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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: 10:35 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

November 22, 2021

State Board of Crane Operators
November 22, 2021

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BOARD MEMBERS:

K. Kalonji Johnson, 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

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Senior Board Counsel
David N. Smith, Esquire, Board Prosecution Liaison
Paul J. Jarabeck, Esquire, Board Prosecutor
Kayla R. Bolan, Esquire, Board Prosecutor
Amanda Li, Board Administrator
Amanda Richards, Acting Fiscal Chief, Bureau of
Finance and Operations, Department of State
Andrew LaFratte, MPA, Executive Policy Specialist,
Department of State
Michelle Witmer, Bureau of Finance and Operations,
Department of State
Shannon Boop, Fiscal Management Specialist 1, Bureau
of Finance and Operations, Department of State

ALSO PRESENT:

Jen Smeltz, Republican Executive Director, Senate
Consumer Protection & Professional Licensure
Committee
Marlene A. Wilson, Democratic Executive Director,
House Professional Licensure Committee

1 State Board of Crane Operators

2 November 22, 2021

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 being recorded.]

19 ***

20 The regularly scheduled meeting of the State
21 Board of Crane Operators was held on Monday, November
22 22, 2021. F. Allan "Buddy" Mauger Jr., Chairman,
23 Public Member, called the meeting to order at
24 10:35 a.m.]

25 ***

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

7 ***

8 Roll Call/Introductions

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

11 ***

12 Approval of minutes of the September 22, 2021 meeting

13 MR. PICARELLA:

14 Next is approval of the minutes from the
15 September 22, 2021 meeting.

16 Do any of the Board members have
17 any amendments or changes to those
18 minutes?

19 The Board will entertain a motion
20 to approve the Board minutes of
21 September 22, 2021, as written.

22 Do I have such a motion?

23 CHAIR MAUGER:

24 I'll make a motion that we approve them
25 as written.

1 MR. SCHMOYER:

2 I'll second.

3 MR. PICARELLA:

4 We have a motion and a second. Is there
5 any discussion? Amanda, will you do a
6 roll call?

7

8 Commissioner Johnson, aye; Mr. Mauger,
9 aye; Mr. Goulet, abstain; Mr. Mitchell,
10 aye; Mr. Schmoyer, aye.

11 [The motion carried. Mr. Goulet abstained from voting
12 on the motion.]

13

14 Report of Prosecutorial Division

15 [Kayla R. Bolan, Esquire, Board Prosecutor, presented
16 the Consent Agreements for Case No. 20-71-012215, Case
17 No. 21-71-002465, and Case No. 21-71-007625.

18 Mr. Picarella noted Mr. Schmoyer is recused from
19 Case No. 21-71-002465.]

20

21 Report of Board Counsel

22 [Dean F. Picarella, Esquire, Senior Board Counsel,
23 noted agenda items 2, 3, and 4 were discussed during
24 Executive Session and asked whether any Board members
25 wished to go back into Executive Session to further

1 discuss those matters.]

2 MR. PICARELLA:

3 Based upon discussions in Executive
4 Session, I believe the Board would
5 entertain a motion to approve the
6 Consent Agreement and Order at Case No.
7 20-71-012215.

8 Do we have such a motion?

9 MR. SCHMOYER:

10 I'll make that motion.

11 CHAIR MAUGER:

12 I'll second that one.

13 MR. PICARELLA:

14 We have a motion and a second. Any
15 discussion? Amanda, would you do a roll
16 call vote, please?

17

18 Commissioner Johnson, aye; Mr. Mauger,
19 aye; Mr. Goulet, aye; Mr. Mitchell, aye;
20 Mr. Schmoyer, aye.

21 [The motion carried unanimously. The Respondent's
22 name in Case No. 20-71-012215 is Matthew Lee
23 Richmond.]

24

25 MR. PICARELLA:

1 Next, on to agenda item 3. Based upon
2 discussions in Executive Session, I
3 believe the Board would entertain a
4 motion to approve the Consent Agreement
5 and Order at Case No. 21-71-002465.

6 Do we have such a motion?

7 MR. MITCHELL:

8 I make a motion to approve.

9 MR. GOUTLET:

10 I'll second that motion.

11 MR. PICARELLA:

12 We have a motion and a second. Any
13 discussion? Amanda, would you please do
14 a roll call vote?

15
16 Commissioner Johnson, aye; Mr. Mauger,
17 aye; Mr. Goulet, aye; Mr. Mitchell, aye;
18 Mr. Schmoyer, recuse.

