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

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REGULATION

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

Minutes of the February 27, 2020 Open Meeting

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

Board Members Present

Paul Tyrell, PE, PLS, Chairman
Ronald Willey, PE, Vice Chairman
Dennis Drumm, PLS
Joyce Hastings, PLS
Daniel Caron, PE
Azu Etoniru, PE, PLS
Maurice Pilette, PE
Shannon Slaughter, Public Member
Paul Tsang, PE
Erin Joyce, PE

Board Members Absent

Members of the Public Present

Abbie Goodman, TECET
Nathaniel Taylor, PE Exam Applicant
Kenneth Anderson, TECET

Division Staff Members Present at Various Times during the Meeting:

Matthew Keigan, Executive Director
Sheila York, Board Counsel
Eric Funk, Board Administrator

1. Chairman Paul Tyrell opened the meeting at 9:00AM and notified attendees of the evacuation procedures.
2. Chairman Paul Tyrell recognized PE Exam Applicant Nathaniel Taylor was in attendance and requested that he address the Board.

Nathaniel Taylor presented his case to the Board as to why they should reconsider their initial assessment that his PE exam application did not meet the requirements for approval. Nathaniel Taylor briefed the Board about his engineering work experience at Keurig and how he believed it met the requirements for approval under the Manufacturing/Industrial exemption.

Chairman Paul Tyrell asked Mr. Taylor if he would be able to provide additional work experience documents representing the engineering design work he has performed while employed at Keurig. He further stated that where appropriate, he should make notes directly on his work samples that describe the engineering work he performed so that the Board would be able to get a clear understanding of the engineering work he has performed.



Nathaniel Taylor stated that he would be able to provide additional documentation to the Board to support his case.

Eric Funk informed Mr. Taylor that he would provide him with an email after the Board meeting with a summary of what was discussed and details on where to send the additional work documentation.

Chairman Paul Tyrell thanked Mr. Taylor for his time.

3. The Board reviewed the minutes of the January 23, 2020 Open Meeting. Azu Etoniru moved, seconded by Joyce Hastings, to accept the meeting minutes. Chairman Paul Tyrell abstained from the vote. Motion passed with a vote of 8-0-1.
4. The Board reviewed the minutes of the January 23, 2020 Executive Session. Azu Etoniru moved, seconded by Joyce Hastings, to accept the meeting minutes. Motion passed with a vote of 8-0-1. Chairman Paul Tyrell abstained from the vote.
5. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on March 27, 2020.
6. Chairman Paul Tyrell advised the Board that due to several members anticipated attendance at the upcoming NCEES Zone Meeting in April, the Board meeting scheduled for April 23, 2020 would need to be rescheduled. The Board agreed to reschedule the meeting for April 30, 2020, notice of which to be posted on the Board's website.
7. Chairman Paul Tyrell notified the Board that as a result of the motion approved at the NCEES annual meeting in August 2019, the NCEES 2019-2020 Committee on Examinations for Professional Surveyors (EPS) to develop and implement a plan to restructure the PS exam to include the following separately scored divisions: Core PS; Boundary; U.S. Public Land Surveying System (PLSS); Mapping Science; Incidental Drainage Design.

The EPS Committee has requested assistance and input from Member Board's via an online survey and requested that each Board appoint one member to represent the Board and provide responses by May 1, 2020.

Dennis Drumm agreed to provide responses to the survey questions and present those responses to the Board at the March 26, 2020 meeting.

8. Chairman Paul Tyrell provided the Board with a quick synopsis about the Alliance for Responsible Professional Licensing (ARPL). The ARPL promotes a responsible, balanced approach to professional licensing. We aim to educate policymakers and the public on the importance of high standards, rigorous education, and extensive experience within highly complex, technical professions that are relied upon to protect public safety and enhance public trust. NCEES had provided the Board with notice that the ARPL would be holding a webinar on February 27, 2020 to brief state partners on the strategies, tactics, and tools available to help carry ARPL's message and information to state lawmakers and media.
9. Dennis Drumm gave the Board a report on the five (5) interviews that were conducted by Land Surveyor Interview Committee. He informed the Board that there were three (3) in-state applicants and two (2) out-of-state applicants interviewed. All five (5) applicants were recommended to move forward. The full breakdown is as follows:
 - Applicant 1007606: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam; Ron

Willey motioned to so approve, seconded by Joyce Hastings. Motion passed with a vote of 10-0.

- Applicant 1017051: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Joyce Hastings. Motion passed with a vote of 10-0.
- Applicant 1017108: Committee recommends this applicant be approved to take the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Joyce Hastings. Motion passed with a vote of 10-0.
- Applicant 1017418: Committee recommends this applicant be approved to take the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Joyce Hastings. Motion passed with a vote of 10-0.
- Applicant 1017569: Committee recommends this applicant be approved to take the Principles and Practices exam and the Jurisprudence exam; Ron Willey motioned to so approve, seconded by Joyce Hastings. Motion passed with a vote of 10-0.

10. Chairman Paul Tyrell gave the Board a report on the one (1) interview that was conducted by the Engineering Interview Committee:

- Applicant 1016227: Committee recommends this applicant, a 20 year applicant with a waived FE exam from Delaware, be approved for licensure by comity; Dennis Drumm motioned to so approve, seconded by Ron Willey. Motion passed with a vote of 10-0.

