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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**

TIME: 9:30 A.M.

PENNSYLVANIA DEPARTMENT OF STATE
Board Room B
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

Wednesday, March 13, 2019

1 State Registration Board for Professional
2 Engineers, Land Surveyors and Geologists
3 March 13, 2019
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6 BOARD MEMBERS:
7

8 Francis J. Stanton, Jr., PE, President
9 K. Kalonji Johnson, Acting Commissioner of
10 Professional and Occupational Affairs
11 Michael F. Brinkash, PLS
12 Ronald Jumper, Jr., Public Member
13 Robert Kudlawiec, PE
14 Joseph McNally, PG
15 David Pennoni, PE - Absent
16 Carol Sides, Public Member - Absent
17 James Szalankiewicz, PE, PLS, Vice President
18 Theodore Tesler, PG
19
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21 BUREAU PERSONNEL:
22

23 Ariel O'Malley, Esquire, Board Counsel
24 Robert Armour, Esquire, Board Prosecution Liaison
25 Jeannie Bronshtein, Board Administrator
26
27 Marc Farrell, Deputy Policy Director, DOS Office of
28 Policy
29 Kimberly Adams, Chief of Fiscal Management, Department
30 of State, Bureau of Finance and Operations
31 Shannon Boop, Department of State, Bureau of Finance
32 and Operations
33 Amanda Richards, Department of State, Bureau of
34 Finance and Operations
35
36 Caroline Robelen, Extern, DOS Counsel Division
37
38

39 ALSO PRESENT:
40

41 Cheryl Sinclair, DEP
42 John G. Fuehrer, II, Pennsylvania Society of Land
43 Surveyors
44 Ted Mowatt, Pennsylvania Society of Professional
45 Engineers, Pennsylvania Society of Land Surveyors
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1 ***

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

4 March 13, 2019

5 ***

6 The regularly scheduled meeting of the State
7 Registration Board for Professional Engineers, Land
8 Surveyors and Geologists was held on Wednesday, March
9 13, 2019. Francis J. Stanton, Jr., PE, President,
10 called the meeting to order at 9:30 a.m. Roll call
11 was taken.

12 ***

13 Approval of Minutes of the November 14, 2018 meeting
14 PRESIDENT STANTON:

15 I'd like to review the minutes from the
16 November 14th meeting. Do we have any
17 addendums or changes or comments?

18 MR. BRINKASH:

19 Brinkash. I make a motion to approve.

20 MR. MCNALLY:

21 And McNally, second.

22 [The Board discussed corrections to the minutes.]

23 PRESIDENT STANTON:

24 And so with those amendments, are the
25 minutes approved? I hear all the yeas?

1 ***

2 Report of Board Counsel

3 [Ariel O'Malley, Esquire, Board Counsel, noted two
4 matters for deliberation in Executive Session. She
5 also announced a hearing scheduled for later in the
6 meeting.]

7 ***

8 Presentation of Budget and Finance Office

9 [Kimberly Adams, Chief of Fiscal Management, provided
10 information on the Board's licensee population. She
11 noted that the Board's licensee population reflected a
12 healthy growth with a count of 34,996 for the 2018-
13 2019 fiscal year.

14 There was discussion regarding whether the
15 licensee count included the retired population. Ms.
16 Adams clarified that the count included anyone with an
17 active license.

18 Ms. Adams referred to the revenue breakdown,
19 noting the types of revenue. She noted that
20 biennially 86.8% of revenue came from renewals and
21 applications.

22 Mr. Szalankiewicz inquired as to a jump in revenue
23 from 2016-2017 to 2018. Ms. Adams attributed the
24 increase to the renewal year.

25 There was a discussion regarding the licensee

1 list, including charges and civil penalties.

2 Ms. Adams noted the Board was due for an increase
3 in renewal fees for September 2019.

4 Ms. Adams presented a breakdown of expenses. She
5 noted that the current budget should be sufficient for
6 the current Fiscal Year. Ms. Adams explained the
7 categories of expenses to the Board.

8 Ms. Adams presented Board member expenses. She
9 noted that the budget will remain the same for the
10 2019-2020 Fiscal Year. Any excess not used goes
11 directly back into the restricted account.

