, PE, PLS
Daniel Caron, PE
Paul Tsang, PE
Nancy Gould, PE
Joyce Hastings, PLS
Kenneth Anderson, PLS
Edward Englander, Esq., Public Member

Members of the Public Present

Attorney Walter Sullivan
Gary James, PE Civil
Peter Hanson
Kayla Sepulveda
Sara Francis
Timothy Shuipis

Division Staff embers Present

at Various Times during the Meeting:

Colleen Maloney, Deputy Commissioner of Boards and Policy
Kathleen McNally, Executive Director of Engineer and Land Surveyor Board
Philip Chan, Board Counsel
Jenna Hentoff, Board Counsel

1. At 9:04 a.m. Executive Director Kathleen McNally announced the opening of the meeting and there was a quorum present, and provided notice that pursuant to M.G.L. Ch. 30A, § 20, the meeting would be recorded.



2. At 9:05 a.m. Azu Etoniru made a motion to open the meeting and Ron Willey seconded the motion. The Motion passed with a vote of 9-0. Members in Favor: Paul Tsang, Nancy Gould, Paul Tyrell, Ronald Willey, Dan Caron, Joyce Hastings, Azu Etoniru, Ken Anderson, and Ed Englander. Members opposed: None. Members abstaining: None.
3. The Board reviewed the minutes of the April 24, 2024, Open Meeting. Azu Etoniru moved, seconded by Ronald Willey, to accept the minutes with minor edits in punctuation, to sections #2, #4, #8, #15, and #16. The motion passed unanimously with a vote of 6-0. Members in Favor: Paul Tsang, Nancy Guld, Paul Tyrell, Ronald Willey, Azu Etoniru, and Dan Caron. Members opposed: None. Members Abstained: Joyce Hastings, Ken Anderson, and Edward Englander.
4. Chairman Paul Tyrell's safety item focused on cell phone use near the head. He reminded the Board and the public for safety and health purposes, to keep cell phones away from your head when using them, and to use the speaker feature due to adverse health reports of exposure to radiation regarding cell phone use.
5. Chairman Paul Tyrell informed the Board that the next meeting was scheduled to be held June 27, 2024, and he requested to move it to an earlier date, to Thursday, June 20, 2024, due to scheduling conflicts. The meeting date was rescheduled to June 20, 2024.
6. Chair Tyrell discussed correspondence regarding a modification to the coordinates and the referencing system. Rhode Island is making a change to the system to the latest NGS standard. Chair Tyrell advised that he is requesting input from the board members who hold Land Surveying licenses. Chair Tyrell stated that he reviewed the Massachusetts Rules and Regulations of this Board, and that Massachusetts referenced the state plain coordinates, and the Massachusetts system and regulations make a clear statement to use the Massachusetts system. Chair Tyrell requested input from the Land Surveyors on the Board. Ken Anderson stated that his concern is measurement-wise. They are asking to use the United States survey foot measurement for measurements in surveys as opposed to the international foot measurement system. Chair Tyrell said the difference between the two measurement systems is infinitesimal. However, when recording a piece of land relative to the state coordinate system, the issue may be when calculating distances from Boston to Springfield, when involved in property survey request, it is a minuscule difference to the consumer. Attorney Ed Englander was asked to weigh in on this topic, and he stated that he does not know enough about the subject matter to comment on it. Char Tyrell stated that the State Plane coordinate system, if a conversion, our regulations state that our regulations do not require a modification. Ken Anderson checked the regulations, and they may need to be modified. Chair Tyrell said that he does not see any adverse impact to the public with this change. Azu Etoniru stated that he does not believe that any modifications need to be made to the regulations at this time.
7. Board Counsel Philip Chan provided the Board with an update on the topic from last month pertaining to the quality of filings at Suffolk County the Registry of Deeds. He stated that he spoke with the Deputy General Counsel of DOL, and other Board staff regarding how best to move forward on this matter, and that the matter is currently pending with DOL management, and there is nothing new or additional to report. Executive Director Kathleen McNally advised the Board that the agency has held meetings on this matter, and that is an issue that is unique, and as a result, it may take a longer time to arrive at a solution for how to best proceed toward the process for a resolution to the problem. Chair Tyrell identified that the Registry of Deeds in Suffolk is not adhering to the standards of the Board, and not adhering to its own (the Suffolk County

Registry's) standards. Dan Caron stated that he is the head the Board's complaint committee, and that at least one half of the complaints which are filed with the Board, and which the Board reviews, involve this exact issue with land surveying and improper registry filings. Chair Tyrell stated that the Board provides advisory rulings and goes up the chain of command at this agency, DOL. Chair Tyrell said he believes that if the Board needs to write an advisory ruling to the general public, and then the Registry would be advised as to a course of action. The Chair said that the Board deals with the complaints, and the Board's concern is for the general safety and welfare of the citizens and public. Azu Etoniru stated that these are salient points regarding the Board's responsibility over land surveyor licensees.

