

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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: 10:33 A.M.

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

As well as
VIA MICROSOFT TEAMS

May 16, 2022

1 State Registration Board for Professional
2 Engineers, Land Surveyors, and Geologists
3 May 16, 2022
4
5

6 BOARD MEMBERS:
7

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

21 BUREAU PERSONNEL:
22

23 Dean F. Picarella, Esquire, Senior Board Counsel
24 C. William Fritz II, Esquire, Board Counsel
25 Ray Michalowski, Esquire, Senior Board Prosecution
26 Liaison
27 Alice Glasser, Esquire, Board Prosecutor
28 Glenn P. Masser, Esquire, Board Prosecutor
29 Jeannie Bronshtein, Board Administrator
30 Andrew LaFratte, MPA, Executive Policy Specialist,
31 Department of State
32
33

34 ALSO PRESENT:
35

36 Jennifer Smeltz, Republican Executive Director, Senate
37 Consumer Protection & Professional Licensure
38 Committee
39 Ted Mowatt, Vice President, Wanner Associates, on
40 behalf of the Pennsylvania Society of Professional
41 Engineers
42 Rebecca Albert, PG, Chairman, Coordinating Committee
43 on Professional Practices, Department of
44 Environmental Protection
45 Carson B. Morris, Esquire, Saxton & Stump
46 Kathryn Witherow
47
48
49
50

1 ***

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

4 May 16, 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 The regularly scheduled meeting of the State
15 Registration Board for Professional Engineers, Land
16 Surveyors, and Geologists was held on Monday, May 16,
17 2022. James J. Szalankiewicz, PE, PLS, President,
18 called the meeting to order at 10:33 a.m.

19 ***

20 [C. William Fritz II, Esquire, Board Counsel, noted
21 the Board met in Executive Session and conducted
22 quasi-judicial deliberations.

23 Mr. Fritz also reminded everyone that the meeting
24 was being recorded, and voluntary participation
25 constitutes consent to be recorded.]

1

2 Roll Call

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

6

7 Approval of minutes of the March 9, 2022 meeting

8 PRESIDENT SZALANKIEWICZ:

9

10 Could I have a motion to approve the
11 minutes as they were presented?

12 MR. BRINKASH:

13 So moved.

14 MR. KUDLAWIEC:

15 Second.

16 PRESIDENT SZALANKIEWICZ:

17 So moved and seconded. Roll call vote.

18

19 James Szalankiewicz, yes; Arion
20 Claggett, abstain; Michael Brinkash,
21 yes; Martin Helmke, yes; Ronald Jumper,
22 yes; Robert Kudlawiec, yes; Joseph
23 McNally, yes; Frank Stanton, yes;
Jonathan Tabas, yes.

24 [The motion carried. Acting Commissioner Claggett
25 abstained from voting on the motion.]

1 ***

2 Acknowledge Public

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

5 ***

6 Report of Board President

7 [James J. Szalankiewicz, PE, PLS, President, thanked
8 the public and staff for their participation. He
9 complimented staff for doing so well during the
10 pandemic.

11 President Szalankiewicz reported two Board
12 members went to the National Council of Examiners for
13 Engineering and Surveying (NCEES) Meeting.

14 Mr. Brinkash provided a copy of the agenda for
15 the Northeast Zone interim meeting in Newport, RI for
16 the Board's review. He referred to the number of
17 committees working with NCEES and offered to answer
18 any questions regarding the activities of the
19 committees.

20 Mr. Kudlawiec noted an election of officers was
21 held at the Northeast meeting. He mentioned there has
22 been a successful transition from the paper and pencil
23 exams to the computer-based training.

24 Mr. Kudlawiec informed Board members NCEES wanted
25 to increase the cost for the various exams because of

1 showing nearly a \$14 million deficit and believed the
2 increase would provide a \$2 million positive gain over
3 the next five years.

4 Mr. Kudlawiec stated the plumbing exam decision
5 was moving forward other than the mechanical section.
6 He noted the test questions are being developed
7 through Pearson VUE.

8 Mr. Stanton stated the bill was split, but it
9 moved out of committee and is going to the
10 Professional Assessment of Knowledge and Skills (PAKS)
11 portion. He noted NCEES budgeted for that evaluation
12 but does not mean it is going to go forward with the
13 exam even though the process has gone to PAKS. He
14 mentioned PAKS would dive deep into an analysis of the
15 exam, where it may go into an exam but may stop right
16 there.

