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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: 9:32 A.M.

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

November 13, 2019

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State Registration Board for Professional
Engineers, Land Surveyors and Geologists
November 13, 2019

BOARD MEMBERS:

- Francis J. Stanton Jr., PE, President - Absent
- K. Kalonji Johnson, Acting Commissioner, Bureau of Professional and Occupational Affairs
- James J. Szalankiewicz, PE, PLS, Vice President
- Michael F. Brinkash, PLS
- Ronald N. Jumper Jr., Public Member
- Robert P. Kudlawiec, PE
- Joseph T. McNally, PG
- Carol D. Sides, Public Member
- Theodore Tesler, PG

BUREAU PERSONNEL:

- C. William Fritz II, Esquire, Board Counsel
- Ray Michalowski, Esquire, Senior Prosecutor
- Caroline A. Bailey, Esquire, Board Prosecutor
- Alice Glasser, Esquire, Board Prosecutor
- Jeannie Bronshtein, Board Administrator

- Kimberly A. Mattis, Director, Bureau of Finance and Operations, Department of State
- Julie Snader, Deputy Director, Bureau of Finance and Operations, Department of State

- Marc Farrell, Deputy Policy Director, Department of State
- Cheryl Sinclair, PG, Chair, Coordinating Committee on Professional Practices, Pennsylvania Department of Environmental Protection

ALSO PRESENT:

- John G. Fuehrer II, Pennsylvania Society of Land Surveyors, Chair, Education Committee
- Jordan Fuhrman, Intern, Wanner Associates, Pennsylvania Society of Land Surveyors/Pennsylvania Society of Professional Engineers
- Sara Simon, Investigative Data Reporter, Spotlight PA

1 ***

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

4 November 13, 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 November 13, 2019. James Szalankiewicz, PE, PLS, Vice
10 President, called the meeting to order at 9:32 a.m.

11 K. Kalonji Johnson, Acting Commissioner, Bureau
12 of Professional and Occupational Affairs, was not
13 present at the commencement of the meeting.

14 ***

15 Pledge of Allegiance

16 [The Pledge of Allegiance was recited.]

17 ***

18 Introduction of Board Members

19 [Vice President Szalankiewicz requested the
20 introduction of Board members.]

21 ***

22 Approval of minutes of the September 11, 2019 meeting

23 VICE PRESIDENT SZALANKIEWICZ:

24 I assume everybody has had a chance to
25 read the minutes. Are there any

1 Council of Examiners and reviewed item bank questions
2 and comments concerning the examination. He announced
3 that Doug Rambo will be the incoming secretary of
4 ASBOG.]

5

6 Report of Board Administrator

7 [Jeannie Bronshtein, Board Administrator, noted the
8 audit and renewals were completed successfully. She
9 mentioned the first two applications for the Board
10 under Act 41 were being prepared.]

11

12 Report of Board Prosecution Division

13 [Ray Michalowski, Esquire, Senior Prosecutor,
14 announced the retirement of Robert Armour, Esquire,
15 and noted Glenn Masser, Esquire, as the Board's new
16 prosecution liaison. He stated Mr. Masser and Ms.
17 Bailey will be handling all of the Board's cases.]

18

19 [Caroline A. Bailey, Esquire, Board Prosecutor,
20 presented the Consent Agreements for Case No. 17-47-
21 12836, Case No. 18-47-001800, and Case No. 17-47-
22 13723.]

23

24 [K. Kalonji Johnson, Acting Commissioner, Bureau of
25 Professional and Occupational Affairs, entered the

1 meeting at 9:40 a.m.]

2

3 Report of Acting Commissioner

4 [K. Kalonji Johnson, Acting Commissioner, Bureau of
5 Professional and Occupational Affairs, addressed
6 concerns brought up at the last meeting regarding
7 updating testing standards. He stated Board Counsel
8 and the Board Administrator were working with the
9 Bureau's testing service to ensure those standards are
10 updated to the Board's satisfaction. Vice President
11 Szalankiewicz thanked Acting Commissioner Johnson, Mr.
12 Brinkash, Ms. Bronshtein, and counsel for their work
13 on such an insurmountable task.

14 Vice President Szalankiewicz also thanked the
15 Pennsylvania Society of Land Surveyors (PSLS) for
16 their contribution and their past work to ensure a
17 proper examination.]

18

19 Report of Board Counsel

20 [C. William Fritz II, Esquire, Board Counsel, noted
21 the appeal of a provisional denial hearing at 11:00
22 a.m. He mentioned the need for discussion later in
23 the meeting regarding the proposed regulations related
24 to Act 41.]

25

1 Appointment - Bureau of Finance and Operations Budget
2 Presentation

3 [Kimberly A. Mattis, Director, Bureau of Finance and
4 Operations, introduced herself. Julie Snader, Deputy
5 Director, Bureau of Finance and Operations, was also
6 present.

