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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: 10:30 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

September 28, 2023

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State Registration Board for Professional
Engineers, Land Surveyors, and Geologists
September 28, 2023

BOARD MEMBERS:

- Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
- Joseph T. McNally, PG, President
- 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
- Lisa Peterson, PhD, PE, Professional Member
- Jason Snyder, PE, Professional Member
- Carol D. Sides, Public Member
- Daniel A. Hartman, Public Member
- Ronald N. Jumper Jr., Public Member

BUREAU PERSONNEL:

- Shana M. Walter, Esquire, Senior Board Counsel
- Ashley Goshert, Esquire, Board Counsel
- Ray Michalowski, Esquire, Senior Board Prosecutor
- Angela L. Solomon, Esquire, Board Prosecutor
- Kristel Hennessy Hemler, Board Administrator
- Marc Farrell, Deputy Director, Office of Policy, Department of State
- Jessica Zukoski, Senior Legal Analyst, Department of State
- Jasmine Hughes, Policy Intern, Department of State

ALSO PRESENT:

- Scott Reeser, PLS, Pennsylvania Society of Land Surveyors
- Ted Mowatt, CAE, Vice President, Wanner Associates, on behalf of the Pennsylvania Society of Professional Engineers
- Chris Blaze, PLS, National Practice Lead, LiDAR
- Victoria Lantz

1 ***

2 State Registration Board for Professional
3 Engineers, Land Surveyors, and Geologists
4 September 28, 2023

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act,
7 at 9:00 a.m., the Board entered into Executive
8 Session with Ashley B. Goshert, Esquire, Board
9 Counsel, for the purpose of conducting quasi-judicial
10 deliberations and to receive the advice of counsel on
11 matters currently pending before the Board. The
12 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 Thursday,
17 September 28, 2023. Joseph T. McNally, PG,
18 President, called the meeting to order at 10:30 a.m.

19 ***

20 Roll Call

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

23 ***

24 Introduction of Attendees

25 [Kristel Hennessy Hemler, Board Administrator,

1 provided an introduction of attendees.]

2

3 Approval of minutes of the July 21, 2023 meeting

4 PRESIDENT MCNALLY:

5

We now have approval of the minutes

6

from July 21, 2023.

7

Could we have a motion for approval

8

of the minutes?

9 MR. HARTMAN:

10

So moved.

11 MS. SIDES:

12

Second.

13 PRESIDENT MCNALLY:

14

Is there any discussion or corrections

15

to the minutes? Hearing no, we could

16

proceed to a vote. Roll call vote,

17

please.

18

19

Arion Claggett, aye; Joseph McNally,

20

yes; Robert Kudlawiec, aye; Jim

21

Szalankiewicz, aye; Michael Brinkash,

22

aye; Martin Helmke, aye; Lisa Peterson,

23

aye; Jason Snyder, abstain; Carol

24

Sides, yes; Daniel Hartman, yes; Ronald

25

Jumper, abstain.

1 [The motion carried. Jason Snyder and Ronald Jumper
2 abstained from voting on the motion.]

3 ***

4 [Ashley B. Goshert, Esquire, Board Counsel, reminded
5 everyone that the meeting was being recorded and
6 continued participation constituted consent to be
7 recorded.]

8 Ms. Goshert also noted the Board entered into
9 Executive Session with Board Counsel for the purpose
10 of conducting quasi-judicial deliberations and to
11 receive advice of counsel.]

12 ***

13 Report of Board President - No Report

14 ***

15 Report of Board Members

16 [Daniel A. Hartman, Public Member, addressed his
17 attendance, along with Mr. Brinkash and Mr.
18 Kudlawiec, at the National Council of Examiners for
19 Engineering and Surveying (NCEES) Conference in
20 Boston.]

21 Mr. Hartman recommended new Board members attend
22 the conference next year in Chicago, noting the
23 sessions are extremely beneficial regarding exam
24 development, trends in education, and licensing. He
25 mentioned the conference to be a great place to

1 network and learn about the differences between the
2 states.

3 Mr. Hartman informed everyone that the NCEES Zone
4 Meeting would be held this spring in Washington D.C.
5 at The Watergate Hotel.

6 Mr. Hartman commented that he developed a new
7 level of respect of what it takes to sit for the
8 exams and to develop and process the exams to keep it
9 on a high ethical standard and ensure no cheating.

10 Mr. Hartman mentioned that structural engineers
11 are the last paper-based exam and would be going
12 through the process of transitioning within the next
13 couple of weeks, noting that every exam they offer
14 would be a computer-based exam moving forward.

