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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 REGISTRATION BOARD FOR PROFESSIONAL
ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
VIA VIDEOCONFERENCE**

TIME: 10:32 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

March 9, 2022

1 State Registration Board for Professional
2 Engineers, Land Surveyors, and Geologists
3 March 9, 2022
4
5

6 BOARD MEMBERS:
7

8 James J. Szalankiewicz, PE, PLS, President
9 Matthew Eaton, Division Chief for Business Licensing
10 Division, Bureau of Professional and Occupational
11 Affairs, on behalf of Arion Claggett, Acting
12 Commissioner
13 Michael F. Brinkash, PLS
14 Martin F. Helmke, PhD, PG
15 Ronald N. Jumper Jr., Public Member
16 Robert P. Kudlawiec, PE
17 Joseph T. McNally, PG, Vice President
18 Carol D. Sides, Public Member
19 Francis J. Stanton Jr., PE
20 Jonathan J. Tabas, PE, PLS
21
22

23 BUREAU PERSONNEL:
24

25 Dean F. Picarella, Esquire, Senior Board Counsel
26 C. William Fritz II, Esquire, Board Counsel
27 Ray Michalowski, Esquire, Senior Board Prosecution
28 Liaison
29 Caroline A. Bailey, Esquire, Board Prosecutor
30 Alice Glasser, Esquire, Board Prosecutor
31 Glenn P. Masser, Esquire, Board Prosecutor
32 Jeannie Bronshtein, Board Administrator
33 Andrew LaFratte, MPA, Executive Policy Specialist,
34 Department of State
35 Michelle Witmer, Bureau of Finance and Operations,
36 Department of State
37
38

39 ALSO PRESENT:
40

41 Jen Smeltz, Republican Executive Director, Senate
42 Consumer Protection & Professional Licensure
43 Committee
44 Jerry J. Livingston, Democratic Executive Director,
45 Senate Consumer Protection & Professional Licensure
46 Committee
47 John G. Fuehrer II, Chair, Education Committee,
48 Pennsylvania Society of Land Surveyors
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State Registration Board for Professional
Engineers, Land Surveyors, and Geologists
March 9, 2022

ALSO PRESENT: (cont.)

Rebecca Albert, PG, Coordinating Committee on
Professional Practices, Department of Environmental
Protection
Kathryn Witherow

1 ***

2 State Registration Board for Professional
3 Engineers, Land Surveyors, and Geologists

4 March 9, 2022

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
7 9:00 a.m. the Board entered into Executive Session
8 with C. William Fritz II, Esquire, Board Counsel, for
9 the purpose of conducting quasi-judicial deliberations
10 and to receive legal advice from Board counsel on
11 matters that are currently pending before the Board.
12 The Board returned to open session at 10:30 a.m.]

13 ***

14 Meeting Instructions

15 [Jeannie Bronshtein, Board Administrator, reminded
16 everyone that the meeting was being recorded, and
17 those who continued to participate were giving their
18 consent to be recorded.

19 She also provided instructions to be followed
20 during the virtual meeting.

21 She informed everyone the May 16, 2022 meeting
22 would be in a hybrid platform at Penn Center and would
23 provide the option of attending virtually or in
24 person.]

25 ***

1 [C. William Fritz II, Esquire, Board Counsel, informed
2 everyone that the Board met in Executive Session and
3 conducted quasi-judicial deliberations.]

4 ***

5 The regularly scheduled meeting of the State
6 Registration Board for Professional Engineers, Land
7 Surveyors, and Geologists was held on Friday, March 9,
8 2022. James J. Szalankiewicz, PE, PLS, President,
9 called the meeting to order at 10:32 a.m.

10 ***

11 Roll Call

12 [C. William Fritz II, Esquire, Board Counsel, provided
13 a roll call of Board members. A quorum was noted to
14 be present.]

