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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  
VIA TELECONFERENCE**

TIME: 9:32 A.M.

November 10, 2020

1                   State Registration Board for Professional  
2                   Engineers, Land Surveyors, and Geologists  
3                                   November 10, 2020  
4  
5

6 BOARD MEMBERS:  
7

8 Francis J. Stanton Jr., PE, President  
9 K. Kalonji Johnson, Commissioner, Bureau of  
10 Professional and Occupational Affairs  
11 James J. Szalankiewicz, PE, PLS, Vice President  
12 Michael F. Brinkash, PLS  
13 Jonathan J. Tabas, PE, PLS  
14 Ronald N. Jumper Jr., Public Member  
15 Robert P. Kudlawiec, PE  
16 Joseph T. McNally, PG  
17 Carol D. Sides, Public Member  
18  
19

20 BUREAU PERSONNEL:  
21

22 C. William Fritz II, Esquire, Board Counsel  
23 Ray Michalowski, Esquire, Senior Board Prosecutor  
24 Glenn P. Masser, Esquire, Board Prosecution Liaison  
25 Cynthia K. Montgomery, Esquire, Deputy Chief  
26 Counsel/Regulatory Counsel, Department of State  
27 Jeannie Bronshtein, Board Administrator  
28  
29 Theodore Stauffer, Executive Secretary, Bureau of  
30 Professional and Occupational Affairs  
31 Andrew LaFratte, MPA, Policy Fellow, Department of  
32 State  
33 Marc Farrell, Deputy Policy Director, Department of  
34 State  
35  
36

37 ALSO PRESENT:  
38

39 Jen Smeltz, Executive Director, Senate Consumer  
40 Protection and Professional Licensure Committee  
41 John Wanner, CAE, President, Wanner Associates  
42 Ted Mowatt, Vice President, Wanner Associates, on  
43 behalf of Pennsylvania Society of Land  
44 Surveyors/Pennsylvania Society of Professional  
45 Engineers  
46 Alan Millie, PA Department of Transportation  
47 Melissa J. Batula, PE, Deputy Secretary for Highway  
48 Administration, PA Department of Transportation  
49 Amy Hopkins

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State Registration Board for Professional  
Engineers, Land Surveyors, and Geologists  
November 10, 2020 (CONT.)

ALSO PRESENT CONTINUED:

- Jeffrey Spotts, Legal/Regulatory Counsel, PA  
Department of Transportation
- John Fuehrer, II, PE, PLS, Pennsylvania Society of  
Land Surveyors
- Mark Chappell, PA Department of Transportation
- David Dexter
- Christoph Lohr, PE, CPD, LEED AP BD+C

1 \*\*\*

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

4 November 10, 2020

5 \*\*\*

6 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
7 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 deliberations  
10 on matters that are currently pending before the Board  
11 as well as receiving advice of Counsel. The Board  
12 returned to open session at 9:30 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 Tuesday,  
17 November 10, 2020. Francis J. Stanton, Jr., PE,  
18 President, called the meeting to order at 9:32 a.m.

19 K. Kalonji Johnson, Commissioner, Bureau of  
20 Professional and Occupational Affairs, was not present  
21 at the commencement of the meeting.

22 \*\*\*

23 Introduction of Board Members

24 [Francis J. Stanton, Jr., PE, President, requested the  
25 introduction of Board members.]

1 \*\*\*

2 [Theodore Stauffer, Executive Assistant, noted the  
3 meeting was being recorded and staying on the call  
4 would be giving consent to being recorded.]

5 \*\*\*

6 Approval of Minutes of the September 16, 2020 meeting

7 PRESIDENT STANTON:

8 Next on the agenda is the approval of  
9 Minutes from September 16, 2020. Do we  
10 have any comments? If not, do I have a  
11 motion to approve the Minutes?

12 MR. KUDLAWIEC:

13 So moved.

14 MR. SZALANKIEWICZ:

15 Second.

16 PRESIDENT STANTON:

17 Any discussion? All in favor of  
18 approving the Minutes say aye. Any  
19 nays? Any abstentions?

20 [The motion carried unanimously.]