15 Mr. Kudlawiec reported that the financial
16 strength of NCEES was in good shape, and testing fees
17 remain constant for the next few years going forward.
18 He referred to a discussion concerning Model Law and
19 utilizing that throughout the whole country.

20 Mr. Kudlawiec mentioned being involved in the
21 mining engineering survey and areas of the Pearson
22 VUE testing that need to be addressed.

23 Mr. Brinkash stated arguments occurred during the
24 survey discussion whether to stay at one surveying
25 module or five surveying modules. He explained that

1 council normally adheres to the majority wishes of
2 the boards. He mentioned that a lot of boards
3 believe there should be five surveying modules and
4 noted discussion regarding sectionalized land, where
5 the ones that have sectionalized surveying are
6 discussing the Storm Water Management Model.

7 Mr. Brinkash commented that Pennsylvania has
8 testing on stormwater and would be interested in
9 seeing that module. He stated one model is in effect
10 that NCEES was utilizing. He mentioned that some
11 states do not believe in the need of the four other
12 modules and other states believe they should have
13 them in the event that a state wants those modules or
14 wants a test in those areas.

15 Mr. Brinkash noted that there were a couple of
16 motions coming out of the committee to leave it at
17 one module. He stated they withdrew their support
18 for the one module and decided to carry it over to
19 next year for further discussions on how many modules
20 to create for the surveyors. He mentioned that the
21 modules would be available to all of the states,
22 including Pennsylvania, once they are developed.

23 Mr. Brinkash explained that Pennsylvania would be
24 able to access NCEES and have NCEES provide the
25 testing and everything else should they go with the

1 national module. He mentioned that nothing is
2 settled and more discussion would occur next year.

3 Dr. Helmke addressed his attendance at the
4 National Association of State Boards of Geology
5 (ASBOG) Conference. He noted the organization helps
6 to write exam questions for geologists in Georgia in
7 the areas of hydrogeology and structural geology by
8 bringing the questions up to date with some of the
9 emerging environmental concerns across the state.]

10 ***

11 Report of Acting Commissioner - No Report

12 ***

13 Report of Board Administrator

14 [Kristel Hennessy Hemler, Board Administrator,
15 provided an update regarding renewals and reported
16 83.03 percent of professional engineers, 82.76
17 percent of professional geologists, and 84.19 percent
18 of professional land surveyors have renewed. She
19 reminded everyone that the deadline is Saturday and
20 is the expiration of their license if they have not
21 renewed.

22 Ms. Hennessy Hemler also reminded everyone that
23 there was no grace period and anyone who did not
24 renew by Saturday would have to reactivate and
25 provide proof of their 24 professional development

1 hours of continuing education.

2 Ms. Hennessy Hemler provided the proposed 2025
3 Board meeting dates for approval.]

4 MS. GOSHERT:

5 Just for the record, those dates are
6 January 30, March 27, May 15, July 24,
7 September 18, and November 13, 2025,
8 that were being proposed.

9 I believe, based on discussions in
10 Executive Session, the Board would
11 entertain a motion to approve those
12 2025 meeting dates as proposed.

13 PRESIDENT MCNALLY:

14 Do we have a motion?

15 MR. HARTMAN:

16 So moved.

17 MS. SIDES:

18 Second.

19 PRESIDENT MCNALLY:

20 Any discussion? I need a roll call
21 vote then on the motion.

22
23 Arion Claggett, aye; Joseph McNally,
24 yes; Robert Kudlawiec, aye; Jim
25 Szalankiewicz, aye; Michael Brinkash,

1 abstain; Martin Helmke, aye; Lisa
2 Peterson, aye; Jason Snyder, aye; Carol
3 Sides, yes; Daniel Hartman, yes; Ronald
4 Jumper, aye.

5 [The motion carried. Michael Brinkash abstained from
6 voting on the motion.]

7 ***

8 Report of Prosecutorial Division

9 [Ray J. Michalowski, Esquire, Senior Board
10 Prosecutor, provided an update on prosecution
11 efforts, noting Mr. Masser would remain the Board's
12 liaison. He informed Board members that Ms. Solomon
13 and Mr. Masser would be handling most of the cases.

14 Mr. Michalowski noted the cases on the agenda and
15 mentioned there would be a couple of cases from
16 hearings in the next couple of months. He also
17 mentioned that the Board would be very busy once the
18 renewal was over and prosecution starts receiving
19 referrals from late renewals and audits from
20 professional development hours.]

