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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: 10:22 A.M.

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

September 12, 2018

1 State Registration Board for Professional
2 Engineers, Land Surveyors and Geologists
3 September 12, 2018
4
5

6 BOARD MEMBERS:
7

8 Theodore Tesler, PG, President
9 Ian J. Harlow, Commissioner of Professional and
10 Occupational Affairs - Absent
11 Elizabeth A. Catania, PE, Vice President
12 Michael F. Brinkash, PLS
13 Ronald N. Jumper Jr., Public Member
14 Robert P. Kudlawiec, PE
15 Joseph T. McNally, PG
16 Carol D. Sides, Public Member
17 Francis J. Stanton Jr., PE
18 James J. Szalankiewicz, PE, PLS - Absent
19
20

21 BUREAU PERSONNEL:
22

23 Ariel E. O'Malley, Esquire, Board Counsel
24 Mark R. Zogby, Esquire, Board Prosecution Liaison
25 Robert B. Armour, Esquire, Board Prosecutor
26 Jeannie Bronshtein, Board Administrator
27
28

29 ALSO PRESENT:
30

31 Salvatore Marsico, Associate Professor of Engineering,
32 Penn State University
33 John G. Fuehrer II, PE, Chair of Education Committee,
34 Pennsylvania Society of Land Surveyors
35 Kipp Pattison, Senior Engineer, RETTEW
36 Gwen Forsythe, Administrator, Train Control Systems
37 John W. Forsythe, Chief Executive Officer, Train
38 Control Systems
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1 ***

2 State Registration Board for Professional
3 Engineers, Land Surveyors, and Geologists
4 September 12, 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 September 22, 2018. Theodore Tesler, PG, President,
10 called the meeting to order at 10:22 a.m. Roll call
11 was taken. A quorum was noted to be present.

12 ***

13 Approval of Minutes of the July 11, 2018 meeting

14 PRESIDENT TESLER:

15 I'd like to now move for approval of the
16 minutes from the July 11 meeting. I'll
17 entertain a motion to approve the
18 minutes.

19 MS. CATANIA:

20 So moved.

21 MR. KUDLAWIEC:

22 Second.

23 PRESIDENT TESLER:

24 We have a motion and a second. Do we
25 have any further discussion of the

1 minutes from July? Any revisions?
2 Hearing no further discussion, all those
3 in favor of approving the minutes, say
4 aye. All opposed? Hearing no
5 opposition, the minutes are approved.

6 [The motion carried unanimously.]

7 ***

8 Acknowledge Public

9 [Theodore Tesler, PG, President, requested the members
10 of the public to identify themselves for the record.]

11 ***

12 Report of Board President

13 [Theodore Tesler, PG, President, noted the upcoming
14 annual meeting of the National Association of State
15 Boards of Geology (ASBOG).]

16 ***

17 Report of Board Members

18 [Ms. Catania reported that no members from the Board
19 attended the National Society of Professional
20 Engineers (NSPE) Annual Meeting. She was appointed to
21 the NSPE Finance Committee.

22 Mr. Brinkash noted his work with David Widmer, a
23 past member of this Board for 18 years, on a boundary
24 survey ordered by the courts in Beaver County. Mr.
25 Widmer stated the National Council of Examiners for

1 Engineering and Surveying (NCEES) created an item for
2 the funding of Board administrators, a separate
3 financing from Board member financing.]

4 ***

5 Report of Commissioner - No Report

6 ***

7 Report of Board Administrator - No Report

8 ***

9 Report of Prosecutorial Division - No Report

10 ***

11 Report of Board Counsel

12 [Ariel E. O'Malley, Esquire, Board Counsel, noted two
13 hearings scheduled for later in the meeting.]

14 ***

15 Report of Regulatory Counsel

16 [Ariel E. O'Malley, Esquire, Regulatory Counsel, noted
17 the Executive Summary regarding the Texas Board of
18 Geoscientists. She noted a trend by several states to
19 conduct research in order to make a determination on
20 whether or not to deregulate geoscientists as well as
21 geologists. She stated the Texas Sunset Advisory
22 Commission determined to deregulate.