19 [The motion carried. Mr. Schmoyer recused himself
20 from deliberations and voting on the motion. The
21 Respondent's name in Case No. 21-71-002465 is Timothy
22 J. Dougherty.]

23 ***

24 MR. PICARELLA:

25 Agenda item 4. Based upon discussions

1 in Executive Session, I believe the
2 Board would entertain a motion to
3 approve the Consent Agreement and Order
4 at Case No. 21-71-007625.

5 Do we have such a motion?

6 CHAIR MAUGER:

7 I'll make a motion we approve it as
8 written.

9 MR. MITCHELL:

10 I'll second.

11 MR. PICARELLA:

12 We have a motion and a second. Any
13 discussion? Amanda, would you please do
14 a roll call vote?

15
16 Commissioner Johnson, aye; Mr. Mauger,
17 aye; Mr. Goulet, aye; Mr. Mitchell, aye;
18 Mr. Schmoyer, aye.

19 [The motion carried unanimously. The Respondent's
20 name in Case No. 21-71-007625 is Eisenhart Crane
21 Service, LLC.]

22 ***

23 Miscellaneous - Bureau of Finance and Operations
24 Annual Budget Presentation

25 [Amanda Richards, Acting Fiscal Chief, addressed

1 licensee population, stating the Bureau of Finance and
2 Operations (BFO) looks at that on a biennial basis.
3 She mentioned that the Board renews in October of even
4 years. She noted a licensee count of 3,228 in FY16-
5 17, a licensee count of 3,534 in FY18-19, and 3,085 in
6 FY20-21.

7 Ms. Richards reported a current licensee count of
8 3,389, noting an increase of 14 this morning to 3,403
9 licensees. She noted a total biennial revenue of
10 \$489,492.71 with 95% of revenue coming from renewals
11 and applications.

12 Ms. Richards referred to the breakdown of expenses
13 for the Board, noting administrative and legal costs.
14 She reported expenses for FY19 at \$210,347.02 and FY20
15 expenses at \$292,177.46 with a budget for FY21 of
16 \$266,500 and expenses for FY21 as of November 9 at
17 \$74,688.62.

18 Ms. Richards reviewed revenues and expenses. She
19 noted a projected balance of \$194,069.32 at the end of
20 the fiscal year. She addressed the next three fiscal
21 years, where expenses are starting to exceed revenue,
22 which is causing a decrease to the overall budget.
23 She mentioned that BFO would have to return to the
24 Board at some point to discuss a fee increase package.

25 Commissioner Johnson asked Ms. Richards what

1 information BFO would need to make that decision in
2 terms of a fee increase.

3 Ms. Richards explained that BFO would work with
4 the revenue office to get updated costs of processing
5 applications and renewals and come up with a
6 percentage to see whether there was a need for an
7 increase in just the application fees or an increase
8 in both application and renewal fees.

9 Ms. Richards reviewed Board member expenses of
10 \$2,793.12 in FY19 and \$2,702.92 in FY20 with the
11 current budget at \$6,000 for FY21. She reported
12 current expenses as of November 9 for FY21 at \$529.31.
13 She also noted a budget of \$6,000 for FY22.

14 Ms. Richards mentioned that anything not spent is
15 put back into the restricted account for the Board's
16 use.]

17 ***

18 Report of Board Counsel - Regulations

19 [Dean F. Picarella, Esquire, Senior Board Counsel,
20 provided an update for 16A-7103 regarding the schedule
21 of civil penalties under the Act 48 regulation. He
22 informed the Board that 16A-7103 was approved by the
23 Independent Regulatory Review Commission (IRRC) on
24 September 24 and approved by the Office of Attorney
25 General on November 19.

1 Mr. Picarella noted it was then submitted for
2 publication in the *Pennsylvania Bulletin* and would be
3 effective on its publication date on December 4, 2021.
4 He stated the Bureau of Enforcement and Investigation
5 (BEI) agents would be allowed to issue citations for
6 certain violations of the regulations.

7 Mr. Picarella informed the Board that 16A-7104
8 regarding licensure by endorsement had been sent to
9 the Office of General Counsel, Office of Budget, and
10 Office of Policy for their review. He stated it would
11 be published as proposed following their review.]

12 ***

13 [A Formal Hearing was held from 11:00 a.m. until 12:17
14 p.m. In the Matter of Appeal of Provisional Denial of
15 the Application to Practice as a Crane Operator of
16 Jeffrey Coyle, Case No. 21-71-012468.]

17 ***

18 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
19 12:17 p.m. the Board entered into Executive Session
20 with Dean F. Picarella, Esquire, Senior Board Counsel,
21 for the purpose of conducting quasi-judicial
22 deliberations on a number of matters that are
23 currently pending before the Board and to receive the
24 advice of counsel. The Board returned to open session
25 at 12:38 p.m.]

