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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: 10:35 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

May 25, 2023

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State Registration Board for Professional
Engineers, Land Surveyors, and Geologists
May 25, 2023

BOARD MEMBERS:

- Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
- Joseph T. McNally, PG, President - Absent
- Robert P. Kudlawiec, PE, Vice President
- James J. Szalankiewicz, PE, PLS, Professional Member
- Michael F. Brinkash, PLS, Professional Member
- Martin F. Helmke, PhD, PG, Professional Member
- Carol D. Sides, Public Member
- Daniel A. Hartman, Public Member
- Ronald N. Jumper Jr., Public Member - Absent

BUREAU PERSONNEL:

- Todd P. Kriner, Esquire, Board Counsel
- Ray Michalowski, Esquire, Senior Board Prosecutor
- Glenn P. Masser, Esquire, Board Prosecution Liaison
- Alice R. Glasser, Esquire, Board Prosecutor
- Kristel Hennessy Hemler, Board Administrator
- Marc Farrell, Esquire, Regulatory Counsel, Office of Chief Counsel, Department of State
- Andrew LaFratte, MPA, Executive Policy Specialist, Department of State

ALSO PRESENT:

- Ted Mowatt, Vice President, Wanner Associates, on behalf of the Pennsylvania Society of Professional Engineers
- Scott Reeser, PLS, Chair, Education Committee, Pennsylvania Society of Land Surveyors
- Wesley J. Rish, Esquire, Rish Law Office, LLC

1 ***

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

4 May 25, 2023

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act,
7 at 9:00 a.m. the Board entered into Executive Session
8 with Todd P. Kriner, Esquire, Board Counsel, for the
9 purpose of conducting quasi-judicial deliberations
10 and to receive the advice of counsel on matters
11 currently pending before the Board. The Board
12 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 Thursday, May
17 25, 2023. Robert P. Kudlawiec, PE, Vice President,
18 called the meeting to order at 10:35 a.m.

19 ***

20 Roll Call

21 [Kristel Hennessy Hemler, Board Administrator,
22 provided a roll call of Board members.]

23 ***

24 Acknowledge Public

25 [Attendees introduced themselves.]

1 ***

2 [Todd P. Kriner, Esquire, Board Counsel, reminded
3 everyone that the meeting was being recorded and
4 continued participation constituted consent to be
5 recorded.]

6 ***

7 Approval of minutes of the March 17, 2023 meeting
8 VICE CHAIR KUDLAWIEC:

9 I'd like to ask the Board for a motion
10 to approve the minutes from the March
11 17, 2023 meeting.

12 MR. HARTMAN:

13 So moved.

14 MS. SIDES:

15 Second.

16 MS. HENNESSY HEMLER:

17 Arion Claggett, abstain; Robert
18 Kudlawiec, yes; James Szalankiewicz,
19 yes; Mike Brinkash, yes; Martin Helmke,
20 yes; Carol Sides, yes; Dan Hartman,
21 yes.

22 [The motion carried. Arion Claggett abstained from
23 voting on the motion.]

24 ***

25 Report of Board President - No Report

1 ***

2 [Todd P. Kriner, Esquire, Board Counsel, noted the
3 Board met in Executive Session and conducted quasi-
4 judicial deliberations regarding matters on the
5 agenda.]

6 ***

7 Report of Board Members

8 [Michael F. Brinkash, PLS, Professional Member,
9 addressed his and Mr. Kudlawiec's attendance at the
10 National Council of Examiners for Engineering and
11 Surveying (NCEES) Zone Interim Meeting in Houston,
12 TX, April 27-29. He provided an outline of items
13 presented during the meeting for the Board's review.

14 He informed Board members of a meeting of the
15 Colonial States Boards of Surveyor Registration and
16 meetings from NCEES officer and CEO reports, along
17 with various special committees.

18 Mr. Brinkash addressed breakout forums with a
19 super zone meeting that included four zones meeting
20 from all over the United States. He also noted
21 breakout forums for engineers and surveyors to
22 discuss different items. He mentioned there was also
23 a session for member board administrators who had a
24 lot to offer because many of them have been with
25 their boards for a long time. He also noted there

1 was a special meeting on law enforcement.

2 Vice Chair Kudlawiec also mentioned that there
3 were further discussions about NCEES moving from
4 written paper exams to computer-based exams for all
5 the disciplines with structural engineering coming up
6 next, along with several discussions about Model Law
7 being applied to states.

