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DRAFT Minutes of the SEPTEMBER 26, 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:

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

Board Members Not Present:

Paul Tyrell, PE, PLS, Chairman

Members of the Public Present

Abbie Goodman

Division Staff Members Present
at Various Times during the Meeting:

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

1. At 9:02 A.M. Executive Director Kathleen McNally announced the opening of the meeting, that there was a quorum present, and that Vice Chair, Mr. Ron Willey, was running the meeting, as Chair Paul Tyrell was unable to attend due to a conflict. She provided notice that pursuant to M.G.L. Ch. 30A, § 20, the meeting would be recorded.



2. At 9:03 A.M. Ed Englander moved, seconded by Nancy Gould, to open the meeting. The Motion passed unanimously, with a vote of 7-0. Members in Favor: Nancy Gould, Joyce Hastings, Paul Tsang. Ronald Willey, Dan Caron, Ken Anderson, and Ed Englander. Members opposed: None. Members abstaining: None.
3. Azu Etoniru joined the meeting at 9:04 A.M.
4. The Board reviewed the Minutes from the August 29, 2024, Open Meeting. Ken Anderson moved, seconded by Ed Englander. The motion passed unanimously, with a vote of 7-0. Members in Favor: Nancy Gould, Joyce Hastings, Paul Tsang. Ronald Willey, Dan Caron, Ken Anderson, and Ed Englander. Members opposed: None. Members abstaining: Azu Etoniru.
5. Vice Chair Willey introduced the safety moment topic and requested volunteers to present safety recommendations. Nancy Gould volunteered and cautioned the Board that when exercising or participating in sports, no matter what your age, to always warm-up your body prior to engaging in a sport, activity, or exercise, to prevent injuries.
6. Vice Chair Ron Willey informed the Board that the next meeting date is scheduled for Thursday, October 31, 2024, and asked if any Board members had a conflict with this date and would be unable to attend. None of the present Board members stated that they had a conflict with the next meeting date. Vice Chair Willey informed the Board that there should be a quorum at the next scheduled October 31, 2024, meeting.
7. Vice Chairman Ron Willey requested a status update on the Suffolk County Registry of Deeds filings. Ken Anderson informed the Board that since he is a member of this subcommittee that was formed, consisting of four board members, he would give the status report. Ken Anderson reported that he conducted a brief search on the Registry of Deeds website. He searched and reviewed the first ten surveys filed for calendar year 2024. He found that of the first ten plans filed in 2024, which he reviewed, the first plan was signed by a P.E. (professional engineer) and properly showed property lines, and the second plan was a condominium site plan signed by an architect. The remaining eight plans which he reviewed were each drafted by a land surveyor, only four of these plans filed were completed properly and conformed to the requirements of 250 CMR. He reported that not only is there a problem with licensees practicing outside of their scope of practice, but there are problems with licensees practicing within their scope of practice who are not correctly completing surveys. Ken Anderson will give another status report at the next board meeting.
8. Board Counsel Phil Chan advised the Board that since Chair Tyrell formed this Registry of Deeds subcommittee, and is a member of the subcommittee, this topic should be tabled to a future date when Chair Tyrell is present.
9. Ken Anderson informed the Board that this subcommittee has not yet met, and Vice Chair Willey tabled this discussion for a future date.
10. Board Counsel Phil Chan advised the Board that the next meeting date is on October 31, 2024, which is Halloween. He advised the Board members that if they intend to dress in costume, that each member please remove their face mask when the meeting commences, and during the roll call vote.
11. Board Counsel Philip Chan presented his legal report. He reported on the status of the CPC Regulations. Attorney Chan spoke to the Agency General Counsel, and reported there has not been any new status about which to inform the Board, and the CPC Regulations remain in the

same status as was reported at the prior board meeting. Attorney Chan reported to General Counsel, the Board's frustration with the slow pace of this process, and that they are still being reviewed.