7 Ms. Mattis provided information regarding the
8 Board's licensee population. Ms. Mattis stated
9 currently there are 31,146 licensees with an increase
10 of 188 licensees this morning, totaling 31,334.

11 Mr. McNally questioned the reason for the
12 decrease in this fiscal year. Ms. Mattis explained
13 that licensee population was down because the Board
14 just went through a renewal and was not concerned with
15 the licensee population at 31,334.

16 Ms. Mattis referred to the last biennial renewal
17 period, noting FY17-18 and FY18-19 with a biennial
18 total of just over \$2 million. She noted the biggest
19 bulk of revenue was from renewals and applications at
20 90 percent of the revenue.

21 Ms. Mattis reviewed expenses divided into
22 administrative and legal costs. She mentioned
23 expenses can be incurred from timesheet-based charges,
24 direct charges, and license-based charges. She noted
25 the expenses for FY17-18 and FY18-19, along with the

1 budget for FY19-20. She also noted the expenses as of
2 the end of October 2019.

3 Ms. Mattis reviewed revenue and expenses. She
4 stated the Board started out with a deficit in FY17-18
5 and a deficit this fiscal year. She stated the Board
6 is currently over in revenue, noting a huge jump with
7 the new fee increase that went into effect. She
8 anticipated that amount would put the Board back in
9 the black.

10 Ms. Mattis discussed Board member expenses. She
11 reviewed the expenses for FY17-18, FY18-19, the budget
12 for FY19-20, and the expenses as of the end of October
13 2019.

14 Ms. Mattis commented that the current amount
15 seemed sufficient and would remain through the FY20-21
16 budget request. She informed the Board that anything
17 not used will go back into their restricted account.

18 Ms. Mattis noted the bar graph of expenses over
19 the past few years for the Board's review.

20 Mr. Brinkash questioned the reason for the drop
21 in prosecution budgeted in FY19-20, where only one-
22 third of that amount was spent. Ms. Mattis explained
23 that there is a trending down in those numbers in
24 terms of investigations impacting the finances,
25 including a drop in complaints.

1 Vice President Szalankiewicz thanked Ms. Mattis
2 for her presentation and questioned whether fines will
3 present a net in the prosecution. Ms. Mattis stated
4 those are actual direct costs to the Board based on
5 the time charged to the Board or anything that is a
6 direct cost.

7 Vice President Szalankiewicz commented that the
8 increase in prosecution fees and fines was justified.
9 He suggested handouts for the public regarding the
10 budget.

11 Ms. Mattis noted working with the commissioner's
12 office on technology for the public.

13 Mr. Michalowski stated most of the backlog had
14 been cleared with the addition of a third prosecutor.
15 He also mentioned instituting the charge unit, where
16 cases are triaged and closed early on. He mentioned
17 having specific teams, and he runs the triage unit for
18 his team that includes specialists who are reviewing
19 those cases.

20 Mr. Michalowski also mentioned instituting a
21 second charge unit to review cases before going out
22 for investigation to avoid cases that are clearly true
23 and not a violation. He noted that cases were
24 previously reviewed by paralegals and administrative
25 staff, but having an attorney review the cases allows

1 for roughly 10-15 percent of those to be closed, which
2 avoids investigator costs.

3 Mr. Michalowski commented that a lot of the
4 Board's cases that had been investigated in the past
5 were moved to being investigated on paper. He stated
6 most of the individuals on the Boards under his
7 supervision are cooperative and respond to an
8 affidavit, which shortens the investigation. He noted
9 the Bureau of Enforcement and Investigation (BEI) will
10 be sent out if the individuals do not respond.

11 Mr. Michalowski discussed the Justice Network
12 (JNET) system, where prosecution is immediately
13 alerted as to arrests and convictions within the
14 Pennsylvania judicial system.

15 Mr. Michalowski addressed reciprocal cases, where
16 almost every case that goes out that was a reciprocal
17 or criminal matter either gets a warning or a letter
18 of concern.

19 Mr. Michalowski discussed capturing costs that
20 are allowed to be charged, including experts and BEI
21 and legal costs. He stated, once charges are filed,
22 anything spent after that is not empowered by the act.
23 He mentioned that attorney and paralegal costs are not
24 captured, and the law does not allow for procedures
25 that occur after that, like a hearing.

1 Mr. Brinkash addressed individuals who break the
2 law and the importance of taking them off the street
3 and out of the view of the public as opposed to
4 monitoring. He discussed taking the individual's
5 licensing but not putting that burden on the Board or
6 the tax payers. He mentioned working out the legal
7 costs by fining the individual \$10,000 or \$15,000 that
8 could be negotiated down to the actual legal costs.

