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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: 9:31 A.M.

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

September 11, 2019

1 State Registration Board for Professional
2 Engineers, Land Surveyors, and Geologists
3 September 11, 2019
4

5 BOARD MEMBERS:
6

7 Francis J. Stanton Jr., PE, President - Absent
8 James Szalankiewicz, PE, PLS, Vice 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
16 Carol Sides, Public Member
17 Theodore Tesler, PG
18
19

20 BUREAU PERSONNEL:
21

22 C. William Fritz II, Esquire, Board Counsel
23 Robert B. Armour, Esquire, Board Prosecution Liaison
24 Glenn P. Masser, Esquire, Board Prosecutor
25 Jeannie Bronshtein, Board Administrator
26
27 Cheryl Sinclair, PG, Chair, Coordinating Committee
28 for Professional Practices, Pennsylvania
29 Department of Environmental Protection
30
31

32 ALSO PRESENT:
33

34 John Fuehrer, Pennsylvania Society of Land
35 Surveyors
36 Ted Mowatt, Wanner Associates, Pennsylvania Society of
37 Land Surveyors/Pennsylvania Society of
38 Professional Engineers
39 Jordan Fuhrman, Intern, Wanner Associates,
40 Pennsylvania Society of Land Surveyors/
41 Pennsylvania Society of Professional Engineers
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1 ***

2 State Registration Board for Professional
3 Engineers, Land Surveyors, and Geologists
4 September 11, 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,
9 September 11, 2019. James Szalankiewicz, PE, PLS,
10 Vice President, called the meeting to order at 9:31
11 a.m. The Pledge of Allegiance was recited. A roll
12 call was taken. K. Kalonji Johnson, Acting
13 Commissioner, Bureau of Professional and Occupational
14 Affairs, was not present at the commencement of the
15 meeting.

16 ***

17 Approval of Minutes of the July 10, 2019 meeting.
18 [Mr. Tesler suggested a revision to the minutes.]
19 VICE PRESIDENT SZALANKIEWICZ:

20 Do we have a motion to accept them as
21 corrected?

22 MR. TESLER:

23 So moved.

24 MR. KUDLAWIEC:

25 Second.

1 VICE PRESIDENT SZALANKIEWICZ:

2 All in favor?

3 [The motion carried unanimously.]

4 ***

5 [K. Kalonji Johnson, Acting Commissioner, Bureau of
6 Professional and Occupational Affairs, entered the
7 meeting at 9:36 a.m.]

8 ***

9 Introduction of Audience

10 [Vice President Szalankiewicz asked members of the
11 staff and audience to identify themselves.]

12 ***

13 Presentation

14 [John Feuhrer, Pennsylvania Society of Land Surveyors,
15 noted comments from PSLS regarding testing for
16 surveyors by Pearson VUE. He discussed concerns
17 regarding the quality of the test. He stated more
18 than 80 percent pass the Pennsylvania test although
19 the national average is 60 percent.

20 Mr. Feuhrer noted ambiguity with what is actually
21 covered on the test. He cited, as an example, test-
22 takers are not allowed to write calculations and had
23 concerns regarding the complexity of the questions.
24 He also voiced concerns related to the state-specific
25 material.

1 Mr. Brinkash noted his surprise and concern upon
2 learning that the Pearson VUE test had not been
3 changed in two and a half years. He stressed the
4 importance of Acting Commissioner Johnson's presence
5 to hear these discussions.

6 Mr. Feuhrer also noted concerns with continuing
7 education credits offered by McKissock. He believed
8 the courses do not meet PDH requirements, because they
9 are workbook-style courses and there is no guarantee
10 of 50 minutes of instruction.

11 Vice President Szalankiewicz noted the difficulty
12 with reviewing the tests due to limited staffing.
13 Only 3 to 4 percent get audited.

14 Ms. Bronshtein stated only 2.5 percent have been
15 audited because of issues with PALS and having to
16 review the tests manually.

17 Acting Commissioner Johnson assured the Board the
18 Commissioner's Office was investigating options for
19 third-party audit services across all boards.]

20 ***

21 Report of Commissioner

22 [K. Kalonji Johnson, Acting Commissioner, pointed out
23 that as of August 29, 2019, Act 41 became effective.
24 He noted the Act provides for endorsements across all
25 Department of State boards and commissions. The Act

1 was designed to make it easier for actively licensed
2 professionals in other jurisdictions to practice in
3 Pennsylvania.

4 Acting Commissioner Johnson stressed that Act 41
5 does not supersede current regulations, but allows
6 boards that may not have endorsement provisions to
7 promulgate regulations that would provide for
8 endorsement.

9 Vice President Szalankiewicz noted there was a
10 need to provide leeway to professionals coming in to
11 Pennsylvania.

12 Acting Commissioner Johnson noted the Legislative
13 intent of Act 41 is to address military spouses, a
14 more transient population, and people who are actively
15 licensed but may step away from the profession. He
16 commended the Board members for volunteering their
17 time to consider the application review process.]

