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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

**STATE BOARD OF CRANE OPERATORS  
VIA VIDEOCONFERENCE**

TIME: 10:33 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

September 22, 2021



1 State Board of Crane Operators

2 September 22, 2021

3 \*\*\*

4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
5 9:30 a.m. the Board entered into Executive Session  
6 with Dean F. Picarella, Esquire, Senior Board Counsel,  
7 for the purpose of conducting quasi-judicial  
8 deliberations on a number of matters that are  
9 currently pending before the Board and to receive the  
10 advice of counsel. The Board returned to open session  
11 at 10:30 a.m.]

12 \*\*\*

13 Meeting Instructions

14 [Amanda Li, Board Administrator, provided instructions  
15 to be followed during the virtual meeting.

16 Ms. Li also noted the meeting was being recorded,  
17 and those who continued to participate were giving  
18 their consent to be recorded.]

19 \*\*\*

20 [Dean F. Picarella, Esquire, Senior Board Counsel,  
21 noted the Board met in Executive Session prior to the  
22 Board meeting for the purpose of conducting quasi-  
23 judicial deliberations on a number of matters  
24 currently pending before the Board and to receive the  
25 advice of counsel.]

1 \*\*\*

2 The regularly scheduled meeting of the State  
3 Board of Crane Operators was held on Wednesday,  
4 September 22, 2021. F. Allan "Buddy" Mauger Jr.,  
5 Chairman, Public Member, called the meeting to order  
6 at 10:33 a.m.]

7 \*\*\*

8 Roll Call/Introductions

9 [A roll call of Board members was taken by Ms. Li.  
10 She also provided the introduction of attendees.]

11 \*\*\*

12 Approval of minutes of the May 24, 2021 meeting

13 MR. PICARELLA:

14 The first item of business is the  
15 approval of minutes. We have two  
16 meetings to approve.

17 The first is May 24, 2021. I  
18 believe, in conversations during  
19 Executive Session, that the Board would  
20 entertain a motion to accept the May 24,  
21 2021 minutes as presented.

22 CHAIR MAUGER:

23 I'll make a motion we accept the May 24,  
24 2021 minutes as written.

25 COMMISSIONER JOHNSON:

1 Second.

2 MR. PICARELLA:

3 Amanda, would you do a roll call vote?

4

5 Brian Schmoyer, yes; Buddy Mauger, yes;

6 Daniel Mitchell, yes; Commissioner

7 Johnson, yes.

8 [The motion carried unanimously.]

9

\*\*\*

10 Approval of minutes of the July 29, 2021 meeting

11 MR. PICARELLA:

12 Next is the July 29, 2021 minutes. I

13 believe, based on discussions in

14 Executive Session, that the Board would

15 entertain a motion to approve the

16 minutes of the July 29, 2021 meeting as

17 presented.

18 CHAIR MAUGER:

19 I'll make a motion we approve the July

20 29, 2021 draft minutes as written.

21 MR. MITCHELL:

22 I make a second.

23 MR. PICARELLA:

24 We have a motion and a second. Any

25 discussion? With that, Amanda, I

1 believe you can please do a roll call  
2 vote.

3  
4 Brian Schmoyer, yes; Buddy Mauger, yes;  
5 Daniel Mitchell, yes; Commissioner  
6 Johnson, yes.

7 [The motion carried unanimously.]

8 \*\*\*

9 Report of Board Counsel - Regulations

10 [Dean F. Picarella, Esquire, Senior Board Counsel,  
11 addressed 16A-7103 regarding the schedule of civil  
12 penalties. He noted prior Board discussion regarding  
13 revisions to comments from the Independent Regulatory  
14 Review Commission (IRRC). He mentioned that he is  
15 presenting the regulation again to IRRC tomorrow for  
16 approval as written.]

17 \*\*\*

18 [Amanda Li, Board Administrator, noted Gregory Liero,  
19 joined the meeting.

20 Gregory Liero, Esquire, Board Prosecutor,  
21 introduced himself as a new member of the  
22 prosecutorial division and provided a brief summary of  
23 his professional background.

24 Ms. Li welcomed Mr. Liero.]

25 \*\*\*

1 Report of Prosecutorial Division

2 [Colby B. Widdowson, Esquire, Board Prosecutor,  
3 presented the Consent Agreement for Case No. 20-71-  
4 003976 and Case No. 21-71-010253.

5 Mr. Picarella asked whether any Board members  
6 wished to go back into Executive Session for any  
7 discussions on item 3 or 4 on the agenda.]