9 Mr. Michalowski further explained cost-saving
10 legal measures by moving a lot of the investigations
11 to paper investigation, which is a reason for there
12 not being costs associated with many of the
13 revocations. Many of the revocations are criminal
14 and/or reciprocal, and an investigator is not sent
15 out.

16 Mr. Michalowski noted that it helps to have an
17 attorney reviewing the cases with the paralegal to
18 free the investigators for other cases and decrease
19 costs. He mentioned that all of the attorneys who
20 work under his supervision work under all of the
21 Boards that are also under his supervision. He stated
22 working with the Boards has given them guidance
23 because of decisions, whether it is to accept or
24 reject the consent agreement and decisions in cases
25 the Board has full adjudication to guide them going

1 forward.

2 Mr. Michalowski addressed the process of
3 proceeding with investigation or prosecution. He
4 stated it would typically be himself and a group of
5 two or three other attorneys to decide whether a case
6 after investigation can be closed based on the
7 information received. He also stated cases that
8 cannot be closed are passed on to a prosecutor to
9 determine the best course of action.

10 Vice President Szalankiewicz noted Mr. Zogby's
11 recommendation to have a discussion with applicants
12 wanting to take the exam who may have had a couple of
13 gray areas that would have resulted in an appeal,
14 which reduced those hearings drastically.

15 Mr. Michalowski stated there has been a decrease
16 in application cases, because they are now deferred to
17 the Board first to get areas of concern.]

18 ***

19 [K. Kalonji Johnson, Acting Commissioner, Bureau of
20 Professional and Occupational, exited the meeting at
21 10:25 a.m.]

22 ***

23 [The Board recessed from 10:25 a.m. until 10:33 a.m.]

24 ***

25 [A formal hearing was held from 10:33 a.m. until

1 10:53 a.m. in the matter of the Appeal of the
2 Provisional Denial of the Application for Licensure as
3 a Professional Engineer by Reciprocity of Mehdi
4 Mehrabi, Case No. 19-47-014569.]

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
7 10:54 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 11:39 a.m.]

13 ***

14 MOTIONS

15 MR. FRITZ:

16 The Board met in executive session and
17 conducted quasi-judicial deliberations
18 on the following matters:

19 The Board would entertain a motion
20 to approve the Consent Agreement at Case
21 No. 17-47-12836.

22 MR. KUDLAWIEC:

23 So moved.

24 MR. TESLER:

25 Second.

1 VICE PRESIDENT SZALANKIEWICZ:

2 All in favor?

3 [The motion carried unanimously. The name of the
4 Respondent is Matthew David Oakes, P.E.]

5 ***

6 MR. FRITZ:

7 The Board would entertain a motion to
8 approve the following Consent Agreement
9 at Case No. 18-47-001800.

10 MR. KUDLAWIEC:

11 So moved.

12 MR. TESLER:

13 Second.

14 VICE PRESIDENT SZALANKIEWICZ:

15 All in favor?

16 [The motion carried. Mr. Brinkash opposed the motion.
17 The name of the Respondent is Chetan V. Shah, P.E.]

18 ***

19 MR. FRITZ:

20 The Board would entertain a motion to
21 approve the Consent Agreement at Case
22 No. 17-47-13723.

23 MR. KUDLAWIEC:

24 So moved.

25 MR. TESLER:

1 Second.

2 VICE PRESIDENT SZALANKIEWICZ:

3 All in favor? All opposed?

4 [The motion carried unanimously. The name of the
5 Respondent is Afsar Hasan, P.E.]

6 ***

7 MR. FRITZ:

8 The Board would entertain a motion
9 directing Board counsel to draft a final
10 order in the matter of Case No. 19-47-
11 014569 in the matter of Mehdi Mehrabi.

12 MR. KUDLAWIEC:

13 So moved.

14 MR. TESLER:

15 Second.

16 VICE PRESIDENT SZALANKIEWICZ:

17 All in favor? Any opposed?

18 [The motion carried unanimously.]

19 ***

20 MR. FRITZ:

21 The Board would entertain a motion
22 granting the continuing education
23 exemption waiver request of Peter A.
24 Neubauer, P.E. pending receipt of
25 additional information that the Board

1 will be requesting from the applicant.

2 MR. KUDLAWIEC:

3 So moved.

4 MR. TESLER:

5 Second.

6 VICE PRESIDENT SZALANKIEWICZ:

7 All in agreement? Opposed?

8 [The motion carried unanimously.]

9 ***

10 MR. FRITZ:

11 The Board would entertain a motion
12 approving the PE Reciprocity Application
13 of Nandavar Mohan subject to Act 41
14 provisional licensure.

15 MR. KUDLAWIEC:

16 So moved.

17 MR. TESLER:

18 Second.

19 VICE PRESIDENT SZALANKIEWICZ:

20 All in favor? Opposed?

21 [The motion carried unanimously.]