18 ***

19 Report of Board Counsel

20 [C. William Fritz II, Esquire, Board Counsel, reminded
21 the Board of the need to promulgate regulations
22 regarding Act 41 within 18 months. He provided a
23 shell of proposed regulations for the Board's review.
24 Mr. Fritz asked the Board to carefully consider the
25 term "substantially equivalent" to determine which

1 states are close to Pennsylvania's requirements. He
2 stated the Board should also consider granting
3 provisional licenses with requirements, such as CEs
4 and competency exams, before issuing a standard
5 license.

6 Vice President Szalankiewicz noted an influx of
7 reciprocity with oil and gas development with no
8 problems.

9 Acting Commissioner Johnson pointed out each board
10 has its own authority to set its own regulations.

11 Mr. Fritz noted the Board would still have the
12 right to say no to an applicant.]

13 ***

14 Report of Board Administrator

15 [Jeannie Bronshtein, Board Administrator, provided a
16 brief update regarding audits. She noted 81 had been
17 approved, 5 discrepancies, 3 sent to PCO, 10 received
18 second notices, and 9 with no response.

19 Ms. Bronshtein stated renewals were going pretty
20 well, but there had been a few calls related to the
21 framework of the questions, which hopefully will be
22 changed before the next renewal period. She noted
23 renewals are currently at 56 percent.]

24 ***

25 Report of Prosecutorial Division

1 [Robert B. Armour, Esquire, Board Prosecution Liaison,
2 presented the Consent Agreement for File No. 16-47-
3 10849.

4 Mr. Armour announced his retirement from the
5 Commonwealth on October 4, 2019. Vice President
6 Szalankiewicz and other Board members thanked Mr.
7 Armour for his service.]

8 ***

9 [Glenn P. Masser, Esquire, Board Prosecutor, presented
10 the Consent Agreements for File No. 17-47-00512, File
11 No. 17-47-13722, File No. 17-47-13940, and File No.
12 19-47-007830.

13 ***

14 [Mr. Armour, on behalf of Carolyn DeLaurentis,
15 Esquire, presented the Consent Agreement for File No.
16 16-47-01455.]

17 ***

18 Miscellaneous

19 [Mr. Fritz updated the Board on electronic seals
20 regulations. He informed the Board that those
21 regulations were sent to the Office of General Counsel
22 (OGC) for their comments.

23 Mr. Tesler inquired as to the distribution of
24 audits over the three professions. Ms. Bronshtein
25 noted approximately half of the audits were Engineers

1 and the other half was between Surveyors and
2 Geologists.

3 Vice President Szalankiewicz inquired as to the
4 next step for electronic seals. Mr. Fritz noted
5 OCG would give their comments, if any, and send it
6 back to the Board. He stated the regulations would be
7 published in the Green Book.

8 There was further discussion regarding the
9 implementation of electronic seals. Acting
10 Commissioner Johnson commended Mr. Fritz for his work
11 on this regulation. Mr. Brinkash inquired as to any
12 Legislative updates from Wanner Associates. Mr.
13 Mowatt noted the possible introduction of a bill
14 introduced in the fall.

15 Vice President noted that once the seals are in
16 the Green Book he would like a presentation for the
17 Board. Mr. Fritz noted the electronic seals are not
18 mandatory and licensees can use what they want.

19 Mr. McNally asked about issuing medallions.

20 Acting Commissioner Johnson noted the Commission
21 was looking into ways to incorporate things like QR
22 codes and electronic codes so members of the public
23 can scan and confirm licenses.]

24 ***

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

1 10:36 a.m. the Board entered into Executive Session
2 with C. William Fritz II, Esquire, Board Counsel, for
3 the purpose of conducting quasi-judicial
4 deliberations. The Board returned to open session at
5 11:20 a.m.]

6 ***

7 MOTIONS:

8 MR. FRITZ:

9 The Board met in executive session and
10 conducted quasi-judicial deliberations in
11 the following matter:

12 The Board would entertain a motion to
13 approve the Consent Agreement at File No.
14 16-47-10849.

15 MR. BRINKASH:

16 So moved.

17 MR. KUDLAWIEC:

18 Second.

19 VICE PRESIDENT SZALANKIEWICZ:

20 All in favor? Opposed?

21 [The motion carried unanimously. The name of the
22 Respondent is James Edwin Wright, Jr., PE.]

23 ***

24 MR. FRITZ:

25 The Board would entertain a motion

1 approving the Consent Agreement at File
2 No. 17-47-000512.

3 MR. BRINKASH:

4 So moved.

5 ACTING COMMISSIONER JOHNSON:

6 Second.

7 VICE PRESIDENT SZALANKIEWICZ:

8 All in favor? All opposed?

9 [The motion carried unanimously. The name of the
10 Respondent is Justin Todd Ruby, PE.]