21 \*\*\*

22 Report of Board President

23 [Francis J. Stanton, Jr., PE, President, reported that  
24 the Alliance for Responsible and Professional  
25 Licensing has a practice report on its website, which

1 promotes a method of license portability between the  
2 states. He noted that the State of Wyoming drafted  
3 proposed regulations for universal licensing, which is  
4 being reviewed by NCEES, and the Georgia Board of  
5 Professional Engineers enacted a structural  
6 engineering license related to substantial structures.  
7 He noted, from November 1 to December 31, 2020, a form  
8 will be available with regard to grandfathering into  
9 the SC license.

10 President Stanton announced that it had been a  
11 pleasure being President of the Board for the last two  
12 years.]

13 \*\*\*

14 Report of Board Members

15 [Joseph T. McNally, PG, noted his attendance at the  
16 recent annual ASBOG meeting followed by the National  
17 Council of Examiners Workshop. Mr. McNally noted, due  
18 to the COVID-19 crisis, the March 2020 exam was  
19 canceled across the country, but the October exam had  
20 been successfully held. He noted that Pennsylvania  
21 was among the states with the highest number of  
22 geology candidates taking the exams ranking third  
23 highest in the country with the number of candidates.

24 Mr. McNally commented that various committee  
25 reports were held during the meeting, including those

1 from ASBOG and affiliated member organizations, the  
2 American Institute of Professional Geologists (AIPG)  
3 and the Association of Environmental and Engineering  
4 Geologists. He stated one item discussed during the  
5 meeting related from the transition from paper and  
6 pencil exam to a computer-based exam in the next few  
7 years.

8 Mr. McNally commented that all questions on the  
9 exam were reviewed at the Council of Examiners  
10 Workshop. Mr. McNally plans to participate in the  
11 next workshop which is scheduled for April 2021.]

12 \*\*\*

13 Public Comment

14 [Ted Mowatt, Vice President, Wanner Associates, on  
15 behalf of Pennsylvania Society of Land  
16 Surveyors/Pennsylvania Society of Professional  
17 Engineers, hoped the Senate will add additional  
18 session dates and finish House Bill 2101.]

19 \*\*\*

20 [President Stanton requested the introduction of  
21 audience members in attendance.]

22 \*\*\*

23 Report of Board Administrator

24 [Jeannie Bronshtein, Board Administrator, reported the  
25 fall paper and pencil exams were held last month and

1 went very smoothly for both engineering and geology.  
2 She noted that anyone who was unable to take the exam  
3 due to health issues could do so when appropriate.

4 She stated work on the project to revamp the  
5 state land surveyor exam would soon conclude. Final  
6 review of newly written questions will be soon.

7 The audit that began at the beginning of the year  
8 will resume on November 16, 2020. Ms. Bronshtein  
9 noted the Board staff continues to work from home with  
10 no issues or delays.]

11 \*\*\*

12 Report of Board Prosecution Division

13 [Glenn Masser, Esquire, Board Prosecution Liaison, on  
14 behalf of Ray Michalowski, Esquire, present Consent  
15 Agreements for File No. 19-47-011100, File No. 19-47-  
16 016666, and File No. 20-47-008349. Board members had  
17 questions.]

18 \*\*\*

19 MOTIONS:

20 MR. FRITZ:

21 The Board would entertain a motion to  
22 approve the Consent Agreement at File No.  
23 19-47-011100.

24 PRESIDENT STANTON:

25 So moved.



1 MR. KUDLAWIEC:

2 Second.

3 PRESIDENT STANTON:

4 All in favor say aye? Any objections?

5 Any abstentions?

6 [The motion carried unanimously. The Respondent's  
7 name is Jairzinho Vasquez, P.E.]

8 \*\*\*

9 MR. FRITZ:

10 The Board would entertain a motion into  
11 approve the Consent Agreement at File No.  
12 19-47-016666.

13 PRESIDENT STANTON:

14 So moved.

15 MR. KUDLAWIEC:

16 Second.

17 PRESIDENT STANTON:

18 All in favor say aye? Any nays or

19 objections? Any abstentions?

20 [The motion carried unanimously. The Respondent's  
21 name is Brian Anthony Stephenson, P.E.]

22 \*\*\*

23 MR. FRITZ:

24 The Board would entertain a motion to  
25 approve the Consent Agreement at File No.

1 20-47-008349.