21 ***

22 [Angela L. Solomon, Esquire, Board Prosecutor, on
23 behalf of Glenn P. Masser, Esquire, Board Prosecution
24 Liaison, presented the Consent Agreement for Case No.
25 23-47-005893.]

1 MS. GOSHERT:

2 I believe, based on Executive Session
3 deliberations, the Board would
4 entertain a motion to approve the
5 Consent Agreement at Case No. 23-47-
6 005893.

7 MR. HARTMAN:

8 So moved.

9 MS. SIDES:

10 Second.

11 PRESIDENT MCNALLY:

12 Any further discussion? Hearing none.
13 I need a roll call vote then on the
14 motion.

15
16 Arion Claggett, aye; Joseph McNally,
17 yes; Robert Kudlawiec, aye; Jim
18 Szalankiewicz, aye; Michael Brinkash,
19 aye; Martin Helmke, aye; Lisa Peterson,
20 aye; Jason Snyder, aye; Carol Sides,
21 yes; Daniel Hartman, yes; Ronald
22 Jumper, aye.

23 [The motion carried unanimously. The Respondent's
24 name is William Danny Kelley.]

25

1 Report of Board Counsel - Motion to Deem Facts

2 Admitted

3 MS. GOSHERT:

4 Number 5 on the agenda is a Motion to
5 Deem Facts Admitted that was discussed
6 in Executive Session.

7 Based on discussions and
8 deliberations, I believe the Chair
9 would entertain a motion to grant the
10 Motion to Deem Facts Admitted and Enter
11 Default and direct Board Counsel to
12 prepare an Adjudication and Order in
13 accordance with discussions that we had
14 in Executive Session in the matter of
15 David J. Costello, Case No. 22-47-
16 001084.

17 MR. HARTMAN:

18 So moved.

19 MS. SIDES:

20 Second.

21 PRESIDENT MCNALLY:

22 Any further discussion? I need a roll
23 call vote on this motion.

24

25 Arion Claggett, aye; Joseph McNally,

1 yes; Robert Kudlawiec, aye; Jim
2 Szalankiewicz, aye; Michael Brinkash,
3 aye; Martin Helmke, yes; Lisa Peterson,
4 yes; Jason Snyder, aye; Carol Sides,
5 yes; Daniel Hartman, yes; Ronald
6 Jumper, aye.

7 [The motion carried unanimously.]

8 ***

9 Repot of Board Counsel - Miscellaneous

10 [Ashley B. Goshert, Esquire, Board Counsel, provided
11 a Status of Cases Report for the Board's review and
12 encouraged everyone to notify her of any conflicts
13 with any of the cases.]

14 ***

15 Regulatory Issues

16 [Ashley B. Goshert, Esquire, Board Counsel, had
17 nothing to report at the current time.]

18 ***

19 Matters for Discussion

20 [Arion R. Claggett, Acting Commissioner, Bureau of
21 Professional and Occupational Affairs, informed
22 everyone that Act 41, Active-retired status, and the
23 Washington Accord would be tabled for discussion
24 until the next meeting.]

25 ***

1 Miscellaneous - Ratifications

2 MS. GOSHERT:

3 Based on Executive Session discussions,
4 I believe the Chair would entertain a
5 Motion to Ratify Approvals to Sit for
6 the PLS Examination for agenda items 11
7 and 24.

8 MR. HARTMAN:

9 So moved.

10 MS. SIDES:

11 Second.

12 PRESIDENT MCNALLY:

13 Is there any discussion? Proceed with
14 the roll call vote on this motion.

15
16 Arion Claggett, aye; Joseph McNally,
17 yes; Robert Kudlawiec, aye; Jim
18 Szalankiewicz, aye; Michael Brinkash,
19 aye; Martin Helmke, aye; Lisa Peterson,
20 aye; Jason Snyder, aye; Carol Sides,
21 yes; Daniel Hartman, yes; Ronald
22 Jumper, aye.

23 [The motion carried unanimously.]

24 ***

25 MS. GOSHERT:

1 I believe, based on Executive Session
2 discussion, the Chair would entertain a
3 Motion to Ratify Approvals for
4 Licensure Under Act 41 for agenda items
5 12, 14, 15, and 18. Actually, there
6 are two 18s, but they are two separate
7 people, so we'll call the second agenda
8 item 18(a), that's Michael Mahoney; 19,
9 20, 21, 22, and 23.