11 ***

12 MR. FRITZ:

13 The Board would entertain a motion
14 approving the Consent Agreement at File
15 No. 17-47-13722.

16 MR. BRINKASH:

17 So moved.

18 ACTING COMMISSIONER JOHNSON:

19 Second.

20 VICE PRESIDENT SZALANKIEWICZ:

21 All in favor? All opposed?

22 [The motion carried unanimously. The name of the
23 Respondent is Roger Lewis Blair, PE.]

24 ***

25 MR. FRITZ:

1 [The motion carried unanimously.]

2 ***

3 MR. FRITZ:

4 The Board would entertain a motion
5 approving the following continuing
6 education exemption/waiver requests for
7 Dale Lengeek, Andrew Takach, Robert
8 Hemberger, Michael Carvelli, and Leonard
9 Jackson.

10 ACTING COMMISSIONER JOHNSON:

11 So moved.

12 MR. TESLER

13 Second.

14 VICE PRESIDENT SZALANKIEWICZ:

15 All in favor? Opposed?

16 [The motion carried unanimously.]

17 ***

18 MR. FRITZ:

19 The Board would entertain a motion
20 provisionally denying the application for
21 continuing education exemption/waiver of
22 Mickey Sorenson.

23 ACTING COMMISSIONER JOHNSON:

24 So moved.

25 MR. TESLER

1 Second.

2 VICE PRESIDENT SZALANKIEWICZ:

3 All in favor? Opposed?

4 [The motion carried unanimously.]

5 ***

6 MR. FRITZ:

7 Finally, the Board would entertain a
8 motion provisionally denying the
9 application for continuing education
10 exemption/waiver of Robert Hensel.

11 ACTING COMMISSIONER JOHNSON:

12 So moved.

13 MR. KUDLAWIEC:

14 Second.

15 VICE PRESIDENT SZALANKIEWICZ:

16 All in favor? Opposed?

17 [The motion carried unanimously.]

18 ***

19 MR. KUDLAWIEC:

20 I'd like to make a request that the Board
21 approve or consider for approval
22 attendance at the national Association of
23 State Boards of Geology meeting in
24 Minneapolis, Minnesota, in November with
25 representative Tesler as the voting

1 delegate and member McNally also in
2 attendance for the Council of Examiners.

3 MR. BRINKASH:

4 I'll make the motion.

5 VICE PRESIDENT SZALANKIEWICZ:

6 I'll second. All in favor?

7 [Motion passed unanimously.]

8 ***

9 [A formal hearing was held from 11:26 a.m. until 11:40
10 a.m. In the Matter of the Appeal of the Provisional
11 Denial of the Application of Garrett Varner, Case No.
12 19-47-010811.]

13 ***

14 [K. Kalonji Johnson, Acting Commissioner, exited the
15 meeting at 11:41. a.m.]

16 ***

17 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
18 11:41 a.m. the Board entered into Executive Session
19 with C. William Fritz II, Esquire, Board Counsel, for
20 the purpose of conducting quasi-judicial
21 deliberations. The Board returned to open session at
22 11:45 a.m.]

23 ***

24 MR. FRITZ:

25 The Board met in executive session and

1 conducted quasi-judicial deliberations in
2 the following matter:

3 The Board entertain a motion
4 directing Board Counsel to draft a final
5 memorandum order approving the IT
6 application for Garrett Varner, Case No.
7 19-47-010811.

8 VICE PRESIDENT SZALANKIEWICZ:

9 I'll make the motion.

10 MR. KUDLAWIEC:

11 Second.

12 VICE PRESIDENT SZALANKIEWICZ:

13 All in favor? Opposed?

14 [The motion passed unanimously.]

15 ***

16 Adjournment

17 VICE PRESIDENT SZALANKIEWICZ:

18 If there's nothing else, can I have a
19 motion to adjourn the meeting?

20 MR. BRINKASH:

21 So moved.

22 MR. KUDLAWIEC:

23 Second.

24 VICE PRESIDENT SZALANKIEWICZ:

25 All in favor? Opposed?

1 [The motion passed unanimously.]

2 ***

3 [There being no further business, the State
4 Registration Board of Professional Engineers, Land
5 Surveyors, and Geologists Meeting adjourned at 11:46
6 a.m.]

7 ***

8

9 CERTIFICATE

10

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

19

20



21

Evan Bingaman,

22

Minute Clerk

23

Sargent's Court Reporting

24

Service, Inc.

25

STATE REGISTRATION BOARD FOR PROFESSIONAL
ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
REFERENCE INDEX
SEPTEMBER 11, 2019

TIME	AGENDA
9:31	Official Call to Order
9:31	Audience Members Introduced
9:33	Adoption of Minutes
10:00	Report of Commissioner
10:07	Report Of Board Counsel
10:15	Report of Board Administrator
10:17	Report of Prosecutorial Division
10:36	Executive Session
11:20	Return to Public Session
11:20	Motions
11:26	Formal Hearing - Garret Varner
11:41	Executive Session
11:45	Return to Public Session
11:45	Motions
11:46	Adjournment