8 Mr. Helmke noted he and Mr. McNally represented
9 Pennsylvania at the National Association of State
10 Boards of Geology (ASBOG) Council of Examiners
11 Meeting in Greenville, SC, April 13-15 regarding the
12 national licensing exam for professional geologists.]

13 ***

14 Report of Acting Commissioner - No Report

15 ***

16 Report of Board Administrator - No Report

17 ***

18 Report of Board Prosecution Division

19 [Glenn P. Masser, Esquire, Board Prosecution Liaison,
20 presented the Consent Agreements for Case No. 19-47-
21 012532, Case No. 23-47-002270, Case No. 22-47-006277,
22 and Case No. 20-47-003193.]

23 MR. KRINER:

24 After hearing that presentation, does
25 any Board member feel the need to go

1 back into Executive Session to discuss
2 the last one? Hearing none.

3 I'd like to ask for a motion to
4 approve the Consent Agreement and
5 Orders as presented to the Board.

6 MR. HARTMAN:

7 So moved.

8 MS. SIDES:

9 Second.

10 MS. HENNESSY HEMLER:

11 Arion Claggett, aye; Robert Kudlawiec,
12 yes; James Szalankiewicz, yes; Mike
13 Brinkash, yes; Martin Helmke, yes;
14 Carol Sides, yes; Dan Hartman, yes.

15 [The motion carried unanimously. The Respondent's
16 name at Case No. 19-47-012532 is William J.
17 Schumacher Jr., P.E.; Case No. 23-47-002270, Eric
18 Scott Poulson, P.E.; Case No. 22-47-006277, Charles
19 Frederick Axtman, P.E.; and Case No. 20-47-003193,
20 Daniel Anthony Gudleski Jr.]

21 ***

22 Report of Board Counsel - Status of Cases

23 [Todd P. Kriner, Esquire, Board Counsel, provided a
24 Status of Cases Report for the Board's review. He
25 noted eight open disciplinary matters and the four

1 Consent Agreements today. He mentioned that there
2 were no applications for reinstatement. He noted the
3 hearing scheduling for 11 a.m. today.]

4 ***

5 Regulatory Issues

6 [Todd P. Kriner, Esquire, Board Counsel, informed
7 Board members that no regulations are currently in
8 the pipeline. He noted receiving requests for an
9 interpretation of the digital seal regulation and a
10 recommendation regarding problems with certain
11 DocuSign software.

12 Mr. Kriner stated the Board and Board Counsel are
13 not permitted to provide advisory opinions and cannot
14 recommend any type of software. He mentioned that he
15 was able to find software companies that meet the
16 regulation after doing some research.]

17 ***

18 Matters for Discussion

19 [Todd P. Kriner, Esquire, Board Counsel, noted Act 41
20 endorsement, application, determination, and process
21 was discussed during Executive Session.

22 Vice Chair Kudlawiec informed everyone that the
23 NCEES Annual Conference would be held August 15-18,
24 2023, in Boston, MA. He noted that he would be
25 representing engineers and Mr. Brinkash volunteered

1 to represent surveyors.]

2 MR. HELMKE:

3 I'd like to make a motion to allow the
4 three individuals to attend the
5 conference.

6 VICE CHAIR KUDLAWIEC:

7 I'd like to attend the conference
8 myself, Mr. Mike Brinkash, and Mr. Dan
9 Hartman.

10 Do I have a second?

11 ACTING COMMISSIONER CLAGGETT:

12 Second.

13 MS. HENNESSY HEMLER:

14 Arion Claggett, aye; Robert Kudlawiec,
15 yes; James Szalankiewicz, yes; Mike
16 Brinkash, yes; Martin Helmke, yes;
17 Carol Sides, yes; Dan Hartman, yes.

18 [The motion carried unanimously.]

19 ***

20 [Michael F. Brinkash, PLS, Professional Member,
21 informed Board members that his term expires at the
22 end of September and he has been elected president of
23 the Colonial States Boards of Surveyor Registration
24 and assistant vice president of the NCEES Northeast
25 Zone but mentioned that he must be endorsed as a

1 member in order for him to continue to serve.

2 Mr. Brinkash mentioned that it is a national
3 position, so the state does not really assume or
4 resume any kind of responsibilities but could
5 continue to provide support without a financial
6 burden on the Board. He commented that he could
7 resign those positions at the end of the year if the
8 Board does not approve but would continue to serve in
9 each of those positions if the Board approves.

10 Mr. Szalankiewicz offered to spearhead the issue
11 in coordination with the Board administrator and
12 counsel regarding the request.

13 Acting Commissioner Claggett recommended
14 addressing the issue at the next Board meeting.]

15 ***

16 [Hearing witnesses experienced technical difficulties
17 while logging on for the hearing.]