15 ***

16 Approval of minutes of the January 21, 2021 meeting

17 PRESIDENT SZALANKIEWICZ:

18 I assume everybody had a chance to
19 review the minutes.

20 Could I have any suggestions or
21 changes or could I have a motion to
22 approve the minutes as presented?

23 MR. STANTON:

24 So moved.

25 MR. KUDLAWIEC:

1 Second.

2 PRESIDENT SZALANKIEWICZ:

3 Those approving the minutes, yea? Any
4 objections? No objections. The minutes
5 are accepted as presented.

6 MR. FRITZ:

7 I believe there was a motion made and a
8 second. Roll call vote for approval of
9 the minutes.

10

11 James Szalankiewicz, yes; Michael
12 Brinkash, yes; Martin Helmke, yea;
13 Ronald Jumper, yes; Robert Kudlawiec,
14 yes; Joseph McNally, yes; Carol Sides,
15 yes; Frank Stanton, yes; Jonathan Tabas,
16 yes.

17 [The motion carried unanimously.]

18

19 Acknowledge Public

20 [C. William Fritz II, Esquire, Board Counsel, provided
21 an introduction of public members in attendance.]

22

23 Report of Board President

24 [James J. Szalankiewicz, PE, PLS, President, noted
25 being pleased that the Board would be meeting in

1 person again and complimented Mr. Fritz and Ms.
2 Bronshtein for how they handled working under such
3 difficult conditions.]

4 ***

5 Report of Board Members

6 [Joseph T. McNally, PG, informed the Board he plans to
7 attend the National Association of State Boards of
8 Geology Council of Examiners Meeting in Albany, NY,
9 the first week of April, where representatives of the
10 Geology Board are able to participate and review the
11 national exam given for geologists.

12 President Szalankiewicz informed the Board that
13 Mr. Brinkash and Mr. Kudlawiec were planning to attend
14 the National Council of Examiners for Engineering and
15 Surveying (NCEES) Meeting toward the end of April. He
16 is also considering attending that meeting.]

17 ***

18 Report of Acting Commissioner

19 [Matthew Eaton, Division Chief for Business Licensing
20 Division, Bureau of Professional and Occupational
21 Affairs, on behalf of Arion Claggett, Acting
22 Commissioner, stated all of the Bureau of Professional
23 and Occupational Affairs (BPOA) boards would be going
24 to a hybrid model providing the option of virtual and
25 in person starting April 1, 2022. He also informed

1 everyone the meetings would be hosted on Microsoft
2 Teams instead of Webex.]

3 ***

4 Report of Board Administrator

5 [Jeannie Bronshtein, Board Administrator, I am not
6 sure exactly what the format will look like and how
7 things will change as far as how Executive Session is
8 held and will be decided in the coming weeks.

9 Ms. Bronshtein reported the state-specific Land
10 Surveyor Exam went live on February 9, 2022. She
11 noted this fall's Geology Exams will be the last paper
12 and pencil exams. She stated all exams will be
13 computer-based exams starting next year with Prometric
14 as the testing agency, which would offer more testing
15 options throughout the state, instead of Pearson VUE.]

16 ***

17 Miscellaneous

18 [James J. Szalankiewicz, PE, PLS, President, asked
19 whether Board attendance would need approved for Mr.
20 Brinkash and Mr. Kudlawiec and a third member for the
21 National Council of Examiners for Engineering and
22 Surveying Meeting.

23 Ms. Bronshtein noted NCEES would fund a third
24 spot but would require formal approval for all those
25 attending.]

1 PRESIDENT SZALANKIEWICZ:

2 Could I get someone to make a motion to
3 approve the attendance?

4 MR. TABAS:

5 So moved.

6 PRESIDENT SZALANKIEWICZ:

7 Second?

8 MS. SIDES:

9 Second.

10 PRESIDENT SZALANKIEWICZ:

11 Approved.

12 MR. FRITZ:

13 Roll call vote.

14

15 James Szalankiewicz, yes; Michael
16 Brinkash, yes; Martin Helmke, yes;
17 Ronald Jumper, yes; Robert Kudlawiec,
18 yes; Joseph McNally, yes; Carol Sides,
19 yes; Frank Stanton, yes; Jonathan Tabas,
20 yes.