22 ***

23 Miscellaneous

24 [C. William Fritz II, Esquire, Board Counsel, noted
25 the 2020 meeting dates for the Board's review.]

1 ***

2 VICE PRESIDENT SZALANKIEWICZ:

3 I make a motion to approve the dates.

4 MR. KUDLAWIEC:

5 So moved.

6 MR. TESLER:

7 Second.

8 VICE PRESIDENT SZALANKIEWICZ:

9 All in agreement? Opposed?

10 [The motion carried unanimously.]

11 ***

12 Report of Board Counsel (Continued)

13 [C. William Fritz II, Esquire, Board Counsel, noted
14 the need for discussion regarding Act 41. He stated
15 the Board's requirements would be for an individual to
16 be licensed two of the last five years and to require
17 the applicant to demonstrate 24 hours of CE that would
18 meet the same requirements Pennsylvania has within the
19 24 months preceding the date of their application to
20 show competency.

21 Mr. Tesler preferred individuals provide
22 certificates to ensure competency.

23 Vice President Szalankiewicz noted concern with
24 military individuals who want to practice engineering
25 in Pennsylvania who would have to wait until they get

1 24 hours of credit, which is a conflict of Act 41.

2 Mr. Fritz explained that an applicant whose
3 license has expired and comes back to Pennsylvania is
4 required to show CE, so it is the same burden put on
5 Pennsylvania licensees.

6 Mr. Fritz referred to Section 4(g) regarding
7 prosecuting licensees for violations. He noted
8 requiring that the individual be in good standing with
9 the state they are coming from with no prior
10 discipline from the state unless it is something
11 Pennsylvania would discipline.

12 Mr. Fritz commented that Act 41 was the law, and
13 the regulations apply the law to each Board. He
14 explained that the regulations must be completed by
15 February 2021. The regulations can be made specific
16 to the Board. He mentioned that individuals can
17 present for an informal conference if the Board is
18 uncertain.

19 Mr. Fritz referred to Section 4(g), where arrests
20 or convictions could be a violation, but under (c) on
21 the shell, it allows the Board to utilize their
22 discretion.

23 Mr. Fritz noted the addition of the use of seals,
24 where individuals coming here practicing on a
25 provisional license are still held to the same

1 standards of current licensees. He noted the
2 applicants would be allowed to use their home state
3 seal during the provisional licensure time and then
4 indicate also with that seal that it is a Pennsylvania
5 provisional license number. He also noted if the
6 individuals come to Pennsylvania with a provisional
7 license, the individuals could still use their home
8 state seal but also have it indicate the PA
9 provisional license and expiration date.

10 Mr. Fritz had not added language for fees yet,
11 because the Board had not discussed that yet. He
12 assumed the fee would be the same as for a reciprocal
13 license. He commented that nothing would change
14 unless the Board voted on it, but he will take it to
15 the next step.

16 Mr. Fritz commented that the electronic seal
17 regulation was with the Office of General Counsel
18 (OGC).

19 Vice President Szalankiewicz noted a correction
20 brought to his attention by Mr. Brinkash and wanted to
21 give credit to Juan Ruiz for setting them up and not
22 Mr. Zogby.]

23 ***

24 Adjournment

25 VICE PRESIDENT SZALANKIEWICZ:

1 Motion to adjourn.

2 MR. KUDLAWIEC:

3 So moved.

4 MR. TESLER:

5 Second.

6 VICE PRESIDENT SZALANKIEWICZ:

7 All in favor? Opposed?

8 [The motion carried unanimously.]

9 ***

10 [There being no further business, the State Board of
11 Professional Engineers, Land Surveyors, and Geologists
12 Meeting adjourned at 12:00 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.



Evan Bingaman,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

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

November 13, 2019

	TIME	AGENDA
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10	9:32	Official Call to Order
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12	9:33	Pledge of Allegiance
13		
14	9:34	Introduction of Board Members
15		
16	9:35	Approval of Minutes
17		
18	9:35	Acknowledge Public
19		
20	9:35	Report of Board Members
21		
22	9:37	Report of Board Administrator
23		
24	9:37	Report of Board Prosecution Division
25		
26	9:43	Report of Acting Commissioner
27		
28	9:46	Report of Board Counsel
29		
30	9:47	Appointment - Kimberly A. Mattis;
31		Julie Snader, Bureau of Finance and
32		Operations Budget Presentation
33		
34	10:25	Recess
35	10:33	Return to Open Session
36		
37	10:33	Formal Hearing - Mehdi Mehrabi
38	10:53	
39		
40	10:54	Executive Session
41	11:39	Return to Open Session
42		
43	11:39	Motions
44		
45	11:42	Miscellaneous
46		
47	11:43	Report of Board Counsel (Continued)
48		
49	12:00	Adjournment
50		