2 PRESIDENT STANTON:

3 So moved.

4 MR. KUDLAWIEC:

5 Second.

6 PRESIDENT STANTON:

7 All those in favor say aye? Any  
8 objections or nays?

9 [The motion passed unanimously. The Respondent's name  
10 is Jason Clay Merritt, P.E.]

11 \*\*\*

12 Appointment - PA Department of Transportation - 3D  
13 Modeling and Impact on eSeals

14 [Melissa J. Batula, PE, Deputy Secretary for Highway  
15 Administration, PA Department of Transportation, and  
16 Jeff Spotts, Legal/Regulatory Counsel, PA Department  
17 of Transportation, presented before the Board for  
18 discussion and presentation of slides regarding  
19 PennDOT's 3D modeling and the impact on eSeals.

20 Mr. Spotts commented that the business model at  
21 PennDOT changed dramatically in view of the move to  
22 remote work with regard to how the process of sealing  
23 and signing was to be carried remotely and whether  
24 that could be done electronically. He commended  
25 Counsel at the Department of State for assisting in

1 the process, including a pending regulatory change,  
2 which would make clear whether electronic signing and  
3 sealing could be done.

4 Ms. Batula provided explained how engineering was  
5 being approached with regard to construction projects,  
6 including roadway construction. She noted that last  
7 year the traditional construction plan format had been  
8 replaced by this idea of 3D technology, which will be  
9 how the next generation of engineers will be attracted  
10 into the construction industry.

11 Mr. Spotts explained that current technology does  
12 not have the functionality to sign and seal a model  
13 within the actual software. He stressed that the move  
14 to digital delivery of products is not something that  
15 is Pennsylvania specific, but federally and state to  
16 state with date and time stamping of the model. He  
17 commented that language in the proposed regulation  
18 works to accommodate this model using the cover sheet  
19 as the means of signing and sealing the model. Board  
20 members had questions and comments.

21 President Stanton pointed out that there may be  
22 challenges with the implementation of this technology  
23 and adjustments would need to be made. He thanked the  
24 representatives for their presentation. Both Ms.  
25 Batula and Mr. Spotts thanked the Board for the

1 opportunity to present and asked them to keep these  
2 considerations in mind as the regulation moves  
3 forward. The Board will look forward to continued  
4 discussion in the future.]

5 \*\*\*

6 [K. Kalonji Johnson, Commissioner, Bureau of  
7 Professional and Occupational Affairs, entered the  
8 meeting at 10:34 a.m.]

9 \*\*\*

10 Appointment - Act 53 of 2020

11 [K. Kalonji Johnson, Commissioner, Bureau of  
12 Professional and Occupational Affairs, thanked the  
13 Board for the opportunity to discuss Act 53 of 2020.  
14 Cynthia K. Montgomery, Esquire, Deputy Chief  
15 Counsel/Regulatory Counsel, Department of State, was  
16 also present for discussion.

17 Mr. Johnson discussed the list of offenses  
18 compiled by Board Counsel for Act 53. He explained  
19 that Act 53, the most comprehensive modernization of  
20 the Criminal History Records Information Act (CHRIA),  
21 was passed in June of 2020, which directs on the use  
22 of criminal history as it pertains to licensees.

23 Mr. Johnson explained that a portion of Act 53's  
24 direct objectives for him included the publication of  
25 the list of offenses for all 29 Boards and Commissions

1 under the Department of State and, secondly, the  
2 holding of public forums whereby he would consult with  
3 Board members on the compilation of the list and  
4 provide an opportunity for stakeholders to provide  
5 feedback. He and Ms. Montgomery would answer  
6 questions regarding the list provided to Board members  
7 prior to the start of the meeting.

8 He acknowledged Ms. Montgomery, Mr. Fritz, and  
9 the Prosecutorial Division for all of their work with  
10 regard to the compilation of the list before it gets  
11 published and moved forward through the formal  
12 regulatory process. Commissioner Johnson answered  
13 questions from Board members.

14 Ms. Montgomery explained that Act 53 is a  
15 procedural statute that tells the public how the Board  
16 should look at criminal history record information in  
17 making decisions with regard to granting licenses or  
18 disciplining licensees. She stated the list for all  
19 29 Boards was slightly different, and the list for  
20 this Board includes violent crimes as well as  
21 indicated in Act 53, Section 3113(e). Board members  
22 were asked to review the list to determine whether the  
23 crimes listed had a direct bearing on the fitness or  
24 ability of an individual to perform one or more of the  
25 duties and responsibilities related to the

1 engineering, land surveying and geology professions.