17 Mr. Kudlawiec noted a meeting was held on May 11,
18 2022, where the same topics were discussed. The next
19 meeting will be held June 8, 2022. He informed Board
20 members that the National Association of State Boards
21 of Geology's (ASBOG) Annual Meeting is August 23-26,
22 2022, in Carlsbad, California. He reported NCEES is
23 funding three members and a decision would need to be
24 concerning attendance.

25 Mr. Fritz reminded Board members to inform the

1 commissioner's office as soon as possible for
2 approval.

3 President Szalankiewicz thanked Mr. Kudlawiec and
4 Mr. Brinkash for taking their time to represent the
5 commonwealth. He commented that NCEES does a
6 remarkable job of coordinating all the various states
7 and territories.

8 Mr. Brinkash stated the Examinations for
9 Professional Surveyors (EPS) Committee developed five
10 modules but eliminated the stormwater management
11 module. He mentioned that a lot of states do not
12 permit surveyors to do stormwater management, but
13 engineers and land surveyors are both allowed to do
14 that in Pennsylvania.

15 Mr. Brinkash reported one of the modules was
16 developed for the colonial states, and the model is
17 going to be relative to Pennsylvania in addition to
18 their PA state-specific exam. He noted another module
19 is for public line systems, where every other state in
20 the United States is within the public land systems
21 and is a different type of survey and laws governing
22 them.

23 Mr. Brinkash noted receiving a survey that he
24 sent to the Pennsylvania Society of Land Surveyors for
25 distribution amongst their members to provide NCEES

1 feedback, especially the EPS Committee, to complete
2 the modules.

3 Mr. Fritz recommended the Board decide today who
4 to send to the ASBOG Meeting.

5 Mr. McNally also mentioned the Geology National
6 Meeting is in November and requested approval for two
7 of the geology Board members to attend in November.]

8 MR. HELMKE:

9 I'd like to make a motion to send two
10 members of the Board to the NCEES
11 meeting in August and two members of the
12 Board to the ASBOG Meeting in November.

13 MR. BRINKASH:

14 I second that motion.

15 PRESIDENT SZALANKIEWICZ:

16 Roll call.

17
18 James Szalankiewicz, yes; Arion
19 Claggett, aye; Michael Brinkash, yes;
20 Martin Helmke, yes; Ronald Jumper, aye;
21 Robert Kudlawiec, aye; Joseph McNally,
22 yes; Frank Stanton, yes; Jonathan Tabas,
23 yes.

24 [The motion carried unanimously. The motion is for
25 Martin Helmke and Joseph McNally to attend the August

1 2022 meeting.]

2

3 Report of Board President

4 [James J. Szalankiewicz, PE, PLS, President,

5 complimented Ray Michalowksi for a fantastic

6 presentation concerning prosecution involvement with

7 the Board. He also noted Mr. Stanton attended. He

8 commented that the Board may ask Mr. Michalowski to

9 give the presentation to the entire Board.

10 Mr. Michalowski credited the association, as

11 well, for being extremely organized. He mentioned

12 offering the same presentation to architecture, and he

13 would be happy to offer the presentation to other

14 associations.

15 President Szalankiewicz also thanked Frank

16 Stanton for his involvement.]

17

18 Report of Acting Commissioner

19 [Arion R. Claggett, Acting Commissioner, Bureau of

20 Professional and Occupational Affairs, informed Board

21 members that the department is currently in the

22 process of replacing the Pennsylvania Licensing System

23 (PALS) and should have the new system identified and

24 in place by the end of 2023.]

25

1 Report of Board Administrator - No Report

2 ***

3 Report of Board Counsel

4 [C. William Fritz II, Esquire, Board Counsel, noted a
5 hearing at 11 a.m.]

6 ***

7 Report of Board Prosecution Division

8 [Glenn P. Masser, Esquire, Board Prosecutor, presented
9 the Consent Agreements for Case No. 22-47-005671.]

10 MR. FRITZ:

11 The Board would entertain a motion to
12 approve the Consent Agreement at Case
13 No. 21-47-005671.

14 MR. BRINKASH:

15 So moved.

16 MR. KUDLAWIEC:

17 Second.

18 MR. FRITZ:

19 Roll call vote, please.

20
21 James Szalankiewicz, yes; Arion
22 Claggett, aye; Michael Brinkash, yes;
23 Martin Helmke, yes; Ronald Jumper, aye;
24 Robert Kudlawiec, aye; Joseph McNally,
25 yes; Frank Stanton, yes; Jonathan Tabas,

1 yes.

2 [The motion carried unanimously. The Respondent's
3 name is James Philip Kloskey, PE.]