8 MR. PICARELLA:

9 I believe that based upon discussions in  
10 Executive Session, the Board would  
11 entertain a motion to approve the  
12 Consent Agreement and Order at Case No.  
13 20-71-003976 for agenda item 3.

14 CHAIR MAUGER:

15 I make a motion we approve it.

16 MR. SCHMOYER:

17 I'll second that motion.

18 MR. PICARELLA:

19 We have a motion and a second. Amanda,  
20 can you do a roll call on that please?

21

22 Mr. Schmoyer, yes; Mr. Mauger, yes; Mr.  
23 Mitchell, yes; Commissioner Johnson,  
24 yes.

25 [The motion carried unanimously. The Respondent's

1 name in Case No. 20-71-003976 is Patrick Birli,  
2 L.C.O.]

3 \*\*\*

4 MR. PICARELLA:

5 Next, we move on to agenda item 4.  
6 Based upon discussions in Executive  
7 Session, I believe the Board would  
8 entertain a motion to approve the  
9 Consent Agreement and Order at Case No.  
10 21-71-010253.

11 Do we have such a motion?

12 MR. SCHMOYER:

13 I make that motion.

14 MR. MITCHELL:

15 I second.

16 MR. PICARELLA:

17 We have a motion and a second. Any  
18 discussion? Amanda, would you please do  
19 a roll call vote?

20  
21 Mr. Schmoyer, yes; Mr. Mauger, yes; Mr.  
22 Mitchell, yes; Commissioner Johnson,  
23 yes.

24 [The motion carried unanimously.]

25 \*\*\*



1 Report of Board Counsel - Senate Bill 554  
2 [Dean F. Picarella, Esquire, Senior Board Counsel,  
3 referred to Senate Bill 554 regarding the revised  
4 Sunshine Act for the Board's review. He addressed  
5 amendments to the Sunshine Act, including notice and  
6 posting requirements. He stated the agenda for Board  
7 meetings needs to be on the Board's website no later  
8 than 24 hours before the meeting and posted at the  
9 meeting site, along with copies for any attendees.

10 Mr. Picarella noted matters cannot be discussed  
11 or voted on during the meeting if the matter has not  
12 been listed on the agenda as posted in that 24-hour  
13 period. He mentioned exceptions, including  
14 emergencies involving clear and present danger to life  
15 or property.

16 Mr. Picarella stated that anything that arises  
17 within 24 hours after the posting and before the  
18 meeting is de minimis and does not involve expenditure  
19 of funds or something that is not on the agenda but  
20 comes up at the meeting, the Board can take action as  
21 far as directing research in the matter for placement  
22 on a future agenda.

23 Mr. Picarella commented that an item can be added  
24 during a meeting if a majority of the Board votes to  
25 add the item to the agenda as long as the reason is

1 announced at the meeting and before any vote is taken  
2 on the matter. He noted the amended agenda must then  
3 be posted to the website and the agencies location no  
4 later than one business day after the meeting.

5 Commissioner Johnson asked whether there would be  
6 an opportunity to place travel requests that arise  
7 between meetings on the agenda.

8 Mr. Picarella commented that it cannot be voted  
9 on unless it is on the agenda, and it would behoove  
10 any Board member who has an issue or any knowledge of  
11 any conferences that they wish to attend to make sure  
12 it is on the agenda to be voted on or any matter at  
13 all that comes up. He stated everything must be noted  
14 in advance to have enough time to get it on the agenda  
15 for a vote.]

16 \*\*\*

17 Report of Commissioner

18 [K. Kalonji Johnson, Commissioner, Bureau of  
19 Professional and Occupational Affairs, commented that  
20 physical travel has now been reopened and encourage  
21 Board members to make note of travel plans well in  
22 advance so they can be placed on the agenda for formal  
23 approval. He noted a new internal process for travel  
24 requests and also encouraged Board members to plan  
25 early due to the current concern around staffing

1 shortages nationally that may alter some of those  
2 arrangements.

3 Commissioner Johnson reminded everyone of the  
4 expiration of the emergency declaration on September  
5 30, 2021, noting all Board meetings will be at Penn  
6 Center. He stated all health and safety precautions  
7 will be taken, and all Commonwealth of Pennsylvania  
8 employees are required to wear masks, along with  
9 encouraging members of the public to wear masks.

10 Mr. Picarella asked Commissioner Johnson whether  
11 a hybrid platform would be available for those not at  
12 Penn Center.