11. Executive Director Matthew Keigan informed the Board that Layla R. D’Emilia has been appointed as the new Commissioner of the Division of Professional Licensure, replacing Diane Symonds.

12. Sheila York briefed the Board on the status of draft language regarding Continuing Professional Competency (CPC). She informed the Board that there were no significant updates at this time.

13. Sheila York informed the Board that the approved draft clarification language regarding the Use of the Title Engineer had been provided to DPL staff for review for posting on the website.

14. Sheila York informed the Board that the draft clarification language intended to provide guidance on 250 CMR 5.01 (2) and more specifically, 250 CMR 5.01 (2) (a), had been provided to DPL staff for review for posting on the website.

15. Sheila York informed the Board that baring no objection to the Use of the Title Engineer or 250 CMR 5.01 (2) language, she would update the language in “Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts” accordingly.

16. Sheila York informed the Board that there was no update regarding the questions from local building inspectors concerning stamps/seals on documents/plans from other DPL licensed Boards that are potentially misleading as the licensees of those Boards are not authorized by regulation or statute to have or use stamps/seals.

Sheila York stated that the Board would formally discuss with the Executive Directors of various DPL Boards (Electrical, Plumbing, etc.) regarding the issue and how the Boards could work together to address the matter as well as providing guidance to municipal officials to encourage them to thoroughly review titles and license numbers appearing on stamps/seals.

17. Executive Director Matthew Keigan informed the Board that Adjudicatory Hearing is scheduled to be held on March 25, 2020 at 10:00 a.m. in the matter of EN-2018-1195. Chairman Paul Tyrell agreed with Matt Keigan's recommendation that it was not required for a board member to attend.
18. Executive Director Matthew Keigan stated that the Board received the scheduled monitoring report per the Consent Agreement in the matter of Docket No. 20140625EN27-IT-ENF.

Joyce Hastings was recused from the discussion.

The matter involves the unlicensed practice of land surveying. There was no Board discussion of the matter.

19. Executive Director Matthew Keigan and Eric Funk informed the Board that due to the high number of calls received by the Board and Professional Credential Services, Inc. (PCS) regarding the Fundamentals of Engineering (FE) / Engineering in Training (EIT) combined application, Board staff drafted a revised FE application separating the voluntary EIT Certification piece to a separate form.

The hope is that with the FE and EIT split, there will be a significant reduction in the confusion on the part of applicants which will result if a reduction in the phone calls/emails received by both the Board and PCS.

After the Board reviewed the draft applications Ronald Willey motioned, seconded by Azu Etoniru, to accept the drafts and send them for internal review for posting on the PCS website. Motion passed with a vote of 10-0.

20. Executive Director Matthew Keigan advised the Board that NCEES is able to auto-verify exam results on behalf of Member Boards. NCEES was informing the Board that this process saves time and effort for Board staff. NCEES further stated that they would like Board approval to provide this service for the Board.

After a quick discussion, Ronald Willey motioned, seconded by Azu Etoniru, to allow NCEES to perform auto-verification of exam results on behalf of the Board. The motion passed with a vote of 10-0.

21. Executive Director Matthew Keigan informed the Board that notification of discipline from another state/jurisdiction was received from Licensee #42988 and Licensee #55086. The disciplinary information was related to unlicensed firms and was also reported to the NCEES Enforcement Exchange in compliance with the required 30 day notification timeframe as outlined in the regulations.

There was no action taken by the Board.

22. Abbie Goodman advised the Board that the American Council of Engineering Companies (ACEC) would like the opportunity to provide the Board with a presentation on the topic of digital signatures at a future Board meeting.

The Board was receptive to the idea and Dan Caron volunteered to work with the presentation team on the topic as he is well versed on the subject.

23. Ronald Willey had a prior engagement and left the meeting at 10:08AM.
24. At 10:09AM, the Board voted to enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a vote of 9-0.

Report of actions taken during closed investigate conference:

- 2019-001437-IT-ENF: Forward to Prosecutions (Dan Caron recused)
- 2019-001405-IT-ENF: Dismiss without Prejudice (Dan Caron recused)
- 2019-001398-IT-ENF: Dismiss without Prejudice (Dan Caron recused)
- 2019-001473-IT-ENF: Forward to Prosecutions (Dan Caron recused)
- 2019-001259-IT-ENF: Dismiss without Prejudice
- 2019-001474-IT-ENF: Forward to Prosecutions
- 2019-001452-IT-ENF: Forward to Prosecutions
- 2019-001105-IT-ENF: Dismiss without Prejudice

25. Open session resumed at 10:40AM.
26. Executive Director Matthew Keigan stated that the Board did not receive any correspondence that required Board review.
27. At 10:42AM Chairman Paul Tyrell noted that there were no further topics for the public Board meeting. Joyce Hastings motioned to adjourn. Azu Etoniru seconded. Motion passed unanimously.

Respectfully submitted by,

X

Eric Funk
Board of Registration of Professional Engineers a...

Documents used at the public meeting

- Agenda for February 27, 2020 Meeting
- Draft Minutes of January 23, 2020 Open Meeting
- Draft Minutes of the January 23, 2020 Executive Session (confidential)
- Copy of Current FE/EIT Application and Drafts of Revised/Separated Applications
- Email from Lea Strickland at NCEES, dated December 18, 2019, regarding Auto-Verification of Exam Results