12 Ms. Adams provided an expenditure chart for Board
13 review.]

14

15 [Mr. McNally asked if the increase in civil penalties
16 was as a result of higher penalties or an increase in
17 the number of cases. There was discussion regarding a
18 recent increase in penalty fees.]

19

20 Public Comment

21 [John G. Fuehrer, II, Pennsylvania Society of Land
22 Surveyors, discussed concerns regarding the
23 Pennsylvania Land Surveyors exam being watered down.

24 Mr. Feuhrer also had concerns that PSLS had yet to
25 have their appointee to the Board put in place.]

1 ***

2 [Mr. Szalankiewicz noted that the exam was also a
3 concern of the Board. There was a discussion
4 regarding the source of the exam questions.

5 Mr. Brinkash noted that PSLS should not be
6 concerned about representation. All concerns should
7 be brought to him. He and Ms. Bronshtein were setting
8 up a meeting with Pearson VUE concerning the exam.

9 There was discussion about obtaining a
10 psychometrician report on the exam.

11 Mr. Feuhrer noted a PSLS nominee for the Board.

12 Mr. Johnson will reach out to the individual
13 working to help push nominations through the
14 Governor's office. He requested that Mr. Feuhrer send
15 a letter to BPOA regarding his concerns about Pearson
16 VUE and the exam.]

17 ***

18 [Ted Mowatt, Pennsylvania Society of Professional
19 Engineers, Pennsylvania Society of Land Surveyors,
20 thanks Commissioner Johnson for his help to get a PSLS
21 nominee on the Board.

22 Mr. Mowatt updated the Board about some of the
23 groups that have concerns regarding House Bill 1106.
24 He noted that the bill should be re-introduced prior
25 to the May meeting. He encouraged the Board to notify

1 him if there were any process changes they need made.]

2 ***

3 [Kalonji Johnson, Commissioner of Professional and
4 Occupational Affairs, exited the meeting at 10:18
5 a.m.]

6 ***

7 [The Board recessed from 10:18 a.m. until 10:28 a.m.]

8 ***

9 [A formal hearing was held from 10:28 a.m. until 11:49
10 a.m. In the Matter of the Appeal of the Provisional
11 Denial of the Application for Licensure of Saloni
12 Lulie, File No. 18-47-009084.]

13 ***

14 [The Board recessed from 11:49 a.m. until 11:59 a.m.]

15 ***

16 Board Regulations Review

17 [Mr. Stanton presented items in Board regulations to
18 be considered for revision.

19 Mr. Stanton discussed the number of times an
20 applicant can fail the exam before requiring a review
21 course. He stated he reviewed regulations from
22 Louisiana, which allowed seven fails, and Florida,
23 which allowed three.

24 There was discussion regarding the time limit on
25 approvals. Mr. Stanton noted Louisiana had a seven or

1 ten year limit on the approval process and once an
2 applicant is able to sit for the exam, they must take
3 the exam within that time frame. He also mentioned
4 that Florida has a three-year limit.

5 The Board also discussed its authority to change
6 the regulations.

7 There was discussion about requiring four years of
8 experience after EIT certification versus passing the
9 FE exam. Mr. Stanton noted that some states do not
10 issue certificates and the Board should consider
11 changing the requirement to four years of experience
12 after passing the exam.

13 Mr. Stanton discussed a Voluntary Recovery Program
14 similar to the Medical Boards. He noted that the
15 program allows licensees with drug offenses to get
16 help without losing their license. There was
17 discussion regarding the DMU versus VRP and mandatory
18 reporting.

19 Mr. Stanton discussed responsible charge. He
20 noted that other states have prescriptive requirements
21 in their regulations, but Pennsylvania does not define
22 the responsible charge.]

23 ***

24 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
25 12:31 p.m. the Board entered into Executive Session

1 with Ariel O'Malley, Esquire, for the purpose of
2 conducting quasi-judicial deliberations and to receive
3 advice of Counsel. The Board returned to open session
4 at 1:20 p.m.]

5 ***

6 MOTIONS

7 MS. O'MALLEY:

8 The Board was just in executive Session
9 conducting quasi-judicial deliberations
10 on matters that are currently pending
11 before the Board as well as receiving the
12 advice of counsel.

