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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: 10:36 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

November 8, 2022

1 State Registration Board for Professional
2 Engineers, Land Surveyors, and Geologists
3 November 8, 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 Daniel A. Hartman, Public Member
13 Martin F. Helmke, PhD, PG
14 Ronald N. Jumper Jr., Public Member - Absent
15 Robert P. Kudlawiec, PE
16 Joseph T. McNally, PG, Vice President
17 Carol D. Sides, Public Member - Absent
18 Francis J. Stanton Jr., PE
19 Jonathan J. Tabas, PE, PLS
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21

22 BUREAU PERSONNEL:
23

24 Dean F. Picarella, Esquire, Senior Board Counsel
25 C. William Fritz II, Esquire, Board Counsel
26 Ray Michalowski, Esquire, Senior Board Prosecutor
27 Glenn P. Masser, Esquire, Board Prosecution Liaison
28 Alice Glasser, Esquire, Board Prosecutor
29 Jeannie Bronshtein, Board Administrator
30
31

32 ALSO PRESENT:
33

34 Ted Mowatt, Vice President, Wanner Associates, on
35 behalf of the Pennsylvania Society of Professional
36 Engineers
37 Rebecca Albert, PG, Chairman, Coordinating Committee
38 on Professional Practices, Department of
39 Environmental Protection
40 Brian Midlick
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2 State Registration Board for Professional
3 Engineers, Land Surveyors, and Geologists

4 November 8, 2022

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 C. William Fritz II, Esquire, Board Counsel, for
9 the purpose of conducting quasi-judicial
10 deliberations and to receive legal advice from Board
11 Counsel on matters that are currently pending before
12 the Board. The Board returned to open session at
13 10:30 a.m.]

14 ***

15 The regularly scheduled meeting of the State
16 Registration Board for Professional Engineers, Land
17 Surveyors, and Geologists was held on Tuesday,
18 November 8, 2022. James J. Szalankiewicz, PE, PLS,
19 President, called the meeting to order at 10:36 a.m.

20 ***

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

24 Mr. Fritz also reminded everyone that the meeting
25 was being recorded, and voluntary participation

1 constituted consent to be recorded.]

2 ***

3 Roll Call

4 [Jeannie Bronshtein, Board Administrator, provided a
5 roll call of Board members.

6 Ms. Bronshtein welcomed Daniel Hartman as a new
7 public Board member.]

8 ***

9 Acknowledge Public

10 ***

11 Approval of minutes of the September 23, 2022 meeting

12 PRESIDENT SZALANKIEWICZ:

13 I assume everybody has had a chance to
14 review the minutes.

15 Could I have a motion to approve
16 the minutes?

17 MR. BRINKASH:

18 So moved.

19 MR. KUDLAWIEC:

20 Second.

21 PRESIDENT SZALANKIEWICZ:

22 Roll call vote.

23
24 James Szalankiewicz, abstain; Arion

25 Claggett, aye; Mike Brinkash, yes;

1 Martin Helmke, yes; Robert Kudlawiec,
2 aye; Joseph McNally, yes; Francis
3 Stanton, abstain; Jonathan Tabas, aye.
4 [The motion carried. James Szalankiewicz and Francis
5 Stanton abstained from voting on the motion.]

6 ***

7 Report of Board President

8 [James J. Szalankiewicz, PE, PLS, President, noted he
9 attended the National Council of Examiners for
10 Engineering and Surveying (NCEES) Meeting.

11 Joseph T. McNally, PG, Vice President, addressed
12 his attendance, along with Martin Helmke, at the
13 National Association of State Boards of Geology's
14 (ASBOG) Annual Meeting in Wilmington, NC, October 25-
15 29. He noted being the voting delegate for the
16 matters discussed at the annual meeting. He
17 addressed his and Mr. Helmke's participation in the
18 Council of Examiners Workshop, where the ASBOG
19 Fundamentals of Geology and Practice of Geology
20 examinations are reviewed by subject matter experts
21 from across the United States.