21 [The motion carried unanimously.]

22

23 Report of Board Prosecution Division

24 [Glenn P. Masser, Esquire, Board Prosecutor, presented
25 the Consent Agreements for Case No. 21-47-005671 and

1 Case No. 21-47-011582.]

2 MR. FRITZ:

3 Regarding the Consent Agreement
4 presented at Case No. 21-47-005671, the
5 Board would entertain a motion denying
6 that Consent Agreement as too lenient.

7 MR. BRINKASH:

8 So moved.

9 MR. TABAS:

10 Second.

11 MR. FRITZ:

12 Roll call vote.

13

14 James Szalankiewicz, agree; Michael
15 Brinkash, yes; Martin Helmke, yes;
16 Ronald Jumper, yes; Robert Kudlawiec,
17 yes; Joseph McNally, yes; Carol Sides,
18 yes; Frank Stanton, yes; Jonathan Tabas,
19 yes.

20 [The motion carried unanimously.]

21

22 MR. FRITZ:

23 Regarding the Consent Agreement
24 presented at Case No. 21-47-011582, the
25 Board would entertain a motion approving

1 the digital seals and signatures regulation completed.
2 He reminded Board members that digital seals and
3 signatures regulations for all three design boards
4 will be presented at one time. He noted the architect
5 regulation was completed and waiting. He also just
6 matched professional engineers and would match
7 landscape architects within the next month.

8 Mr. Fritz mentioned Act 41 for engineers is done.
9 He noted using the engineer regulation as an example
10 for the other design boards, which were also close to
11 being completed.

12 Mr. Fritz offered to answer any Board member
13 questions outside of the Board meetings regarding the
14 status of cases.]

15 ***

16 Report of Board Prosecution Division
17 [Ray Michalowski, Esquire, Senior Board Prosecution
18 Liaison, thanked the Board, especially Frank Stanton
19 for reaching out to the Pennsylvania Society of
20 Professional Engineers (PSPE). He informed Board
21 members that prosecution will be doing an outreach
22 presentation to them via a webinar on April 14, 2022,
23 between 12:00 p.m. and 1:30 p.m.]

24 ***

25 Report of Board Counsel - Adoption of Adjudications

1 and Orders

2 MR. FRITZ:

3 We have one Final Adjudication and Order
4 to vote on.

5 The Board would entertain a motion
6 to approve the Adjudication and Order
7 for Commonwealth v. Randall R. Myers,
8 PLS, Case Nos. 17-47-014374 & 18-47-
9 004847.

10 MR. KUDLAWIEC:

11 So moved.

12 MR. FRITZ:

13 We need a second.

14 MS. SIDES:

15 Second.

16 MR. FRITZ:

17 Roll call vote.

18
19 James Szalankiewicz, recuse; Michael
20 Brinkash, yes; Martin Helmke, yes;
21 Ronald Jumper, yes; Robert Kudlawiec,
22 yes; Joseph McNally, yes; Carol Sides,
23 yes; Frank Stanton, yes; Jonathan Tabas,
24 yes.

25 [The motion carried. James Szalankiewicz recused

1 himself from deliberations and voting on the motion.]

2 ***

3 Application for Review

4 MR. FRITZ:

5 The Board would entertain a motion to
6 approve the Application for Licensure by
7 Reciprocity of Gourav De.

8 MR. HELMKE:

9 So moved.

10 MR. BRINKASH:

11 Second.

12 MR. FRITZ:

13 Roll call vote.

14

15 James Szalankiewicz, yes; Michael
16 Brinkash, yes; Martin Helmke, yes;
17 Ronald Jumper, yes; Robert Kudlawiec,
18 yes; Joseph McNally, yes; Carol Sides,
19 yes; Frank Stanton, yes; Jonathan Tabas,
20 yes.

21 [The motion carried unanimously.]

22 ***

23 Discussion Items

24 [Michael F. Brinkash, PLS, referred to the request
25 received from the Pennsylvania College of Technology,

1 where they are trying develop a 10-credit program to
2 accommodate the 4-year Bachelor of Science in Civil
3 Engineering provided for in their registration law.