8. A petition was filed to request the lift of the 30-day license suspension of licensee G.J. Executive Director Kathleen McNally explained to the Board that the language in the consent agreement specifically stated that the licensee had to petition the Board for the suspension to be lifted. The Licensee's attorney filed a petition to lift the 30-day suspension. The Chair asked for a motion. A motion to lift the suspension was made by Azu Etoniru and seconded by Ed Englander. Executive Director Kathleen McNally advised the Board that the licensee's attorney was present in the virtual hearing. The motion passed unanimously, with a vote of 9-0. Members in Favor: Paul Tsang, Nancy Gould, Paul Tyrell, Ronald Willey, Azu Etoniru, Dan Caron, Joyce Hastings, Ken Anderson, and Edward Englander. Opposed: None. Motion passed.
9. Board Counsel Philip Chan gave his legal report and gave a status update on the Continuing Professional Competency (CPC) Regulations. Attorney Chan advised the Board that he has nothing new to report. Attorney Chan reported that he spoke to the General Counsel of DOL, and the CPC Regulations are still under review by the Governor's Legal Office at the A & F Office, and there is no new status to report. Chair Tyrell stated that this has been on the Board's Agenda for years, and there is not even a schedule to report for a time frame. Board member Dan Caron stated that this process started in 2018, and he believes that this matter has been pending at the Board for approximately six (6) years. Chair Tyrell voiced his frustration with the length of time this process is taking, and that that this is a public safety issue.
10. Board Counsel Philip Chan informed the Board that there were no further legal topics for discussion.
11. Executive Director Kathleen McNally advised the Board that she continues to work through the NCEES Enforcement Exchange backlog and uploading case outcomes to the NCEES Enforcement database. She also informed the Board that the revised and updated complaint tracking spreadsheet continues to undergo review and updating. She further stated that she is still working through 2023 cases.
12. Executive Director Kathleen McNally advised the Board that a new Executive Director has been hired to assist at DOL, and that two Boards have been reassigned to the new Executive Director.
13. Executive Director Kathleen McNally informed the Board the CBT (computer-based testing) status for JP Land Surveying exam, which is still offered in paper, is the same. We need to convene a subcommittee to get the Land Surveying JP written exam transitioned to CBT. Kathleen McNally stated that the convening of the State Specific Jurisprudence (JP) Exam CBT Conversion Subcommittee is the next step in this process to move the written exam forward to CBT (computer based testing).
14. Executive Director Kathleen McNally informed the Board that there were no consent agreements

or final decisions and orders to be reported to the Board this month.

15. Chair Tyrell asked if there were any questions about the applications and suitability of applicants, and if there were any questions regarding the digital applications. There were no suitability questions or issues raised.
16. Joyce Hastings reported on the Land Surveying Oral Exams and Interviews. Member Joyce Hastings reported that they had two candidates for this process. On April 8, 2024, the Board LS members, Paul Tyrell, Joyce Hastings, Azu Etoniru, and Ken Anderson, the Land Surveying (LS) Subcommittee, met on April 8, 2024, and interviewed two candidates. One candidate was recommended to proceed to the JP exam, and one was recommended to do more studying of the boundary evidence and procedures and legal aspects. On April 18, 2024, a second round of interviews was held. Three candidates were interviewed, and two candidates were recommended to take the exam, the other candidate was recommended to study the subject matter more. A motion to accept the LS applicants was made by Ed Englander and seconded by Ron Willey. Ed Englander asked if Paul Tyrell could explain the LS exam process. Chair Tyrell explained that Massachusetts has a more rigorous process because some candidates can become licensed even though they do not have an LS degree. Chair Tyrell said all applicants must take an oral interview so that the Board can assess their knowledge and fitness to take the LS exam. Nancy Gould asked if she could sit in and watch the next round of oral interviews. Kathleen McNally advised Nancy Gould that she would send an invite to Nancy for the next event of LS oral interviews. A Motion was made by Ed Englander, Seconded by Ron Willey. Motion passed unanimously. Members in Favor: Paul Tsang, Nancy Gould, Paul Tyrell, Ronald Willey, Azu Etoniru, Dan Caron, Joyce Hastings, Ken Anderson, and Edward Englander. Opposed: None. Motion passed.
17. The List of applicants for engineering licenses and comity was presented to the Board, for a vote on the applicants for licensure. A Motion was made by Nancy Gould, seconded by Ed Englander. All members voted unanimously. Members in Favor: Paul Tsang, Nancy Gould, Paul Tyrell, Ronald Willey, Azu Etoniru, Dan Caron, Joyce Hastings, Ken Anderson, and Edward Englander. Opposed: None. Motion passed.
18. Correspondence was addressed earlier in the meeting in the prior topics.
19. Azu Etoniru made a motion to close the meeting. Ron Willey seconded the motion. Members in Favor: Paul Tsang, Nancy Gould, Paul Tyrell, Ronald Willey, Azu Etoniru, Dan Caron, Joyce Hastings, Ken Anderson, and Edward Englander. Opposed: None. Motion passed.
20. Kathleen McNally announced the Open meeting session closed at 9:45 a.m. and the recording was turned off. Open Session Meeting concluded at 9:45 a.m.

Respectfully submitted by,

Kathleen McNally
Executive Director

Documents used at the public meeting:

- Agenda for May 30, 2024, Meeting
- Draft Minutes of April 24, 2024, Open Meeting
- Petition to Lift License Suspension of G.J.