4 ***

5 Report of Board Counsel

6 [C. William Fritz II, Esquire, Board Counsel, provided
7 a Status of Cases Report for the Board's review. He
8 asked Board members to inform him of any cases where
9 they would need to recuse themselves.

10 Mr. Brinkash thanked Mr. Fritz for his efforts in
11 compiling the information and keeping it current.

12 Mr. Fritz noted six disciplinary matters and one
13 reinstatement hearing today.]

14 ***

15 Report of Regulatory Counsel

16 [C. William Fritz II, Esquire, Board Counsel provided
17 an update of the digital seals and signatures
18 regulations. He noted the architect regulation is
19 done and ready to go, but the engineer regulation has
20 one last step and a few edits that the Office of
21 General Counsel (OGC) recommended and then sent to the
22 Independent Regulatory Review Commission (IRRC).

23 Mr. Fritz stated the landscape architect
24 regulation would be easy to complete, and his goal is
25 to have digital seals and signatures as a regulation

1 in the books by the end of summer.]

2 ***

3 Applications for Review

4 MR. FRITZ:

5 Based on discussions held in Executive
6 Session, the Board would entertain a
7 motion to approve the Reciprocity
8 Application filed by Il Kim.

9 MR. STANTON:

10 So moved.

11 MR. HELMKE:

12 Second.

13 MR. FRITZ:

14 Roll call vote, please.

15
16 James Szalankiewicz, yea; Arion
17 Claggett, aye; Michael Brinkash, yea;
18 Martin Helmke, yes; Ronald Jumper, aye;
19 Robert Kudlawiec, aye; Joseph McNally,
20 yes; Frank Stanton, yes; Jonathan Tabas,
21 yes.

22 [The motion carried unanimously.]

23 ***

24 MR. FRITZ:

25 The Board would entertain a motion to

1 approve the Act 41 Licensure Application
2 filed by E. Jackson.

3 MR. STANTON:

4 So moved.

5 MR. HELMKE:

6 Second.

7 MR. FRITZ:

8 Roll call vote.

9

10 James Szalankiewicz, yea; Arion
11 Claggett, aye; Michael Brinkash, yea;
12 Martin Helmke, yes; Ronald Jumper, aye;
13 Robert Kudlawiec, aye; Joseph McNally,
14 yes; Frank Stanton, yes; Jonathan Tabas,
15 yes.

16 [The motion carried unanimously.]

17

18 Discussion Items

19 [James J. Szalankiewicz, PE, PLS, President, referred
20 to the Mapping Sciences Exam blueprint.

21 Mr. Brinkash mentioned receiving the Mapping
22 Sciences Exam from the colonial state boards, noting a
23 lot of people in colonial states are taking the exam.
24 He referred to House Bill 609 and informed Board
25 members that some people are operating drones and

1 doing topography and other things for their
2 livelihood. He mentioned having a problem with them
3 jamming up their licensing law and wanting to get a
4 surveyor's license but not being qualified.

5 Mr. Brinkash noted there should be a goal for the
6 professions to work toward embracing the geographic
7 information system (GIS) people who are operating the
8 drones by creating a certificate or license program
9 within their registration law after they show some
10 credentials or qualifications in order work within the
11 public because there are consequences when someone
12 makes a mistake.

13 Mr. Brinkash noted it was currently just personal
14 liability with errors and omissions insurance, and the
15 list was long but mainly refers to standards. He
16 stated the mapping science and photogrammetry people
17 would be within their own rights and profession and
18 should embrace the national exam to show they are
19 qualified. He informed Board members that the exam is
20 being administered out of Georgia but is also being
21 setup in remote locations for people interested.

22 Mr. Brinkash believed the Board should address
23 the issue, whether it is mandating an exam or
24 mandating a professional engineer review the data.

25 Mr. Stanton asked whether a GIS subcontractor

1 received certification in GIS.

2 Mr. Brinkash explained that they receive a
3 special license or certification in GIS, and Maryland
4 has approved a bill to embrace the profession. He
5 stated a national exam adds a certain level of
6 expertise or guarantee.

7 Mr. Brinkash commented that the area of practice
8 has been held by engineers and surveyors ever since
9 the beginning of their licensing laws. He mentioned
10 there are people in Pennsylvania right now selling
11 these services and there could be a problem or a
12 danger.

13 Mr. Brinkash believed they should get their own
14 licensing law or follow their own licensing law
15 instead of fighting with them on House Bill 601. He
16 mentioned the exam is currently recognized by NCEES
17 and only being offered by the colonial state boards
18 but that NCEES would take the exam over if the GIS
19 people jump onboard and provide more test takers.