2 Ms. Montgomery noted the Commissioner had to  
3 publish the list by December 27, 2020, the effective  
4 date of this section of the law. The list would then  
5 have to be posted on all the Board websites, along  
6 with a best practices guide meant to notify the public  
7 how the Boards and Commissions under BPOA would be  
8 evaluating criminal history record information in  
9 making licensure determinations.

10 Counsel noted the list of criminal offenses is  
11 used to make preliminary determinations and to  
12 determine which criminal convictions may result in  
13 discipline of a licensee or the refusal to issue a  
14 license to an applicant. There was further discussion  
15 regarding the process that the applicant would  
16 undertake to demonstrate that the individual did not  
17 pose a risk to the public or potential clients. Board  
18 members had questions.

19 Commissioner Johnson noted preliminary  
20 determinations could be done years before the  
21 applicant applies. There is also the caveat that an  
22 applicant does not engage in any other activity that  
23 lands that individual back for another preliminary  
24 determination.

25 President Stanton thanked Commissioner Johnson



1 \*\*\*

2 Report of Board Counsel

3 [C. William Fritz, Esquire, Board Counsel, referred  
4 Board members to his Status of Cases report for  
5 further discussion. He requested Board members advise  
6 him of any recusals.

7 Mr. Fritz will provide an update with regard to  
8 the digital seal regulations and IRRC comments.

9 Counsel stated Act 41 is currently with the  
10 Board's Senior Regulatory Counsel, and he was awaiting  
11 a response with regard to any suggested amendments.

12 Mr. Fritz referred members to the automatic  
13 delegation order for further discussion. Counsel  
14 explained that the volume of cases had grown. Now,  
15 all boards are permitted to do immediate temporary  
16 suspension cases in most instances. He asked the  
17 Board to approve the new delegation order, which would  
18 then be sent back to the hearing examiner's office.

19 Ray Michalowski, Esquire, Board Prosecution  
20 Liaison, explained this power had been granted  
21 previously only to the health-related boards. He  
22 offered further explanation of the types of cases that  
23 a probable cause screening committee would bring to  
24 the Board for immediate temporary suspension. Mr.  
25 Michalowski commented that all 29 PA boards use this



1 process.

2 Mr. Brinkash and Mr. Szalankiewicz volunteered to  
3 be on the committee. Mr. Stanton also volunteered and  
4 was named as an alternate. He offered further  
5 clarification of the process involving resolution of  
6 the immediate temporary suspension cases. There was  
7 further discussion regarding the matter. Board  
8 members were in agreement with the language in the  
9 order.]

10 MR. FRITZ:

11 If no one objects, then the Board would  
12 entertain a motion to approve the Order  
13 of Automatic Delegation presented today.

14 PRESIDENT STANTON:

15 So moved.

16 MR. MCNALLY:

17 Second.

18 PRESIDENT STANTON:

19 All in favor of the Order of Automatic  
20 Delegation say aye. Any nays?  
21 Abstentions?

22 [The motion carried unanimously.]

23 \*\*\*

24 Report of Regulatory Counsel

25 IRRC Letter

1 [Mr. Fritz referred to the IRRC comments for further  
2 discussion. He explained that the Independent  
3 Regulatory Review Commission (IRRC) reviews a  
4 regulation and submits comments and concerns, which  
5 the Board then reviews to determine if any of their  
6 concerns would substantively change the regulation.

7 Mr. Fritz stated the first concern by the  
8 Commission is that the Board is not consistent with  
9 the Architect Board and Land Art Boards. Mr. Fritz  
10 will review the matter again to see that the Board is  
11 uniform with the other two design board regulations as  
12 well. Marc Farrell, Deputy Policy Director,  
13 Department of State, suggested that when Mr. Fritz  
14 "takes it to the next stage", to make sure to keep the  
15 consistency already laid out.