10 MR. HARTMAN:

11 So moved.

12 MS. SIDES:

13 Second.

14 PRESIDENT MCNALLY:

15 Any discussion? Proceeding then with
16 the roll call vote.

17
18 Arion Claggett, aye; Joseph McNally,
19 yes; Robert Kudlawiec, aye; James
20 Szalankiewicz, aye; Michael Brinkash,
21 aye; Martin Helmke, aye; Lisa Peterson,
22 aye; Jason Snyder, aye; Carol Sides,
23 yes; Daniel Hartman, yes; Ronald
24 Jumper, aye.

25 [The motion carried unanimously.]

1 ***

2 MS. GOSHERT:

3 Finally, based on Executive Session
4 discussion, I believe the Board would
5 entertain a Motion to Ratify Approvals
6 for PDH Exemptions for agenda items 13,
7 16, and 17.

8 MR. HARTMAN:

9 So moved.

10 MS. SIDES:

11 Second.

12 PRESIDENT MCNALLY:

13 Any discussion? All right, proceeding
14 then with the roll call vote.

15
16 Arion Claggett, aye; Joseph McNally,
17 yes; Robert Kudlawiec, aye; Jim
18 Szalankiewicz, aye; Michael Brinkash,
19 aye; Martin Helmke, aye; Lisa Peterson,
20 aye; Jason Snyder, aye; Carol Sides,
21 yes; Daniel Hartman, yes; Ronald
22 Jumper, aye.

23 [The motion carried unanimously.]

24 ***

25 [Kristel Hennessy Hemler, Board Administrator, noted

1 the next scheduled Board meeting is November 8 and
2 would be held in the new building at 2525 North 7th
3 Street in Harrisburg. She also mentioned that the
4 public session would start at 11 a.m.]

5 ***

6 Public Comment

7 [Michael F. Brinkash, PLS, Professional Member,
8 informed everyone that Scott Reeser, who is a
9 professional land surveyor, has submitted his
10 application to his state senator to hopefully be
11 forwarded to the governor's office for critique and
12 consideration. He commented that Mr. Reeser would be
13 a good asset to the Board.

14 President McNally thanked and welcomed Jason
15 Snyder to the Board, and Mr. Snyder provided a brief
16 history of his professional background.

17 Mr. Michalowski informed Board members of his
18 work with the Pennsylvania Society of Land Surveyors
19 (PSLS) to do a presentation at their annual meeting
20 in January, similar to the engineers last year. He
21 mentioned that President McNally discussed having
22 geologists reach out to do a Board outreach
23 presentation, and he was also working on that with
24 PSLS as well.

25 President McNally thanked Mr. Michalowski for his

1 input and involvement with the Board.

2 Mr. Kudlawiec referred back to the NCEES
3 discussion and believed Pennsylvania was on the hook
4 for 2027 for the zone meeting. He mentioned that it
5 has been probably 9 or 10 years since Pennsylvania
6 was the host Board for the zone meeting. He noted
7 that Mr. Hartman brought up some good ideas
8 concerning travel and the availability of travel and
9 transportation and would be working with NCEES to
10 discuss the budget.

11 President McNally commented that it was terrific
12 to have so many Board members involved at different
13 levels.]

14 ***

15 Adjournment

16 PRESIDENT MCNALLY:

17 I entertain a motion to adjourn today's
18 meeting.

19 MR. HARTMAN:

20 So moved.

21 MS. SIDES:

22 Second.

23 PRESIDENT MCNALLY:

24 Thank you. Meeting adjourned.

25 ***

1 [There being no further business, the State Board of
2 Professional Engineers, Land Surveyors, and
3 Geologists Meeting adjourned at 11 a.m.]

4 ***

5
6 CERTIFICATE

7
8 I hereby certify that the foregoing summary
9 minutes of the State Registration Board for
10 Professional Engineers, Land Surveyors and Geologists
11 meeting, was reduced to writing by me or under my
12 supervision, and that the minutes accurately
13 summarize the substance of the State Registration
14 Board for Professional Engineers, Land Surveyors and
15 Geologists meeting.

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17
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19 Victoria Lantz,

20 Minute Clerk

21 Sargent's Court Reporting
22 Service, Inc.

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

September 28, 2023

	TIME	AGENDA
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10	9:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:30	Official Call to Order
14		
15	10:30	Roll Call
16		
17	10:30	Introduction of Attendees
18		
19	10:32	Approval of Minutes
20		
21	10:34	Report of Board Members
22		
23	10:42	Report of Board Administrator
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25	10:44	Report of Prosecutorial Division
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27	10:48	Report of Board Counsel
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29	10:50	Matters for Discussion
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31	10:51	Miscellaneous
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33	10:55	Public Comment
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35	11:00	Adjournment
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