23 Ms. O'Malley noted the Preamble and Annex for the
24 Digital Signature rulemaking package (16A-27-12) for
25 the Board's review and discussion. She noted that no

1 comments were received from the exposure draft.]

2 PRESIDENT TESLER:

3 We need a motion to approve the Preamble
4 and Annex so that Mr. Blackburn can
5 proceed with advancing the regulations
6 to the Independent Regulatory Review
7 Commission (IRRC).

8 MS. CATANIA:

9 I make that motion.

10 MR. STANTON:

11 Second.

12 PRESIDENT TESLER:

13 We have a motion and a second. Do we
14 have any further discussion? Hearing
15 none, all those in favor, say aye. Any
16 opposition? Hearing none, the motion is
17 approved.

18 [The motion carried unanimously.]

19 ***

20 Public Session

21 [Salvatore Marsico, Associate Professor of
22 Engineering, Penn State University, discussed the need
23 for House Bill 1106.

24 Ms. O'Malley noted additional proposed
25 amendments. She explained, when the bill moves

1 forward, Counsel will conduct a legislative analysis
2 of the bill on behalf of the Board.

3 Mr. Brinkash noted the latest copy of revised
4 House Bill 1106 from a member of the Pennsylvania
5 Society of Land Surveyors. Mr. Brinkash recommended
6 that all Board members review the bill, noting that
7 PSPE has a vital stake in the bill with the rewrite of
8 the bill.

9 John G. Fuehrer II, PE, stated House Bill 1106
10 was important to the Legislative Committee,
11 Pennsylvania Society of Land Surveyors (PSLS), and the
12 Pennsylvania Society of Professional Engineers (PSPE),
13 as well as Wanner Associates, who have been on top of
14 the bill and involved in the process.]

15

16 [The Board recessed from 10:34 a.m. until 10:49 a.m.]

17

18 [A Formal Hearing was held from 10:49 a.m. until
19 11:44 a.m. in the matter of the Provisional Denial of
20 the Application to Sit for the Fundamentals of
21 Engineering Examination of Jason James Nagorski, File
22 No. 18-47-006823.]

23

24 [The Board recessed from 11:45 a.m. until 12:01 p.m.]

25

1 [A Formal Hearing was held from 12:01 p.m. until
2 1:16 p.m. in the matter of the Provisional Denial of
3 the Application to Sit for the Principles and Practice
4 of Engineering Examination of John Daniel Forsythe,
5 File No. 18-47-006823.]

6 ***

7 [The Board recessed from 1:17 p.m. until 1:28 p.m.]

8 ***

9 Discussion

10 [Theodore Tesler, PG, President, discussed examination
11 approval to sit for an exam. He questioned whether
12 the Board should pursue a policy regarding the length
13 of time to complete the examination.

14 Mr. Stanton questioned whether other states have
15 limitations. President Tesler recalled a few states
16 with a limited number of times an applicant could fail
17 an exam before needing to rectify their education or
18 take some time out to study or reassess their status.

19 Ms. Catania stated NSPE was drafting a handbook
20 of all licensed territories. She stated a few states
21 require a refresher course following failing several
22 times and others require the applicant to sit before
23 the Board again.

24 Ms. Bronshtein reviewed the past processes for
25 individuals having to resubmit and retake the

1 examinations. She discussed the scenarios whereby
2 applicants would have to submit updated demographics,
3 criminal history, and legal questions.

4 The Board discussed obtaining additional
5 information from neighboring states before proposing a
6 policy.

7 Ms. O'Malley explained that applicants who
8 applied in the 1990s and failed could resubmit an
9 application, but their education would not be
10 reevaluated. She stated the Board would have to
11 establish a regulation regarding failing and retaking
12 the examination, how long past graduation or
13 experience or approval an applicant could take the
14 exam and pass it, and how many times an applicant
15 could fail the examination before having to complete
16 remedial education or before having to come before the
17 Board. Ms. O'Malley will complete the research and
18 report back.]

