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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: 10:32 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

January 26, 2022

State Board of Crane Operators
January 26, 2022

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BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
F. Allan "Buddy" Mauger Jr., Public Member
Andrew S. Goulet, Professional Member
Daniel J. Mitchell, Professional Member
Brian M. Schmoyer, Professional Member - Absent

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Senior Board Counsel
Timothy E. Gates, Chief Counsel, Department of State
Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution Division
Gregory Liero, Esquire, Board Prosecutor Prosecution Liaison
Paul J. Jarabeck, Esquire, Board Prosecutor
Matthew Anderson, Esquire, Board Prosecutor
Amanda Li, Board Administrator
Danie Bendesky, Director of Intergovernmental Affairs, Department of State
Deena Parmelee, Legal Office Administrator 1, Department of State

1 State Board of Crane Operators

2 January 26, 2022

3 ***

4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
5 9:00 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 continue to participate were giving
18 their consent to be recorded.]

19 ***

20 The regularly scheduled meeting of the State
21 Board of Crane Operators was held on Wednesday,
22 January 26, 2022. F. Allan "Buddy" Mauger Jr.,
23 Chairman, Public Member, called the meeting to order
24 at 10:32 a.m.

25 ***

1 Roll Call/Introductions

2 [A roll call of Board members was taken by Ms. Li.
3 She also provided an introduction of attendees.]

4 ***

5 [Dean F. Picarella, Esquire, Senior Board Counsel,
6 noted the Board met in Executive Session prior to the
7 Board meeting for the purpose of conducting quasi-
8 judicial deliberations and to receive the advice of
9 counsel on a number of matters currently pending
10 before the Board.]

11 ***

12 Approval of minutes of the November 22, 2021 meeting

13 CHAIR MAUGER:

14 The next item would be the approval of
15 the minutes.

16 I'll make a motion that we approve
17 the minutes from the November 22, 2021
18 Crane Board Meeting as written.

19 MR. GOULET:

20 I'll second that motion.

21 MR. PICARELLA:

22 We have a motion and a second. Is there
23 any discussion on that?

24 Amanda, would you please do a roll
25 call vote?

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Mr. Arion Claggett, abstain; Mr. Mauger, approve; Mr. Goulet, yes; Mr. Mitchell, yes.

[The motion carried. Arion Claggett abstained from voting on the motion.]

Report of Prosecutorial Division - Prosecution
Division Annual Report Presentation

[Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel, Prosecution Division, provided a summary of the prosecution division's caseload during 2021.

Ms. DeLaurentis informed the Board that 56 cases were opened in 2021 for the State Board of Crane Operators, which is a decrease from 75 cases in 2020. She reported closing 104 cases in 2021 and 51 in 2020. She noted 52 open cases for the Board as of January 1, 2022.

Ms. DeLaurentis addressed enforcement actions and thanked prosecutors, counsel, and the Board for their combined effort in protecting the public and the integrity of the profession. She noted 13 cases resulted in discipline in 2021. She reported 6 cases resulted in fines, 3 suspensions, 3 reprimands, 3 revocations or voluntary surrenders, and 3 probations.

1 She reported 36 warning letters in 2021, which is an
2 increase from 28 in 2020.

3 Mr. Picarella asked Ms. DeLaurentis how many
4 cases currently pending are for a lapsed license or
5 practicing without a license since they now have the
6 ability to issue Act 48 citations.

7 Ms. DeLaurentis stated the information would be
8 in a report pulled from the Pennsylvania Licensing
9 System (PALS) and will get back to him.

10 Paul J. Jarabeck, Esquire, Senior Board
11 Prosecutor, explained that the program works by
12 looking at past actions and reporting that forward.
13 He stated there were not many lapsed cases for the
14 Board and anticipated the lapsed cases to be around 10
15 to 15 percent of the total cases based on past years.

16 Ms. DeLaurentis noted the prosecution division as
17 a whole opened 1,223 COVID-related cases in 2020 with
18 none of those cases for the Board. She reported 543
19 COVID cases were opened in 2021, also with none of
20 those cases for the Board.

21 Ms. DeLaurentis noted opening a record number of
22 cases in 2021 and thanked all of the administrative
23 assistants. She reported 18,363 cases were opened in
24 2021, which is an increase from 2020 at 13,394. She
25 also reported closing 15,994 cases for 2021 and 13,274

1 in 2020. She stated the prosecution division, the
2 counsel division, and the Board should all be proud of
3 that work.

4 Ms. DeLaurentis noted the total number of current
5 cases for the office as of January 1, 2022, is 15,141.

6 Mr. Jarabeck announced David Smith took another
7 position at the Pennsylvania Department of
8 Environmental Protection. He introduced Greg Liero as
9 the new Board prosecution liaison and Matt Anderson,
10 who will be the primary crane team, and provided a
11 summary of their professional background.]

12

13 Report of Board Counsel - Final Adjudication and Order
14 [Dean F. Picarella, Esquire, Senior Board Counsel,
15 noted the Board discussed one final adjudication and
16 order under agenda item 3 during Executive Session.]

17 MR. PICARELLA:

18 Based upon the discussions in Executive
19 Session, I believe the Board would
20 entertain a motion to approve the Final
21 Adjudication and Order at Case No. 21-
22 71-012468.

