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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: 10:34 A.M.

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

May 9, 2018

1 State Registration Board for Professional
2 Engineers, Land Surveyors and Geologists
3 May 9, 2018
4

5 BOARD MEMBERS:
6

7 Theodore Tesler, PG, President
8 Elizabeth A. Catania, PE, Vice President
9 Katelin Lambert, Deputy Commissioner, Bureau of
10 Professional and Occupational Affairs
11 Michael F. Brinkash, PLS
12 Robert Kudlawiec, PE
13 Francis J. Stanton Jr., PE
14 Ronald Jumper Jr., Public Member
15 Carol Sides, Public Member
16

17
18 BUREAU PERSONNEL:
19

20 Ariel E. O'Malley, Esquire, Board Counsel
21 Mark R. Zogby, Esquire, Board Prosecution Liaison
22 Robert B. Armour, Esquire, Board Prosecutor
23 Jeannie Bronshtein, Board Administrator
24

25
26 ALSO PRESENT:
27

28 Ted Mowatt, Wanner Associates, PSLs/PSPE
29 John G. Fuehrer II, PE, PLS, Chair of Education
30 Committee
31 Charles J. Hartwell, Esquire, Dethlefs-Pykosh Law
32 Group, LLC
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1 ***

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

4 May 9, 2018

5 ***

6 The regularly scheduled meeting of the State
7 Registration Board for Professional Engineers, Land
8 Surveyors, and Geologists was held on Wednesday,
9 May 9, 2018. Theodore Tesler, PG, President, called
10 the meeting to order at 10:34 a.m. Roll call was
11 taken. A quorum was noted to be present.

12 ***

13 Approval of Minutes of the January 10, 2018 meeting

14 PRESIDENT TESLER:

15 I'd like to have us take a look at our
16 minutes. Do we have any comments,
17 suggestions? I'll first entertain a
18 motion to approve the minutes.

19 MS. CATANIA:

20 So moved.

21 MR. BRINKASH:

22 Second.

23 PRESIDENT TESLER:

24 We have a motion and a second. Do we
25 have any discussion items for the

1 minutes?

2 [The Board discussed corrections to the minutes.]

3 PRESIDENT TESLER:

4 Do we have any other comments or
5 revisions for the minutes?

6 Hearing no additional comments, I
7 ask that the Board approve the amended
8 minutes with all those in favor saying
9 aye. Do we have any opposition?

10 Hearing none. The minutes are approved.

11 [The motion carried unanimously.]

12 ***

13 Acknowledge Public

14 [President Tesler asked members of the public to
15 identify themselves.]

16 ***

17 Report of Board President

18 [President Tesler informed the Board of his attendance
19 at the National Association of State Boards of Geology
20 (ASBOG) Council of Examiners Meeting in Atlanta, GA.

21 President Tesler noted a review of the item bank for
22 the spring administration and the anticipated fall
23 administration of the National Geology Licensing Exam.

24 President Tesler noted a review of candidate
25 comments and issues related to the performance of

1 items that were resolved within the committee
2 function.]

3 ***

4 Report of Board Members - No Report

5 ***

6 Report of Deputy Commissioner

7 [Katelin Lambert, Deputy Commissioner, Bureau of
8 Professional and Occupational Affairs, discussed
9 staffing vacancies. Ms. Lambert stated temporary
10 clerical employees and annuitants were being utilized
11 in the meantime.

12 Ms. Lambert updated the Board regarding Executive
13 Order 2017-03. Commissioner Harlow will be issuing a
14 report to Governor Wolf on May 25, 2018. She
15 described the report as statistical and data-driven in
16 nature with Pennsylvania having some of the lowest
17 fees and least burdensome requirements in the nation.

18 Ms. Lambert addressed the current operation of
19 the Pennsylvania Licensing System (PALS), noting a
20 memo for the Board's review. Ms. Lambert expects
21 stabilization of the system to be completed by
22 June 30, 2018.

23 Ms. Lambert noted successful transactions and
24 revenue collected in the system, showing it to be
25 functional and providing benefit to staff and the

1 licensee population.]

2 ***

3 Report of Board Administrator - No Report

4 ***

5 Report of Prosecutorial Division

6 [Mark R. Zogby, Esquire, Board Prosecution Liaison,
7 had no files for presentation to the Board.