12. Board Counsel Phil Chan informed the Board that there were no further legal topics for discussion.
13. Shalan Fitzgerald joined the meeting at 9:12 A.M.
14. Executive Director Kathleen McNally presented the Executive Director report and advised the Board that she continues to work through the NCEES Enforcement Exchange backlog and uploading case outcomes to the NCEES Enforcement database. She reported that she works in NCEES database every day verifying licenses and updating disciplinary actions.
15. Executive Director McNally informed the Board that at this time the complaint tracking spreadsheet is current, and she awaits any new inquiries for statuses from Complaint Committee Chair, Dan Caron.
16. 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. There was a recommendation 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). She also reported because PCS, the application and testing company, holds the current engineer and land surveying contract for applications and testing, and that DOL is restricted due to overall budgetary and cost considerations, and therefore, we will remain with PCS/Virtual Inc. as the vendor for the conversion of the JP Land Surveying test. Vice Chair Ron Willey asked if the subcommittee can now meet with PCS/Virtual, Inc. For the CBT exam. She stated that this is a different subcommittee for the exam conversion and exam bank questions. Vice Chair Ron Willey volunteered to be on this exam subcommittee to assist with the exam question bank, as he has 20 years of experience providing exam questions.
17. Executive Director Kathleen McNally informed the Board that there was one consent agreement to report, docket number 2023-000100-IT-ENF. The disposition agreed upon in this matter was a one-year suspension of a structural engineer's license, the suspension was stayed for a period of one year, and payment of \$2500.00 fine. There were no other final decisions and orders to be reported to the Board this month.
18. Board Administrator Eric Funk informed Board member Shalan Fitzgerald that he will be showing her how to review license applications in her role as a board member.
19. Eric Funk gave the application report and submitted applications for review to Board members. Azu Etoniru moved, and Ed Englander seconded, to accept the application report submitted to the Board. A roll call vote was taken, Members in Favor: Nancy Gould, Joyce Hastings, Paul Tsang, Ronald Willey, Dan Caron, Ken Anderson, Azu Etoniru, Ed Englander, and Shalan Fitzgerald. Vote passed unanimously, 9-0. Members opposed: None. Members abstaining: None.

20. Joyce Hastings reported the Land Surveyor Oral Exams and Interviews to the Board. She informed the Board that on September 12, 2024, the Land Surveyor board members, Joyce Hastings, Paul Tyrell, Azu Etoniru, and Ken Anderson met and interviewed five candidates for the Land Surveying JP exam. They recommended three candidates to move forward to take the exam. They recommended that two applicants not proceed to sit for the exam, but to return to the process, one after he finishes and completes his application, and the second one was advised to take two courses and then to come back before the Board. Vice Chair Willey inquired about the timing of the next JP exam. Eric Funk reported that the next written exam will be held on October 16, 2024. The applicants who received Board approval to sit for the exam may take the JP exam if they so choose. PCS/Virtual, Inc. will be notified that the three candidates have been approved, and PCS will contact them regarding instructions for taking the JP Land Surveyor exam.
21. Joyce Hastings notified the Board that they must vote to accept the JP exam report. Nancy Gould moved, and Ed Englander seconded, to accept the JP exam report. A roll call vote was taken, Members in Favor: Nancy Gould, Joyce Hastings, Paul Tsang, Ronald Willey, Dan Caron, Ken Anderson, Azu Etoniru, Ed Englander, and Shallan Fitzgerald. Vote passed unanimously, 9-0. Members opposed: None. Members abstaining: None.
22. There were no topics submitted in correspondence to the Board for discussion.
23. Vice Chair Willey asked for public comments during the meeting. Abbie Goodman, a public member, asked for the update on any actions with the Registry of Deeds topic. Ron Willey gave the update that there was a subcommittee formed to study this, and the issue was tabled to a future date when Chair Tyrell will be present. Abbie Goodman asked for the identity of the board members on the subcommittee. Ken Anderson responded that the four subcommittee members are: Paul Tyrell, Ken Anderson, Dan Caron, and Ed Englander.
24. Board Counsel Phil Chan advised the Board that they needed to vote after a motion is made to enter Executive Session and Investigative Conference. Ken Anderson moved, and Ed Englander seconded, to close the public session and move into Executive Session and Investigative Conference. Members in Favor: Nancy Gould, Ronald Willey, Azu Etoniru, Dan Caron, Ken Anderson, Edward Englander, Joyce Hastings, Paul Tsang, and Shallan Fitzgerald. Vote passed unanimously, 9-0. Members Opposed: None. Members Abstaining: None.
25. Kathleen McNally announced the Open meeting session closed at 9:26 A.M. and the recording was turned off. Open Session Meeting concluded at 9:26 A.M.
26. Investigative Conference Case Status and Disposition Report:
- | | |
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| 2024-000167-IT-ENF | Dismissed |
| 2024-000175-IT-ENF | Tabled to future date |
| 2024-000176-IT-ENF | Tabled to future date |
| 2024-000178-IT-ENF | Tabled to future date |
| 2024-000207-IT-ENF | Dismissed |
| 2024-000249-IT-ENF | Dismissed |
| 2024-000252-IT-ENF | Dismissed |

Respectfully submitted by,

Kathleen McNally,
Executive Director

Documents use at the public meeting:

- Agenda for September 26, 2024, Meeting
- Draft Minutes from August 29, 2024, Open Meeting
- Signed Consent Agreement in the Matter of 2023-000100-IT-ENF.

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