13 Beginning with Item No. 2, I believe
14 the Board would entertain a motion to
15 accept the consent agreement at File No.
16 17-47-13625.

17 PRESIDENT STANTON:

18 Is there motion to approve?

19 MR. BRINKASH:

20 Brinkash, so moved.

21 MR. KUDLAWIEC:

22 Second, Kudlawiec.

23 PRESIDENT STANTON:

24 All in favor? Any against?

25 [The motion carried unanimously. The Respondent's

1 name for 17-47-13625 is David Uliana.]

2 ***

3 MS. O'MALLEY:

4 Moving on to Item No. 3, I believe the
5 Board would entertain a motion for
6 Counsel to draft an Adjudication and
7 Order in accordance with the discussion
8 in Executive Session in the matter of
9 James Zientek at File No. 18-47-00588.

10 PRESIDENT STANTON:

11 Is there a motion to approve?

12 MR. BRINKASH:

13 Brinkash, so moved.

14 MR. KUDLAWIEC:

15 Kudlawiec, second.

16 PRESIDENT STANTON:

17 All in favor? Any against?

18 [The motion carried unanimously.]

19 ***

20 MS. O'MALLEY:

21 Moving on to Item No. 4, I believe the
22 Board would entertain a motion to approve
23 the Final Adjudication and Order in the
24 matter of Jason Nagorski at File No. 18-
25 47-006823.

1 PRESIDENT STANTON:

2 Do we have a motion to approve?

3 MR. BRINKASH:

4 Brinkash, so moved.

5 MR. KUDLAWIEC:

6 Kudlawiec, second.

7 PRESIDENT STANTON:

8 All in favor? All against? Hearing
9 none.

10 [The motion carried unanimously.]

11 ***

12 MS. O'MALLEY:

13 Moving on to Item No. 5, regarding the
14 hearing that occurred before the Board
15 today, I believe the Board would
16 entertain a motion for Counsel to issue
17 an Order granting the application to take
18 the exam of Ms. Saloni Lulie.

19 PRESIDENT STANTON:

20 Do we have a motion to approve the
21 Applicant?

22 MR. BRINKASH:

23 Brinkash, so moved.

24 MR. KUDLAWIEC:

25 Kudlawiec, second.

1 PRESIDENT STANTON:

2 All in favor? All against? Hearing
3 none.

4 [The motion carried unanimously.]

5 ***

6 MS. O'MALLEY:

7 Moving on to Item No. 6, just for
8 clarification of the record, the
9 application of Thomas Burton requires
10 further review and will not be voted on
11 at this meeting.

12 Moving on to Item Nos. 7, 8, 9 and
13 10, I believe the Board would entertain a
14 motion to approve the applications of the
15 following applicants: Robert Dilullo,
16 Adnan Issa, Randy Richardson and Patrick
17 Vescovi.

18 PRESIDENT STANTON:

19 Do we have a motion to approve the
20 applicants?

21 MR. BRINKASH:

22 Brinkash, so moved.

23 MR. KUDLAWIEC:

24 Kudlawiec, second.

25 PRESIDENT STANTON:

1 All in favor? All against?

2 [The motion carried unanimously.]

3 ***

4 PRESIDENT STANTON:

5 Do we have a motion to adjourn?

6 MR. BRINKASH:

7 Brinkash, so moved.

8 PRESIDENT STANTON:

9 All in favor?

10 ***

11 [There being no further business, the State Board of
12 Professional Engineers, Land Surveyors, and Geologists
13 Meeting adjourned at 1:24 p.m.]

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CERTIFICATE

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



Seth Baier
Minute Clerk
Sargent's Court Reporting
Service, Inc.

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

March 13, 2019

TIME	AGENDA
9:30	Official Call to Order
9:31	Roll Call
9:32	Adoption of Minutes
9:34	Report of Commissioner
9:36	Report of Prosecutorial Division
9:39	Report of Board Counsel
10:18	Recess
10:28	Return to Open Session
10:28	Hearing - Saloni Lulie
11:49	Recess
11:59	Return to Open Session
11:59	Discussion Items
12:31	Executive Session
1:20	Return to Open Session
1:20	Motions
1:24	Adjournment