8 Mr. Zogby clarified that the two cases listed on
9 the agenda as hearings which took place in January.]

10 ***

11 [Robert B. Armour, Esquire, Board Prosecutor,
12 presented the following Consent Agreements: File No.
13 14-47-10628, File No. 15-47-00786, File No. 17-47-
14 02270, and File No. 15-47-11505.]

15 ***

16 Report of Board Counsel

17 [Ariel O'Malley, Esquire, Board Counsel, noted six
18 informal conferences, transcripts from two provisional
19 denial hearings conducted at the last Board meeting,
20 and a motion for default for deliberation during
21 Executive Session.]

22 ***

23 Report of Regulatory Counsel - No Report

24 ***

25 [Pursuant to Section 708(a)(5) of the Sunshine Act, at

1 11:04 a.m. the Board entered into Executive Session
2 with Ariel E. O'Malley, Esquire, Board Counsel, for
3 the purpose of conducting quasi-judicial deliberations
4 on matters that are currently pending before the Board
5 as well as receiving advice of Counsel. The Board
6 returned to open session at 12:53 p.m.]

7

8 MS. O'MALLEY:

9 Beginning with the Consent Agreements, I
10 believe the Board would entertain a
11 motion to accept the Consent Agreements
12 as the final disposition of the cases at
13 File Nos. 14-47-10628 as well as 15-47-
14 00786.

15 PRESIDENT TESLER:

16 So moved.

17 MR. KUDLAWIEC:

18 Second.

19 MS. O'MALLEY:

20 Is there any discussion on the motion?
21 Seeing none. Moving to a vote. All
22 those in favor, say aye? Any opposed?
23 Abstentions?

24 [The motion carried unanimously. The Respondent's
25 name for File No. 14-47-10628 is Melbourne F.

1 Giberson, P.E. The Respondent's name for File No. 15-
2 47-00786 is J. Michael Evanko, P.E.]

3 ***

4 MS. O'MALLEY:

5 Moving on to Item No. 5, I believe the
6 Board would entertain a motion to reject
7 the Consent Agreement at File No. 17-47-
8 02270.

9 MR. STANTON:

10 So moved.

11 MS. O'MALLEY:

12 Second?

13 MR. KUDLAWIEC:

14 Second.

15 MS. O'MALLEY:

16 Motion and a second. Any discussion?
17 Seeing none. I'll move to a vote. All
18 those in favor, say aye? Opposed?
19 Abstentions? Seeing none. The motion
20 passes.

21 [The motion carried unanimously.]

22 ***

23 MS. O'MALLEY:

24 Moving on to Item No. 6, I believe the
25 Board would entertain a motion to reject

1 the Consent Agreement at File No. 15-47-
2 11505.

3 MR. KUDLAWIEC:

4 So moved.

5 MR. JUMPER:

6 Second.

7 MS. O'MALLEY:

8 Is there any discussion on the motion?
9 Seeing none. We will move to a vote,
10 noting that Ms. Catania is recused. All
11 those in favor, signify by saying aye?
12 Opposed? Abstentions. Seeing none.
13 The motion passes.

14 [The motion carried. Elizabeth A. Catania, P.E.,
15 recused from deliberations and voting on the motion.]

16 ***

17 MS. O'MALLEY:

18 Moving on to Item Nos. 7 and 8, I
19 believe the Board would entertain a
20 motion for Counsel to draft an
21 Adjudication and Order in accordance
22 with discussions in Executive Session in
23 the matters of Gunnar George Norback,
24 File No. 17-47-11382, as well as Robert
25 Sorensen, File No. 17-47-12784.

1 PRESIDENT TESLER:

2 So moved.

3 MS. SIDES:

4 Second.

5 MS. O'MALLEY:

6 Any discussion on the motion? Seeing
7 none. I'll move to a vote. All those
8 in favor, signify by saying aye?

9 Opposed? Abstentions. Seeing none.

10 The motion passes.

11 [The motion carried unanimously.]

12 ***

13 MS. O'MALLEY:

14 Moving on to Item No. 9, I believe the
15 Board would entertain a motion to grant
16 the Motion to Enter Default and for
17 Counsel to draft an Adjudication in
18 accordance with discussions in Executive
19 Session in the matter of Stephen Phillip
20 Maslan, P.E., File No. 14-47-03768.

