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Commonwealth of Massachusetts
Division of Professional Licensure
Board of Registration of Professional Engineers
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EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

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

Minutes of the March 26, 2020 Open Meeting

Meeting was held remotely by telephone as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts dated March 12, 2020 suspending certain provisions of the open meeting law.

The following attendance was recorded:

Board Members Present

Paul Tyrell, PE, PLS, Chairman
Ronald Willey, PE, Vice Chairman
Kenneth Anderson, 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

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 9:02AM. With the meeting being held via conference call, there was no need to go over the evacuation procedures.
2. The Board reviewed the minutes of the February 27, 2020 Open Meeting. Azu Etoniru moved, seconded by Joyce Hastings, to accept the meeting minutes. Motion passed with a vote of 9-0-1. Members in Favor: Paul Tyrell, Ronald Willey, Joyce Hastings, Daniel Caron, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce. Members opposed: none. Kenneth Anderson abstained from the vote.
3. Chairman Paul Tyrell informed the Board that the next meeting is scheduled to take place on April 30, 2020.
4. Due to the COVID-19 situation, Department of Public Health's (DPH) Stay-At-Home advisory, and the Governor's Essential Services Order, Chairman Paul Tyrell informed the Board that in order to ensure that applications continue to receive Board review, the



Board, in consultation with DPL staff, discussed the temporary delegation of authority to review applications for preliminary approval to Eric Funk.

Chairman Paul Tyrell stated that the temporary authority would allow for Eric Funk to review applications and those that meet Board requirements as outlined in 250 CMR 3.00 would be indicated on a written report that the Board would review for approval by vote at the next scheduled Board meeting. He further stated that any instance where Eric Funk had questions or concerns regarding a specific application, he would work directly with the appropriate Board member(s) to determine if the application meets Board requirements or if additional review is needed.

Azu Etoniru motioned, seconded by Maurice Pilette, to temporarily delegate authority to review all applications to Eric Funk, who will produce a written report of the applications that meet Board requirements for approval, for Board consideration and vote of acceptance.

5. Eric Funk advised the Board that due to COVID-19, NCEES cancelled all testing and all Pearson VUE test centers had closed until at least May 1, 2020. He further informed the Board that notice of the cancellation had been posted on the Board's website, the PCS website and NCEES created a separate link, www.ncees.org/COVID-19 where they will provide updates regarding their operations, testing, and future exam dates.

Chairman Paul Tyrell asked Abbie Goodman if she would be able to post similar notice as well as the NCEES link on her organizations website as well.

Executive Director Matthew Keigan indicated that he would work with Abbie Goodman with regard to the postings.

6. Sheila York provided the Board with a synopsis of Governor Charles D. Baker's order extending the registrations of certain licensed professionals. Sheila York explained that the order would apply to professional engineer and professional land surveyor licenses only if the Commonwealth's state of emergency remains in effect on June 30th. If the state of emergency is still in effect on that date, then PE and PLS licenses would automatically be extended up to 90 days following the termination of the state of emergency.

Chairman Paul Tyrell inquired if Board action was required. Sheila York stated that the Board could vote on acknowledgement of the order as a means of making it part of the Board's meeting record. However, she does not think a Board vote is required. If this changes, she will update the Board.

7. 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.
8. 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, however, due to the state of emergency, authorization is still pending.
9. 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, however, due to the state of emergency, authorization is still pending.
10. Sheila York informed the Board that due to the state of emergency, authorization is still pending regarding the Use of the Title Engineer or 250 CMR 5.01 (2) language, and the

Board's ability to update the language in "Professional Practice, A Guide to the Practice of Architecture, Engineering, and Land Surveying in Massachusetts" accordingly.

11. 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. She further stated that again, due to the state of emergency, discussions with the other Boards has been placed on hold.

12. Executive Director Matthew Keigan informed the Board that there were three (3) self-reports of discipline made to the NCEES Enforcement Exchange where the licensee did not also notify Massachusetts of the discipline in another jurisdiction as required. As a result, the Board initiated one (1) complaint for failure to report discipline within the required thirty (30) day timeframe and was monitoring two (2) others that were still within the thirty (30) day window to report as outlined in the regulations.

There was no action taken by the Board.

13. Chairman Paul Tyrell noted that the Board did not receive any applications from PCS due to COVID-19.

14. Maurice Pilette extended a warm welcome to new Board member Ken Anderson.

Chairman Paul Tyrell, the Board, and Abbie Goodman also welcomed Ken Anderson.

Chairman Paul Tyrell informed the Board that the plan to wish Dennis Drumm well and acknowledge his many contributions over the years will be rescheduled for a later date.

15. Executive Director Matthew Keigan stated that the Board did not receive any correspondence that required Board review.
16. At 9:26AM, the Board voted to end the Open Session of the conference call, adjourn the public meeting, and enter into Closed Investigative Session under M.G.L. c. 112 §65C. Motion passed with a vote of 10-0. Members in Favor: Paul Tyrell, Ronald Willey, Kenneth Anderson, Joyce Hastings, Daniel Caron, Azu Etoniru, Maurice Pilette, Shannon Slaughter, Paul Tsang, Erin Joyce. Members opposed: none.

Report of actions taken during closed investigate conference:

- 2019-001498-IT-ENF: Forward to Prosecutions
- 2019-001058-IT-ENF: Forward to Prosecutions
- 2019-001534-IT-ENF: Forward to Prosecutions
- 2019-001373-IT-ENF: Dismiss without Prejudice (Erin Joyce recused)
- 2019-001475-IT-ENF: Dismiss without Prejudice
- 2019-001388-IT-ENF: Dismiss without Prejudice
- 2019-001214-IT-ENF: Dismiss without Prejudice
- 2020-000023-IT-ENF: Dismiss without Prejudice
- 2019-001538-IT-ENF: Forward to Prosecutions
- 2019-001453-IT-ENF: Dismiss without Prejudice
- 2020-000147-IT-ENF: Dismiss without Prejudice

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| ➤ 2020-000141-IT-ENF: | Dismiss without Prejudice |
| ➤ 2020-000132-IT-ENF: | Forward to Prosecutions |
| ➤ 2019-001499-IT-ENF: | Send Back to Investigations |

Respectfully submitted by,

X

Eric Funk

Board of Registration of Professional Engineers a...

Documents used at the public meeting

- Agenda for March 26, 2020 Meeting
- Draft Minutes of February 27, 2020 Open Meeting