1 MR. PICARELLA:

2 The Board is back in open session. The
3 Board has just come out of Executive
4 Session, during which the Board
5 conducted quasi-judicial deliberations
6 and received the advice of counsel on
7 matters pending before the Board.

8 Based upon the Executive Session, I
9 believe the Board would entertain a
10 motion to direct Board counsel to
11 prepare an Adjudication and Order in the
12 matter of the Application of Jeffrey
13 Coyle in accordance with the discussions
14 during Executive Session.

15 Do we have such a motion?

16 MR. GOULET:

17 So moved on the motion.

18 MR. MITCHELL:

19 I'd like to make a second.

20 MR. PICARELLA:

21 We have a first and a second. Any
22 discussion? Amanda, would you do a roll
23 call vote?

24 ***

25 [Amanda Li, Board Administrator, noted Commissioner

1 Johnson is no longer present at the meeting.]

2 ***

3 Mr. Mauger, aye; Mr. Goulet, aye; Mr.
4 Mitchell, aye; Mr. Schmoyer, aye.

5 [The motion carried unanimously.]

6 ***

7 Report of Commissioner

8 [Amanda Li, Board Administrator, on behalf of
9 Commissioner Johnson, informed the Board that virtual
10 meetings would continue through March 31, 2022. She
11 stated any travel must be Sunshined and initiated
12 through the Commonwealth Out-of-State Travel
13 Application (COSTA) portal for any members seeking to
14 physically or virtually attend a conference or event.

15 Ms. Li noted that Board members should work with
16 her in order to use the COSTA portal and to ensure
17 information input is correct. She reported that there
18 would be no administrative approvals without adequate
19 notice and Sunshining of travel requests. She also
20 requested Board members advise her of any conferences
21 or events they wished to attend to be placed on the
22 Board's meeting agenda.

23 Mr. Picarella commented that physical attendance
24 is limited to two attendees at conferences, but any
25 Board member can attend virtual conferences as long as

1 there is no additional expense.]

2 ***

3 Report of Board Chair - No Report

4 ***

5 Report of Board Administrator - No Report

6 ***

7 Miscellaneous - Board Meeting Schedule

8 [Dean F. Picarella, Esquire, Senior Board Counsel,
9 asked Board members whether anyone had any conflicts
10 with the proposed 2022 Board meeting dates.]

11 MR. PICARELLA:

12 At this point, the Board would entertain
13 a motion to adopt the meeting dates as
14 proposed for 2022. The reason we do
15 that is because of these virtual
16 meetings, where they like to have one
17 Board meeting a day, and this assures us
18 of having those days and not getting
19 bumped.

20 Is there a motion to accept the
21 proposed dates as written?

22 CHAIR MAUGER:

23 I'll make a motion we approve the
24 proposed dates as written.

25 MR. SCHMOYER:

1 I'll second that.

2 MR. PICARELLA:

3 Roll call.

4

5 Mr. Mauger, aye; Mr. Goulet, aye; Mr.

6 Mitchell, aye; Mr. Schmoyer, aye.

7 [The motion carried unanimously.]

8

9 Adjournment

10 CHAIR MAUGER:

11 That will be all for the greater good.

12 At 12:45 p.m., we will adjourn the

13 meeting. I make that a motion at 12:45

14 to adjourn.

15 MR. MITCHELL:

16 I second.

17 MR. PICARELLA:

18 With that, we are good. We don't even

19 need a vote on that, once we have the

20 first and second.

21

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

23 Crane Operators Meeting adjourned at 12:45 p.m.]

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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.



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF CRANE OPERATORS
REFERENCE INDEX

November 22, 2021

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8	9:00	Executive Session
9	10:30	Return to Open Session
10		
11	10:35	Official Call to Order
12		
13	10:35	Roll Call/Introductions
14		
15	10:41	Approval of Minutes
16		
17	10:41	Report of Prosecutorial Division
18		
19	10:45	Report of Board Counsel
20		
21	10:49	Miscellaneous - Bureau of Finance and Operations Annual Budget Presentation
22		
23		
24	10:57	Report of Board Counsel - Regulations
25		
26	11:00	Formal Hearing - Jeffrey Coyle
27	12:17	
28		
29	12:17	Executive Session
30	12:38	Return to Open Session
31		
32	12:40	Report of Commissioner
33		
34	12:42	Miscellaneous - Board Meeting Schedule
35		
36	12:45	Adjournment
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