16 With regard to the definition of digital seal,  
17 IRRC advised replacing person with licensee. The  
18 Board agreed to the change. There was discussion with  
19 regard to Section 37.58. It was noted the regulation  
20 process includes the regulatory analysis form,  
21 preamble, and annex. The Board was asked to review  
22 the recommended changes and email any comments back to  
23 Mr. Fritz for incorporation into the annex which would  
24 then be revisited at the next meeting.]

25

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1 Applications for Review - None

2 \*\*\*

3 Continuing Education Exemption/Waiver Requests - None

4 \*\*\*

5 Discussion Items

6 Licensee Letter to the Board

7 [David Dexter, AFSCME, stated he is part of the group  
8 asking for an exam related to plumbing much like the  
9 one related to HVAC.

10 Christoph Lohr suggested that a letter of  
11 recommendation be sent to NCEES to look into the  
12 creation of a plumbing exam under the mechanical  
13 discipline. President Stanton suggested adding a few  
14 plumbing questions to the mechanical exam. There was  
15 further discussion. The Board will consider the  
16 letter further.]

17 \*\*\*

18 Election of Officers

19 [President Stanton noted there is usually a rotation  
20 of disciplines, engineers, land surveyors, and  
21 geologists. The land surveyor would be the next one in  
22 the traditional rotation.]

23 MR. BRINKASH:

24 I would like to nominate James

25 Szalankiewicz for President and Joseph

1                   McNally for Vice President.

2 [Mr. Fritz suggested nominations be taken one at a  
3 time.]

4 MR. FRITZ:

5                   Do we have any other nominations for  
6                   President?

7 PRESIDENT STANTON:

8                   I would like to nominate Michael  
9                   Brinkash. Mr. Brinkash asked that his  
10                  name be withdrawn.

11 MR. FRITZ:

12                  All those in favor of Mr. Szalankiewicz  
13                  as President?

14 [The motion carried unanimously.]

15   \*\*\*

16 MR. BRINKASH:

17                  I nominate Joseph McNally for Vice  
18                  President.

19 PRESIDENT STANTON:

20                  Frank seconds.

21 PRESIDENT STANTON:

22                  All in favor?

23 [The motion carried unanimously.]

24   \*\*\*

25 Miscellaneous

1 2021 Meeting Dates

2 [There was discussion regarding the 2021 meeting  
3 dates.]

4 MR. FRITZ:

5 The Board would entertain a motion to  
6 approve the 2021 board meeting dates.

7 MR. KUDLAWIEC:

8 So moved.

9 MR. BRINKASH:

10 Second.

11 PRESIDENT STANTON:

12 All in favor of accepting the meeting  
13 dates say aye. Any against? Any  
14 abstentions?

15 [The motion carried unanimously.]

16 \*\*\*

17 [Board members complimented President Stanton for his  
18 service over the last two years.]

19 \*\*\*

20 Adjournment

21 PRESIDENT STANTON:

22 Motion to adjourn.

23 COMMISSIONER JOHNSON:

24 Second.

25 \*\*\*

1 [There being no further business, the State Board of  
2 Professional Engineers, Land Surveyors, and Geologists  
3 Meeting adjourned at 12:53 p.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 summarize  
13 the substance of the State Registration Board for  
14 Professional Engineers, Land Surveyors and Geologists  
15 meeting.

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19 Evan Bingaman,

20 Minute Clerk

21 Sargent's Court Reporting

22 Service, Inc.  
23  
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26

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

November 10, 2020

TIME	AGENDA
9:00	Executive Session
9:30	Return to Open Session
9:32	Official Call to Order
9:32	Introduction of Board Members
9:35	Approval of Minutes
9:36	Report of Board President
9:40	Report of Board Members
9:45	Public Comment
9:46	Introduction of Audience Members
9:48	Report of Board Administrator
9:52	Report of Board Prosecution Division
9:58	Motions
10:00	Appointment - PA Department of Transportation
10:31	Appointment - Act 53 of 2020
11:19	Report of Commissioner
11:20	Recess
11:32	Return to Open Session
11:32	Report of Board Counsel
11:45	Report of Regulatory Counsel
12:10	Discussion Items
12:40	Election of Officers

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STATE REGISTRATION BOARD FOR PROFESSIONAL  
ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS  
REFERENCE INDEX (CONT.)  
November 10, 2020

12:48        Miscellaneous

12:53        Adjournment