21 MS. CATANIA:

22 So moved.

23 MR. KUDLAWIEC:

24 Second.

25 MS. O'MALLEY:

1 Any discussion? Seeing none. All those
2 in favor, signify by saying aye?
3 Opposed? Abstentions? Seeing none.
4 The motion passes.

5 [The motion carried unanimously.]

6 ***

7 MS. O'MALLEY:

8 Moving on to applications, beginning
9 with Item No. 12, which is Zachary
10 Tocyloski, I believe the Board would
11 entertain a motion to grant the
12 application of Mr. Tocyloski.

13 MS. SIDES:

14 So moved.

15 MR. STANTON:

16 Second.

17 MS. O'MALLEY:

18 Any discussion? Seeing none. Moving to
19 a vote, noting that Mr. Brinkash is
20 recused on this matter. All those in
21 favor, signify by saying aye? Opposed?
22 Abstentions? Seeing none. The motion
23 passes.

24 [The motion carried. Michael F. Brinkash, P.L.S.,
25 recused from deliberations and voting on the motion.]

1 ***

2 MS. O'MALLEY:

3 Moving on to Daniel Reckert, P.E., I
4 believe the Board would entertain a
5 motion to grant the application of
6 Mr. Reckert.

7 MS. CATANIA:

8 So moved.

9 MR. KUDLAWIEC:

10 Second.

11 MS. O'MALLEY:

12 Any discussion? Seeing none. All those
13 in favor, signify by saying aye?
14 Opposed? Abstentions? Seeing none.
15 The motion passes.

16 [The motion carried unanimously.]

17 ***

18 MS. O'MALLEY:

19 Moving on to James Adam Zientek, P.E., I
20 believe the Board would entertain a
21 motion to provisionally deny the
22 application of Mr. Zientek.

23 MS. CATANIA:

24 So moved.

25 MS. SIDES:

1 Second.

2 MS. O'MALLEY:

3 Any discussion? All those in favor,
4 signify by saying aye? Opposed?
5 Abstentions? Seeing none. The motion
6 passes.

7 [The motion carried unanimously.]

8 ***

9 MS. O'MALLEY:

10 The Board had informal conferences prior
11 to the Board meeting today with the
12 following applicants: Kyle Richard
13 King, Jeffrey T. Zendek, Michael Douglas
14 Bianco, Dennis John Moody, Paul
15 Suanlarm, and Chad Edward Weber.

16 Of all the applications reviewed by
17 the Board, I believe the only one that
18 requires a motion is that for Mr. Kyle
19 King, and I believe the Board would
20 entertain a motion to provisionally deny
21 the application of Mr. King.

22 MR. KUDLAWIEC:

23 So moved.

24 MR. STANTON:

25 Second.

1 MS. O'MALLEY:

2 Any discussion? Seeing none. All those
3 in favor, signify by saying aye? Any
4 opposed? Abstentions? Seeing none.
5 The motion passes.

6 [The motion carried unanimously.]

7 ***

8 Adjournment

9 PRESIDENT TESLER:

10 Motion to adjourn. Chair will entertain
11 such a motion.

12 MR. JUMPER:

13 So moved.

14 MR. STANTON:

15 Second.

16 PRESIDENT TESLER:

17 All in favor?

18 [The motion carried unanimously.]

19 ***

20 [There being no further business, the State Board of
21 Professional Engineers, Land Surveyors, and Geologists
22 Meeting adjourned at 1 p.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Registration Board for 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 Registration Board for Professional Engineers, Land Surveyors and Geologists meeting.



Seth R. Baier,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE REGISTRATION BOARD FOR PROFESSIONAL
ENGINEERS, LAND SURVEYORS AND GEOLOGISTS
REFERENCE INDEX
May 9, 2018

TIME	AGENDA
10:34	Official Call to Order/Roll Call
10:35	Approval of Minutes
10:36	Acknowledge Public
10:37	Report of Board President
10:38	Report of Deputy Commissioner
10:41	Report of Prosecutorial Division
11:03	Report of Board Counsel
11:04	Executive Session
12:53	Return to Open Session
12:53	Motions
1:00	Adjournment