23 Do we have such a motion?

24 MR. MITCHELL:

25 I'll make a motion.

1 CHAIR MAUGER:

2 I will second that motion.

3 MR. PICARELLA:

4 Is there any discussion on that matter?
5 Seeing none. Would you please do the
6 roll call, Amanda?

7

8 Acting Commissioner Arion Claggett,
9 approve; Mr. Mauger, approve; Mr.
10 Goulet, approve; Mr. Mitchell, approve.

11 [The motion carried unanimously. The file is in
12 regards to the Application for Licensure as a Crane
13 Operator of Jeffrey Coyle, Case No. 21-71-012468.]

14

15 Report of Board Counsel - Regulation Update

16 [Dean F. Picarella, Esquire, Senior Board Counsel,
17 informed the Board that the Act 48 citation authority
18 regulation was approved by the Independent Regulatory
19 Review Commission (IRRC) and published in the December
20 4 edition of the *Pennsylvania Bulletin*.

21 Mr. Picarella stated, as of December 4, 2021, the
22 Bureau of Enforcement and Investigation (BEI) will be
23 able to write a citation in the field for any
24 violations of practicing on a lapsed license,
25 practicing without a licensed, failure to notify the

1 Board of a criminal conviction, or failure to notify
2 the Board when certification lapses.

3 Mr. Picarella explained that cited individuals
4 will be given an opportunity for a hearing before
5 state hearing examiners, where they will be allowed to
6 present evidence in their behalf regarding the
7 citation. He commented that Act 41 citation authority
8 will help the Board as far as streamlining operations
9 and cut down on any expenses the Board sees as far as
10 filing formal prosecution in those matters.]

11 ***

12 Report of Commissioner

13 [Dean F. Picarella, Esquire, Senior Board Counsel,
14 welcomed Acting Commissioner Claggett to the Board and
15 is looking forward to working with him.]

16 ***

17 Report of Board Chair - Election of Officers

18 CHAIR MAUGER:

19 Are there any nominations for Board
20 chair for 2022?

21 MR. GOULET:

22 I'd be willing to fill the position of
23 Board chair this year.

24 MR. PICARELLA:

25 Would somebody like to nominate Mr.

1 Goulet to be the new Board chair?

2 MR. MITCHELL:

3 I'll make the nomination.

4 MR. PICARELLA:

5 Any second?

6 CHAIR MAUGER:

7 I'll second that nomination.

8 MR. PICARELLA:

9 Motion and a second. Mr. Goulet, I
10 assume if you are elected to that
11 position, you are willing to serve,
12 correct?

13 MR. GOULET:

14 That's correct.

15 MR. PICARELLA:

16 If there are no other nominations, the
17 nominations will close.

18 At this time, the Board would
19 entertain a motion to appoint Mr. Andrew
20 Goulet as the Board chair for the State
21 Board of Crane Operators.

22 Amanda, would you please do a roll
23 call vote?

24

25 Acting Commissioner Claggett, approve;

1 Mr. Mauger, approve; Mr. Goulet,
2 approve; Mr. Mitchell, approve.

3 [The motion carried unanimously.]

4 ***

5 Report of Board Administrator - No Report

6 ***

7 Miscellaneous - Board Meeting Schedule

8 [F. Allan "Buddy" Mauger Jr., Chairman, Public Member,
9 commented that the March 23, 2022 meeting will still
10 be virtual due to the Governor's pandemic order but
11 asked whether everyone will return to in-person
12 meetings by May 2022.

13 Mr. Picarella stated the temporary order ends at
14 the end of March 2022, and the hope was that there
15 will in-person meetings with a virtual option after
16 March 2022.

17 Acting Chair Claggett also mentioned the hope of
18 moving to a hybrid option after March 2022. He stated
19 the department was reviewing the specifications at
20 Penn Center to provide the hybrid option but ran into
21 several difficulties as far as offer in-person and
22 remote participation. He will follow up at the
23 Board's next meeting in order to prepare the Board for
24 the May 2022 meeting.

25 Mr. Picarella noted the Board approved the 2022

1 Board meeting dates at the last meeting.

2 Mr. Picarella thanked Chair Mauger for all of his
3 input and help as Board chair.]

4 ***

5 Adjournment

6 CHAIR MAUGER:

7 Do we have a motion to adjourn?

8 MR. GOULET:

9 I make a motion to adjourn.

10 MR. MITCHELL:

11 I'll second.

12 MR. PICARELLA:

13 We do not need a vote on that. We have
14 the motion and the second. It is
15 officially adjourned.

16 ***

17 [There being no further business, the State Board of
18 Crane Operators Meeting adjourned at 10:58 a.m.]

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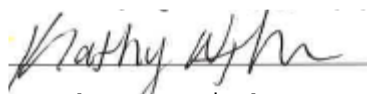
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CERTIFICATE

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



Kathryn Witherow,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF CRANE OPERATORS
REFERENCE INDEX

January 26, 2022

TIME

AGENDA

9:00	Executive Session
10:30	Return to Open Session
10:32	Official Call to Order
10:33	Roll Call/Introductions
10:34	Approval of Minutes
10:35	Report of Prosecutorial Division/Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel, Prosecution Division Annual Report Presentation
10:47	Report of Board Counsel
10:52	Report of Board Chair
10:55	Miscellaneous - Board Meeting Schedule
10:58	Adjournment