13 Commissioner Johnson noted Penn Center currently  
14 does not have the capability, but there has been  
15 discussion around providing the virtual platform  
16 alongside the physical presence requirements and talk  
17 of legislative action. He stated there were no  
18 immediate plans to provide a virtual platform  
19 alongside the in person at the present time.]

20 \*\*\*

21 Report of Board Chair - No Report

22 \*\*\*

23 Applications

24 [Dean F. Picarella, Esquire, Senior Board Counsel,  
25 stated the item is listed as an application but is

1 more of a decision on whether the Board wanted to  
2 delegate the matter of Mr. Coyle's application appeal  
3 to a hearing examiner or if the Board wished to hear  
4 the hearing in front of the Board.]

5 MR. PICARELLA:

6                   Based upon discussions in Executive  
7                   Session, it is my understanding the  
8                   Board would like to have this held  
9                   before it in person at the next  
10                  available Board meeting.

11                  I believe the Board would entertain  
12                  a motion to direct Board counsel to  
13                  order and schedule a hearing directing  
14                  that this matter be placed on the next  
15                  available agenda for a Board meeting.

16                  Do I have such a motion?

17 CHAIR MAUGER:

18                  I'll make a motion that we have such a  
19                  hearing at the next meeting, which is  
20                  scheduled for Monday, November 22.

21 MR. SCHMOYER:

22                  I'll second that motion.

23 MR. PICARELLA:

24                  We have a motion and a second. Is there  
25                  any discussion? Hearing none.

1 I would ask our Board administrator  
2 to do a roll call vote on that.

3  
4 Mr. Schmoyer, yes; Mr. Mauger, yes; Mr.  
5 Mitchell, yes; Commissioner Johnson,  
6 yes.

7 [The motion carried unanimously]

8 \*\*\*

9 Report of Board Administrator - No Report

10 \*\*\*

11 Miscellaneous

12 [Dean F. Picarella, Esquire, Senior Board Counsel,  
13 noted the proposed 2022 Board meeting dates for the  
14 Board's review and approval.]

15 MR. PICARELLA:

16 I would ask whether the Board has a  
17 motion to adopt the 2022 Board meeting  
18 dates as presented.

19 CHAIR MAUGER:

20 I'll make a motion we adopt the 2022  
21 meeting schedule as proposed.

22 MR. MITCHELL:

23 I'll make a second.

24 MR. PICARELLA:

25 We have a first and a second. Any

1 discussion? Hearing none.

2 Board administrator, would you  
3 please do a roll call vote?

4

5 Mr. Schmoyer, yes; Mr. Mauger, yes; Mr.  
6 Mitchell, yes; Commissioner Johnson,  
7 yes.

8 [The motion carried unanimously]

9

\*\*\*

10 Adjournment

11 MR. PICARELLA:

12 Do I have a motion to adjourn this  
13 meeting?

14 MR. SCHMOYER:

15 I'll make the motion to adjourn this  
16 meeting.

17 COMMISSIONER JOHNSON:

18 Second.

19 MR. PICARELLA:

20 With a motion and a second, we do not  
21 need to vote on that under Robert's  
22 Rules of Order. This meeting is  
23 adjourned.

24

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25 [There being no further business, the State Board of

1 Crane Operators Meeting adjourned at 11:05 a.m.]

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5

CERTIFICATE

6

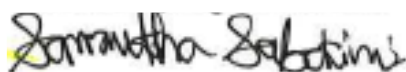
7

I hereby certify that the foregoing summary  
8 minutes of the State Board of Crane Operators meeting,  
9 was reduced to writing by me or under my supervision,  
10 and that the minutes accurately summarize the  
11 substance of the State Board of Crane Operators  
12 meeting.

13

14

15



16

Samantha Sabatini,

17

Minute Clerk

18

Sargent's Court Reporting

19

Service, Inc.

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STATE BOARD OF CRANE OPERATORS  
REFERENCE INDEX

September 22, 2021

	TIME	AGENDA
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2		
3		
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5		
6		
7		
8	9:30	Executive Session
9	10:30	Return to Open Session
10		
11	10:33	Official Call to Order
12		
13	10:33	Roll Call/Introductions
14		
15	10:35	Approval of Minutes
16		
17	10:39	Report of Board Counsel
18		
19	10:41	Report of Prosecutorial Division
20		
21	10:46	Report of Board Counsel (cont.)
22		
23	10:54	Report of Commissioner
24		
25	10:59	Applications
26		
27	11:01	Miscellaneous
28		
29	11:05	Adjournment
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