19

20 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
21 1:40 p.m. the Board entered into Executive Session
22 with Ariel E. O'Malley, Esquire, Board Counsel, for
23 the purpose of conducting quasi-judicial deliberations
24 on matters that are currently pending before the Board
25 as well as receiving advice of Counsel. The Board

1 returned to open session at 2:30 p.m.]

2 ***

3 MS. O'MALLEY:

4 The Board was just in Executive Session
5 conducting quasi-judicial deliberations
6 on matters that are currently pending
7 before the Board as well as receiving
8 the advice of Counsel.

9 At this juncture, I believe the
10 Board would be prepared to conduct its
11 motions, specifically under the items
12 listed under informal conferences.

13 First, I believe the Board would
14 entertain a motion to provisionally deny
15 the applications of the following
16 applicants: S. Lulie at Item No. 9,
17 Anthony Vecchio at Item No. 11, and
18 Joshua Yohe at Item No. 12.

19 PRESIDENT TESLER:

20 Do we have a motion?

21 MR. STANTON:

22 So moved.

23 MR. KUDLAWIEC:

24 Second.

25 PRESIDENT TESLER:

1 We have a motion and a second. Any
2 further discussion? Hearing no further
3 discussion. All those in favor of the
4 motion, say aye? Any opposed? Hearing
5 none.

6 [The motion carried unanimously.]

7 ***

8 MS. O'MALLEY:

9 Secondly, I believe the Board would
10 entertain a Motion to Approve the
11 Application of Michael Vincent Emili at
12 Item No. 10.

13 MR. KUDLAWIEC:

14 So moved.

15 MR. STANTON:

16 Second.

17 PRESIDENT TESLER:

18 We have a motion and a second. Any
19 further discussion on the motion?
20 Hearing none. All in favor, say aye.
21 Any opposed? Hearing none.

22 [The motion carried unanimously.]

23 ***

24 2019 Meeting Dates

25 [Jeannie Bronshtein, Board Administrator, noted the

1 proposed 2019 meeting dates as the second Wednesday of
2 every other month.]

3 ***

4 Adjournment

5 PRESIDENT TESLER:

6 Motion to adjourn.

7 MR. BRINKASH:

8 So moved.

9 MR. JUMPER:

10 Second.

11 PRESIDENT TESLER:

12 Thank you all.

13 [The motion carried unanimously.]

14 ***

15 [There being no further business, the State Board of
16 Professional Engineers, Land Surveyors, and Geologists
17 Meeting adjourned at 2:34 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.

1 STATE REGISTRATION BOARD FOR PROFESSIONAL
2 ENGINEERS, LAND SURVEYORS AND GEOLOGISTS
3 REFERENCE INDEX
4 September 12, 2018
5
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7	TIME	AGENDA
8		
9	10:22	Official Call to Order/Roll Call
10		
11	10:24	Approval of Minutes
12		
13	10:24	Acknowledge Public
14		
15	10:25	Report of Board President
16		
17	10:25	Report of Board Members
18		
19	10:28	Report of Board Counsel
20		
21	10:29	Report of Regulatory Counsel
22		
23	10:32	Public Session
24		
25	10:34	Recess
26	10:49	Return to Open Session
27		
28	10:49	Hearing - Jason Nagorski
29	11:44	
30		
31	11:45	Recess
32	12:01	Return to Open Session
33		
34	12:01	Hearing - John D. Forsythe
35	1:16	
36		
37	1:17	Recess
38	1:28	Return to Open Session
39		
40	1:28	Discussion
41		
42	1:40	Executive Session
43	2:30	Return to Open Session
44		
45	2:30	Motions
46		
47	2:34	Adjournment
48		
49		
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