22 Mr. McNally informed Board members that a summary
23 of Pennsylvania's Licensing Board activities related
24 to geology had been permitted and then submitted
25 earlier by Ms. Bronshtein and entered into the

1 record. He thanked Ms. Bronshtein for her assistance
2 helping prepare the summary. He discussed the
3 nationwide change from a paper exam to computer-based
4 testing starting in the spring of 2023.

5 Mr. McNally addressed fundamentals, noting the
6 practice exam would be offered twice a year in the
7 spring and fall at a testing center rather than
8 having applicants go to Harrisburg to take the exam.

9 He encouraged everyone to keep an eye on the Board's
10 website and ASBOG's website for additional
11 information. He mentioned that there would also be
12 discussion at the Annual Pennsylvania Council of
13 Professional Geologists Meeting held in February
14 2023.

15 Mr. McNally addressed the completion of a
16 nationwide Task Analysis Survey that is completed
17 every five to seven years, noting it has been
18 distributed electronically to licensed geologists
19 throughout the country with the help of Ms.
20 Bronshtein. He stated the survey is used to prepare
21 the national Fundamentals of Practice Exam prepared
22 by ASBOG to reflect the underlying principles of
23 geology and current trends in the practice.

24 Mr. McNally informed Board members that there
25 were multiple reports, including finance outreach

1 education and a presentation by an affiliate
2 organization. He noted ASBOG not is an isolated
3 organization and other groups provided presentations
4 on their interaction with ASBOG, including the
5 Association of Environmental & Engineering Geologists
6 (AEG) and the American Association of Petroleum
7 Geologists (AAPG).

8 Mr. McNally informed Board members that the next
9 ASBOG Meeting would be a Council of Examiners
10 Workshop in April 2023 to review and improve the
11 quality of the exam.

12 President Szalankiewicz addressed his attendance
13 at the National Council of Examiners for Engineering
14 and Surveying (NCEES) Meeting. He asked Mr.
15 Kudlawiec to comment on the meeting because he was a
16 voting member representing Pennsylvania.

17 Mr. Kudlawiec informed Board members that the fee
18 increase for the various disciplines were voted on
19 and passed for NCEES to remain solvent. He noted
20 computer-based testing was discussed and being
21 implemented to eliminate paper tests. He mentioned
22 that various testing sites throughout the country
23 were voted on, noting five or six are available.

24 Mr. Kudlawiec noted more specific language on
25 diversity, equity, and inclusion (DEI) was voted down

1 because most states felt the language already was
2 approved in the policies for the National Council of
3 Examiners for Engineering and Surveying.

4 Mr. Kudlawiec informed Board members that zone
5 meetings would now be held together at the National
6 Council of Examiners for Engineering and Surveying
7 Joint Zone Meeting, which would take place in
8 Houston, TX, April 27-29.

9 Mr. Kudlawiec also informed Board members that
10 the National Council of Examiners for Engineering and
11 Surveying Annual Meeting is August 15-18 in Boston,
12 MA.]

13 ***

14 Report of Board Members

15 [Michael Brinkash, PLS, announced House Bill 609 is
16 now with the Appropriations Committee. He noted the
17 surveyors' portion of the bill was all cut out but
18 there were some exemptions left in the law that were
19 not clarified by the portions cut out of the bill.
20 He believed it would not leave the Appropriations
21 Committee because the way the bill reads right now
22 and would hopefully go back to the committee for
23 reconsideration.

24 Mr. Brinkash mentioned that this has been going
25 on for six years ever since Davey Resource Group was

1 found in violation of their registration law
2 regarding practicing surveying, but the courts
3 disagreed with the Board and overturned their
4 decision. He is hopeful in resolving that and having
5 more stability and better binding legal language to
6 specify what a surveyor actually does.