20 President Szalankiewicz commented that people who
21 work for a local contractor and provide this service
22 without being a professional engineer or land surveyor
23 are violating a law and could affect the safety of the
24 commonwealth.

25 Mr. Brinkash referred to the Davey Resource Group

1 (DRG) case, noting House Bill 609 is a spinoff of the
2 DRG case and people need to be accountable for
3 services they render to the public.

4 President Szalankiewicz expressed concern with a
5 company in western Pennsylvania that bought their own
6 equipment and are doing their own volumes and
7 construction but not going to the public and offering
8 this service. He commented that it is a major energy
9 company doing their own topographic surveys and
10 volumes for their own use, but it is not public
11 information.

12 Mr. Brinkash stated private companies are doing
13 it for their company, where the liability stops with
14 them and falls within their organization if something
15 goes wrong. He noted the situations where people are
16 offering services to the public with no accountability
17 to the public whatsoever, who end up left on their own
18 to pursue them for damages.

19 Mr. Fritz informed Board members House Bill 609
20 has been renumbered as House Bill 1801. He mentioned
21 the bill was referred to Senate Appropriations
22 Committee on April 5 and offered to put it on the next
23 agenda.

24 Ted Mowatt, Vice President, Wanner Associates, on
25 behalf of the Pennsylvania Society of Professional

1 Engineers, provided an update concerning House Bill
2 1801, noting the bill has come out of the Senate
3 Appropriations Committee and assumed it will be on a
4 relatively quick track when the Senate comes back.

5 Jennifer Smeltz, Republican Executive Director,
6 Senate Consumer Protection & Professional Licensure
7 Committee, noted they took the engineer language from
8 House Bill 609 and moved it into House Bill 1801
9 because the engineering provisions were not
10 controversial. She further explained that the
11 engineer provisions were not controversial but the
12 land surveying provisions were, so House Bill 609 has
13 the land surveying language still in it.

14 Mr. Fritz suggested researching House Bill 1801
15 and discussing it in better detail at the next Board
16 meeting.]

17 ***

18 Hearings

19 [C. William Fritz II, Esquire, Board Counsel, stated
20 Mr. Braum was actively suspended by final adjudication
21 and order by the Board in 2012 but was allowed to come
22 before the Board for a hearing if he wished to seek
23 reinstatement. He noted a hearing was scheduled for
24 today at 11:00 a.m., and Mr. Braum was not present.]

25 MR. FRITZ:

1 The Board would entertain a motion to
2 continue this hearing at this time and
3 reschedule it for the next Board meeting
4 in July.

5 MR. TABAS:

6 So moved.

7 MR. HELMKE:

8 Second.

9 MR. FRITZ:

10 Roll call vote.

11

12 James Szalankiewicz, yea; Arion
13 Claggett, aye; Michael Brinkash, yea;
14 Martin Helmke, yes; Ronald Jumper, aye;
15 Robert Kudlawiec, aye; Joseph McNally,
16 yes; Frank Stanton, abstain; Jonathan
17 Tabas, yes.

18 [The motion carried. Frank Stanton abstained from
19 voting on the motion.]

20

21 Adjournment

22 PRESIDENT SZALANKIEWICZ:

23 Could I get a motion to adjourn?

24 MR. BRINKASH:

25 So moved.

1 MR. STANTON:

2 Second.

3 PRESIDENT SZALANKIEWICZ:

4 We're adjourned.

5 [The motion carried unanimously.]

6 ***

7 [There being no further business, the State Board of
8 Professional Engineers, Land Surveyors, and Geologists
9 Meeting adjourned at 11:21 a.m.]

10 ***

11

12

13

14

15

16

17

18

19

20

21

22

23

24

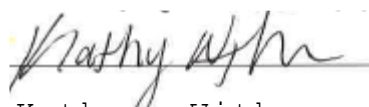
25

26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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.



Kathryn Witherow,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

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

May 16, 2022

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8		
9		
10	9:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:33	Official Call to Order
14		
15	10:34	Roll Call
16		
17	10:35	Approval of Minutes
18		
19	10:36	Acknowledge Public
20		
21	10:38	Report of Board President
22		
23	10:52	Report of Acting Commissioner
24		
25	10:53	Report of Prosecutorial Division
26		
27	10:55	Report of Board Counsel
28		
29	10:56	Report of Regulatory Counsel
30		
31	10:57	Applications for Review
32		
33	10:59	Discussion Items
34		
35	11:18	Hearing Canceled
36		
37	11:21	Adjournment
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		