4 Mr. Brinkash noted that Penn College of
5 Technology is doing away with their 2-year associate
6 degree program and trying to help the surveying
7 profession by adding a 10-credit course. He explained
8 that Penn College has a survey I course, surveying II
9 course, geographic information system and
10 photogrammetry course, and the fourth course would be
11 a computer applications for civil engineers and
12 surveying course totaling 12 credits.

13 Mr. Brinkash stated the registration law requires
14 a Bachelor of Science in Civil Engineering with at
15 least 10 credits in surveying, and Penn College wants
16 to make sure the credits are going to be accepted by
17 the Board.

18 Mr. Brinkash commented that the computer
19 applications for civil engineers and surveying course
20 is acceptable because of the crossover in their
21 registration law of professional practice, where
22 licensed professional engineers and licensed
23 professional land surveyors have a common area of
24 professional practice in their registration law. He
25 stated the four courses would be acceptable for 10

1 credits, along with the civil engineering degree.

2 Mr. Brinkash mentioned speaking with a personal
3 friend and educator at Penn College and agreed. He
4 applauded their attempt in trying to subsidize a big
5 void by doing away with the associate degree program.

6 Mr. Brinkash noted NCEES encouraged the Board to
7 work with the universities in developing the programs
8 and asked for the Board's help and suggestions on how
9 to make this happen.

10 President Szalankiewicz addressed the Penn State
11 University Mont Alto and Wilkes-Barre campuses, noting
12 the Wilkes-Barre campus has a very limited number of
13 land surveyors taking the course at this time because
14 the youth does not seem to be interested.

15 President Szalankiewicz believed the move would
16 be a precedent-setting move and could see this
17 happening to other civil engineering programs. He
18 mentioned that this is getting ahead of the curve on a
19 solution and thanked Mr. Brinkash and Ms. Bronshtein
20 for handling it so thoroughly.

21 John G. Fuehrer II, Chair, Education Committee,
22 Pennsylvania Society of Land Surveyors, mentioned
23 being interested in the adjudication case, noting no
24 details were discussed.

25 Mr. Fuehrer offered to help, noting Wilkes-Barre

1 was thinking about dropping their 2-year program and
2 the importance of education.

3 Mr. Brinkash commented that the four courses are
4 all part of an Accreditation Board for Engineering and
5 Technology (ABET)-approved program. He suggested the
6 addition of a boundary law course in surveying, but
7 their law not specific on what courses they need to
8 accept.

9 Mr. Brinkash commented that the void is going to
10 hurt the surveying profession, and the Board has to
11 help and support the universities and their programs.

12 President Szalankiewicz agreed with Mr. Brinkash,
13 noting the associate degree program at Penn State Mont
14 Alto had an elementary boundary law course and was a
15 subject that should be included in the list.

16 Mr. Fritz stated the Board could form a committee
17 to reach out to local colleges.]

18 ***

19 [Michael F. Brinkash, PLS, apologized for
20 mispronouncing an educator's name, John Bickhart, from
21 Penn College of Technology, when asking whether he was
22 in attendance.]

23 ***

24 Appointment - Bureau of Finance and Operations Annual
25 Budget Presentation

1 [Michelle Witmer, Bureau of Finance and Operations,
2 Department of State, informed the Board that the
3 Bureau of Finance and Operations (BFO) looked at the
4 licensee population on a biennial basis from a revenue
5 standpoint. She compared FY15-16 to FY17-18, noting a
6 decrease of 509 licensees, FY17-18 to FY19-20 another
7 decrease of 1,143 licensees, and FY19-20 to FY21-22 an
8 increase of 310 licensees. She reported a total
9 licensee count of 31,522 as of this morning.

10 Ms. Witmer noted a fee increase went into effect
11 with the September 2019 renewal. She reported on the
12 revenue total.

13 Ms. Witmer reported on expenses for FY19-20, FY20-
14 21, and on the date of the report. She mentioned that
15 the fee increase was starting to bring the Board back
16 into the black this year. She stated the budget will
17 be kept at \$1,204,000, noting the projected balance.