7 Mr. Brinkash addressed being elected president of
8 the Colonial States Boards of Surveyor Registration.
9 He mentioned David Widmer, past president of the
10 National Council of Examiners for Engineering and
11 Surveying, noting he had to be able to serve on the
12 National Council of Examiners for Engineering and
13 Surveying Board in order for him to serve in that
14 capacity. He noted Mr. Widmer asked him to nominate
15 him to be an Emeritus member and Mr. Brinkash is now
16 asking the Board for a vote for an Emeritus member to
17 participate in the business. He mentioned that other
18 people from the Board went on to serve as Emeritus
19 members and participated in all of the national
20 business.

21 Mr. Brinkash informed board members that there is
22 no financial obligation to the Board with him serving
23 and requested the Board contact David Widmer since
24 there is no definition of Emeritus member.

25 Mr. Stanton addressed his attendance at the

1 National Council of Examiners for Engineering and
2 Surveying Examinations for Professional Engineers
3 (EPE) Committee Meeting on October 19, where they
4 approved the 2024 Civil Engineering Exam
5 specifications.

6 Mr. Stanton addressed participating in Purdue
7 University research on engineering ethics and the
8 intersectionality of DEI, noting they took about 20-
9 30 professionals and split it between the academics
10 and engineers and professional practice. He
11 mentioned being selected because he is the National
12 Society of Professional Engineers (NSPE) Board of
13 Ethics past chairman.

14 Mr. Stanton noted also participating in Bellevue
15 University research on professional workers,
16 specifically professional engineers, and engineers-
17 in-training (EIT) looking at how the engineers come
18 to decisions in the workplace.

19 Mr. Stanton discussed participating in the
20 Professional Activities and Knowledge Study (PAKS)
21 for the Mechanical Engineering Exam. He mentioned it
22 is for the Mechanical Exam but any PE or EIT could
23 respond to the study until March.]

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25 Report of Acting Commissioner - No Report

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Report of Board Administrator - No Report

Report of Board Prosecution Division

[Glenn P. Masser, Esquire, Board Prosecution Liaison,
presented the Consent Agreements for Case No. 22-47-
000394, Case No. 21-47-014365, Case No. 21-47-002874,
and Case No. 20-47-002769.]

MR. FRITZ:

Based on discussions held in Executive
Session and the presentation by
prosecution today, the Board would
entertain a motion to approve the
Consent Agreement at Case No. 22-47-
000394.

MR. BRINKASH:

So moved.

MR. KUDLAWIEC:

Second.

MS. BRONSHTEIN:

James Szalankiewicz, yea; Arion
Claggett, aye; Mike Brinkash, yes;
Martin Helmke, yes; Robert Kudlawiec,
aye; Joseph McNally, yes; Francis
Stanton, yes; Jonathan Tabas, yes;

1 Daniel Hartman, abstain.
2 [The motion carried. The Respondent's name is Kyle
3 Ray Robbins. Daniel Hartman abstained from voting on
4 the motion.]

5 ***

6 MR. FRITZ:

7 The Board would entertain a motion to
8 approve the Consent Agreement at Case
9 No. 21-47-014365.

10 MR. BRINKASH:

11 So moved.

12 MR. KUDLAWIEC:

13 Second.

14 MS. BRONSHTEIN:

15 James Szalankiewicz, yea; Arion
16 Claggett, aye; Mike Brinkash, yes;
17 Martin Helmke, yes; Robert Kudlawiec,
18 aye; Joseph McNally, yes; Francis
19 Stanton, yes; Jonathan Tabas, yes;
20 Daniel Hartman, abstain.

21 [The motion carried. The Respondent's name is
22 Richard David McGoey, P.E. Daniel Hartman abstained
23 from voting on the motion.]

24 ***

25 MR. FRITZ:

1 MR. KUDLAWIEC:

2 Second.

3 MS. BRONSHTEIN:

4 James Szalankiewicz, yea; Arion
5 Claggett, nay; Mike Brinkash, aye;
6 Martin Helmke, yes; Robert Kudlawiec,
7 aye; Joseph McNally, yes; Francis
8 Stanton, yes; Jonathan Tabas, yes;
9 Daniel Hartman, abstain.