18 ***

19 Applications for Review - Act 41 Applications

20 MR. KRINER:

21 I believe after discussions in
22 Executive Session that there would be a
23 motion to approve the Application for
24 Act 41 Endorsement for Vernon Hartsock,
25 Brian Poeltl, Stanley Thigpen, Velvizhi

1 MR. HARTMAN:

2 So moved.

3 VICE CHAIR KUDLAWIEC:

4 Do we have a second?

5 MS. SIDES:

6 Second.

7 ACTING COMMISSIONER CLAGGETT:

8 Roll call round the table.

9

10 Martin Helmke, yes; Arion Claggett,
11 aye; Mike Brinkash, aye; James
12 Szalankiewicz, aye; Daniel Hartman,
13 yes; Carol Sides, yes; Robert
14 Kudlawiec, yes.

15 [The motion carried unanimously.]

16

17 [A Formal Hearing was held from 11:14 a.m. until
18 1:51 p.m. in the Matter of the Commonwealth of
19 Pennsylvania Bureau of Professional and Occupational
20 Affairs v. Ronald P. Bittler, Case No. 21-47-005540.]

21

22 Miscellaneous

23 VICE CHAIR KUDLAWIEC:

24 Under miscellaneous, we have a request
25 to forgo continuing education for

1 Michael Carvelli.

2 MR. KRINER:

3 Pursuant to the discussions we had in
4 Executive Session, it is my
5 understanding the Board would entertain
6 an order to deny the Request for the
7 PDH Waiver.

8 VICE CHAIR KUDLAWIEC:

9 Do we have a motion?

10 MR. HARTMAN:

11 So moved.

12 VICE CHAIR KUDLAWIEC:

13 Do we have a second?

14 MS. SIDES:

15 Second.

16 MS. HENNESSY HEMLER:

17 Arion Claggett, aye; Robert Kudlawiec,
18 yes; James Szalankiewicz, yes; Mike
19 Brinkash, yes; Martin Helmke, yes;
20 Carol Sides, yes; Daniel Hartman, yes.

21 [The motion carried unanimously.]

22 ***

23 [Todd P. Kriner, Esquire, Board Counsel, mentioned
24 that there were prior technical issues and addressed
25 a question regarding the Application of Stanley

1 Thigpen, noting a motion was granted to approve the
2 Endorsement Application of Stanley Thigpen.]

3 ***

4 [Robert P. Kudlawiec, PE, Vice President, noted the
5 next scheduled Board meeting is July 21.]

6 ***

7 [Michael F. Brinkash, PLS, Professional Member, asked
8 whether commonwealth employee expert witnesses are
9 confined only to the information that the state gives
10 them or whether they have the ability to go into the
11 courthouse.

12 Mr. Kriner explained that an expert witness can
13 rely on what an expert would normally rely on in the
14 field and would be able to do their own
15 investigation.

16 Mr. Brinkash commented that the case was an ideal
17 case to hear today because of the discussion about
18 laws and what surveyors must know boundary line
19 agreements. He stated surveyors need to know whether
20 Pennsylvania recognizes boundary line agreements by
21 two property owners and whether they can change the
22 line, how far they can move it, or just surveying the
23 area and recording it. He noted the importance of
24 being careful with out-of-state people because not
25 every state recognizes boundary lines by agreement.

1 Ms. Hennessy Hemler mentioned that Mr. Kriner
2 would be requesting some clarification regarding the
3 exam portion not included in Act 41 and would report
4 back to the Board.]

5 ***

6 Adjournment

7 VICE CHAIR KUDLAWIEC:

8 Meeting is adjourned.

9 ***

10 [There being no further business, the State Board of
11 Professional Engineers, Land Surveyors, and
12 Geologists Meeting adjourned at 1:53 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.



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

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

May 25, 2023

	TIME	AGENDA
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10	9:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:35	Official Call to Order
14		
15	10:35	Roll Call
16		
17	10:36	Acknowledge Public
18		
19	10:38	Approval of Minutes
20		
21	10:39	Report of Board Members
22		
23	10:42	Report of Board Prosecution Division
24		
25	10:51	Report of Board Counsel
26		
27	10:52	Regulatory Issues
28		
29	10:54	Matters for Discussion
30		
31	11:01	Applications for Review
32		
33	11:02	Miscellaneous
34		
35	11:14	Formal Hearing - Ronald P. Bittler
36	1:51	
37		
38	1:51	Miscellaneous (cont.)
39		
40	1:53	Adjournment
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