18 Ms. Witmer reported on Board member expenses for
19 FY19-20, FY21-22, and the current figure. She noted
20 BFO would continue the \$43,000 budget, pointing out
21 any money not used would go back to the Board for
22 other expenses.

23 President Szalankiewicz commented that the travel
24 expenses would be increasing a little bit with
25 returning to in-person meetings because many Board

1 members live a long distance from Harrisburg.]

2

3 [John G. Fuehrer II, Chair, Education Committee,
4 Pennsylvania Society of Land Surveyors, again
5 commented that the outcomes of the adjudication cases
6 were known in the past and requested more information
7 regarding the case voted on at this meeting.

8 Mr. Fritz informed Mr. Fuehrer the case was
9 regarding the Commonwealth v. Randall R. Myers, a
10 professional land surveyor, and provided an overview
11 of the process concerning that case. He also noted
12 when an adjudication is final it becomes public
13 information.]

14

15 Adjournment

16 MR. TABAS:

17 I'll make a motion to adjourn.

18 MR. BRINKASH:

19 Second.

20 MR. FRITZ:

21 Roll call vote.

22

23 James Szalankiewicz, adjourn; Michael
24 Brinkash, yes; Martin Helmke, yes;
25 Ronald Jumper, yes; Robert Kudlawiec,

1 yes; Joseph McNally, yes; Carol Sides,
2 yes; Frank Stanton, yes; Jonathan Tabas,
3 yes.

4 [The motion carried unanimously.]

5 ***

6 [There being no further business, the State Board of
7 Professional Engineers, Land Surveyors, and Geologists
8 Meeting adjourned at 11:17 a.m.]

9 ***

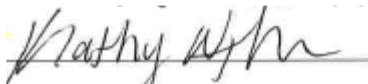
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11 CERTIFICATE

12

13 I hereby certify that the foregoing summary
14 minutes of the State Registration Board for
15 Professional Engineers, Land Surveyors and Geologists
16 meeting, was reduced to writing by me or under my
17 supervision, and that the minutes accurately summarize
18 the substance of the State Registration Board for
19 Professional Engineers, Land Surveyors and Geologists
20 meeting.

21


Kathryn Witherow,

22

Minute Clerk

23

Sargent's Court Reporting

24

Service, Inc.

25

STATE REGISTRATION BOARD FOR PROFESSIONAL
ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
REFERENCE INDEX

March 9, 2022

| | TIME | AGENDA |
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| 8 | | |
| 9 | | |
| 10 | 9:00 | Executive Session |
| 11 | 10:30 | Return to Open Session |
| 12 | | |
| 13 | 10:32 | Official Call to Order |
| 14 | | |
| 15 | 10:33 | Roll Call |
| 16 | | |
| 17 | 10:34 | Approval of Minutes |
| 18 | | |
| 19 | 10:34 | Acknowledge Public |
| 20 | | |
| 21 | 10:36 | Report of Board President |
| 22 | | |
| 23 | 10:38 | Report of Board Members |
| 24 | | |
| 25 | 10:41 | Report of Commissioner |
| 26 | | |
| 27 | 10:41 | Report of Board Administrator |
| 28 | | |
| 29 | 10:44 | Miscellaneous |
| 30 | | |
| 31 | 10:45 | Report of Prosecution Division |
| 32 | | |
| 33 | 10:48 | Report of Board Counsel |
| 34 | | |
| 35 | 10:51 | Report of Prosecution Division (cont.) |
| 36 | | |
| 37 | 10:52 | Report of Board Counsel (cont.) |
| 38 | | |
| 39 | 10:54 | Applications for Review |
| 40 | | |
| 41 | 10:55 | Discussion Items |
| 42 | | |
| 43 | 11:05 | Appointment - Bureau of Finance and Operations Annual Budget Presentation |
| 44 | | |
| 45 | | |
| 46 | 11:17 | Adjournment |
| 47 | | |
| 48 | | |
| 49 | | |
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