10 [The motion carried. The Respondent's name is Eric
11 Alan Trice, P.E. Daniel Hartman abstained from
12 voting on the motion. Arion Claggett opposed the
13 motion.]

14 ***

15 Report of Board Counsel - Status of Cases

16 [C. William Fritz II, Esquire, Board Counsel,
17 provided a Status of Cases Report for the Board's
18 review and requested Board members notify him of any
19 recusals. He reported 10 open cases. He noted an
20 application case is scheduled for a hearing at the
21 next Board meeting and most likely another hearing at
22 that Board meeting.

23 Mr. Fritz mentioned that the Independent
24 Regulatory Review Commission (IRRC) approved the seal
25 regulation. He noted their Board, the Architects

1 Licensure Board, and Landscape Architects Board are
2 approved for digital seal use and will be reflected
3 on the Board's website.]

4 ***

5 Discussion Items - NCEES Meeting

6 [James J. Szalankiewicz, PE, PLS, President, noted
7 the National Council of Examiners for Engineering and
8 Surveying Meeting was discussed earlier during the
9 meeting.]

10 ***

11 Miscellaneous - Election of Officers

12 MR. BRINKASH:

13 I'd like to nominate Joseph McNally for
14 president.

15 MR. KUDLAWIEC:

16 Second.

17 PRESIDENT SZALANKIEWICZ:

18 Are there any other nominees? Motion
19 accepted and now a vote.

20
21 James Szalankiewicz, yes; Arion

22 Claggett, aye; Mike Brinkash, aye;

23 Martin Helmke, yes; Robert Kudlawiec,

24 aye; Joseph McNally, yes; Francis

25 Stanton, yes; Jonathan Tabas, yes;

1 Daniel Hartman, abstain.

2 [The motion carried. Daniel Hartman abstained from
3 voting on the motion.]

4 ***

5 MR. BRINKASH:

6 I'd like to make a motion for vice
7 president for Robert Kudlawiec.

8 MR. KUDLAWIEC:

9 Second.

10 MR. FRITZ:

11 Are there any other nominations?

12 MS. BRONSHTEIN:

13 James Szalankiewicz, aye; Arion
14 Claggett, aye; Mike Brinkash, aye;
15 Martin Helmke, yes; Robert Kudlawiec,
16 aye; Joseph McNally, yes; Francis
17 Stanton, yes; Jonathan Tabas, yes;
18 Daniel Hartman, abstain.

19 [The motion carried. Daniel Hartman abstained from
20 voting on the motion.]

21 ***

22 [James J. Szalankiewicz, PE, PLS, President, thanked
23 and welcomed Daniel Hartman to the Board.

24 Board members thanked President Szalankiewicz for
25 his service.]

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Adjournment

MR. BRINKASH:

I'd like to make a motion to adjourn.

MR. KUDLAWIEC:

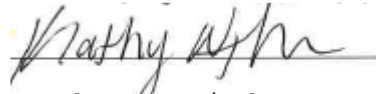
So moved.

[There being no further business, the State Board of
Professional Engineers, Land Surveyors, and
Geologists Meeting adjourned at 11:18 a.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.



Kathryn Witherow,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

1 STATE REGISTRATION BOARD FOR PROFESSIONAL
2 ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
3 REFERENCE INDEX
4

5 November 8, 2022
6

7
8 TIME

AGENDA

9
10 9:00 Executive Session
11 10:30 Return to Open Session
12
13 10:36 Official Call to Order
14
15 10:36 Roll Call
16
17 10:38 Acknowledge Public
18
19 10:38 Approval of Minutes
20
21 10:39 Report of Board President
22
23 10:50 Report of Board Members
24
25 10:58 Report of Board Prosecution Division
26
27 11:07 Report of Board Counsel
28
29 11:09 Discussion Items
30
31 11:09 Miscellaneous
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33 11:18 Adjournment
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