# State Registration Board for Professional Engineers, Land Surveyors, and Geologists October 8, 2021

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# BOARD MEMBERS:

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James J. Szalankiewicz, PE, PLS, President K. Kalonji Johnson, Commissioner, Bureau of Professional and Occupational Affairs Michael F. Brinkash, PLS Martin F. Helmke, PhD, PG

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Ronald N. Jumper Jr., Public Member

Robert P. Kudlawiec, PE

15 Joseph T. McNally, PG, Vice President

Carol D. Sides, Public Member

Francis J. Stanton Jr., PE 17

18 Jonathan J. Tabas, PE, PLS

19 20

### BUREAU PERSONNEL:

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C. William Fritz II, Esquire, Board Counsel Ray Michalowski, Esquire, Senior Board Prosecution Liaison

Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution Division

Glenn P. Masser, Esquire, Board Prosecutor Caroline A. Bailey, Esquire, Board Prosecutor Alice Glasser, Esquire, Board Prosecutor

Jeannie Bronshtein, Board Administrator

Terrie Kocher, Board Administrator, Department of State

Marc Farrell, Deputy Director, Office of Policy, Department of State

36 37 38

### ALSO PRESENT:

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Jen Smeltz, Republican Executive Director, Senate Consumer Protection & Professional Licensure Committee

Marlene A. Wilson, Executive Director, House Professional Licensure Committee

John G. Fuehrer II, Chair, Education Committee, Pennsylvania Society of Land Surveyors

Ted Mowatt, Vice President, Wanner Associates, on behalf of the Pennsylvania Society of Professional Engineers

\* \* \* 1

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

October 8, 2021

\* \* \*

6 [Pursuant to Section 708(a)(5) of the Sunshine Act, at 9:00 a.m. the Board entered into Executive Session with C. William Fritz II, Esquire, Board Counsel, for the purpose of conducting quasi-judicial deliberations 10 and to receive legal advice from Board counsel on 11 matters that are currently pending before the Board.

The Board returned to open session at 10:50 a.m.] 12

\* \* \* 13

14 Meeting Instructions

15 [Jeannie Bronshtein, Board Administrator, provided

16 instructions to be followed during the virtual

17 meeting.]

5

\* \* \* 18

19 The regularly scheduled meeting of the State 20 Registration Board for Professional Engineers, Land 21 Surveyors, and Geologists was held on Friday, October

8, 2021. James Szalankiewicz, PE, PLS, President, 22

23 called the meeting to order at 10:50 a.m.

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25 [C. William Fritz II, Esquire, Board Counsel, informed

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everyone that the meeting was being recorded, and
1
2
   those who continued to participate were giving their
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   consent to be recorded.
        Mr. Fritz also noted the Board met in Executive
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5
   Session prior to open session for the purpose of
6
   conducting quasi-judicial deliberations regarding the
   agenda.]
                              * * *
9
   Roll Call
10
   [A roll call of Board members was taken by Mr. Fritz.]
                              * * *
11
12
   Approval of minutes of the May 17, 2021 meeting
   PRESIDENT SZALANKIEWICZ:
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14
                  Hopefully, people had a chance to review
15
                  to the minutes. Are there any changes
16
                  or perhaps a motion to approve?
17
   MR. BRINKASH:
18
                  I make that motion to approve.
19
   MR. STANTON:
20
                  Second.
21
   PRESIDENT SZALANKIEWICZ:
22
                  All in favor, yes? Any opposed?
                                                      So
2.3
                  moved then. Thank you.
24
   [The motion carried unanimously.]
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Acknowledge Public
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2
   [President Szalankiewicz requested members of the
3
   public introduce themselves.]
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5
   Report of Board President
6
   [James J. Szalankiewicz, PE, PLS, President, thanked
   the administrator, counsel, and administrative staff
   for providing Board information and working together
   to help make the transition as smooth as possible for
10
   the past 18 months under such adverse conditions.]
                              * * *
11
12
   [Robert P. Kudlawiec, PE, addressed his attendance at
13
   the National Council of Examiners for Engineering and
14
   Surveying (NCEES) Meeting on behalf of the state of
15
   Pennsylvania. He reported all motions before the
   states were accepted and passed by large margins.
16
17
   mentioned prior Board discussion concerning Motion 20,
18
   noting it passed 68 to 38 percent. He noted the split
19
   vote would no longer be accepted and passed by 92 to 8
20
   percent. He reported the regional meeting will be in
21
   April and national meeting in California in August.
22
        President Szalankiewicz thanked Mr. Kudlawiec for
23
   representing the Board well.
24
        Mr. Stanton also mentioned attending the virtual
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NCEES Meetings. He noted prior Board discussion

1 regarding adding a plumbing exam option to the NCEES

2 mechanical exam. He commented that the NCEES

3 education group is going to review and investigate

4 adding a plumbing exam or plumbing questions to the

5 mechanical portion of the exam. He stated the

6 American Society of Plumbing Engineers received

7 support from 10 boards and will be going to the

committees to investigate.

Mr. Szalankiewicz also thanked Mr. Stanton for his personal time and effort.

Mr. McNally mentioned the National Association of State Boards of Geology (ASBOG) Meeting at the end of October. He also noted the ASBOG Council of Examiners Meetings are usually in the spring.]

#### MR. MCNALLY:

For the meeting coming up, I plan on attending the annual meeting and parts of the Council of Examiners, and we try to be representatives as much as possible.

I would like to ask for a motion for approval to attend the meeting so that we can continue our involvement as representatives of the commonwealth with this national organization.

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If I have someone who is willing to
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                  make that motion, I'd appreciate it.
3
   MR. BRINKASH:
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                  I'll make that motion as stated by Mr.
5
                  McNally.
6
   MR. KUDLAWIEC:
                  Second.
   PRESIDENT SZALANKIEWICZ:
9
                  All those approving that motion, say
10
                  aye? Anyone opposed?
11
   [The motion carried unanimously.]
12
13
   Report of Commissioner
14
   [K. Kalonji Johnson, Commissioner, Bureau of
15
   Professional and Occupational Affairs, commented that
16
   the meeting was supposed to be an in-person Board
17
   meeting but informed everyone that many of the waivers
18
   and regulatory suspensions set to expire on September
19
   30 were extended until March 31, 2022, including the
20
   physical presence requirement.
21
        Commissioner Johnson also thanked Board counsel
2.2
   and the Board administrator for their work, along with
2.3
   the Board for their patience.
2.4
        Commissioner Johnson addressed physical travel
25
   and suggested Board members exercise both virtual and
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physical options where available. He noted physical travel has been reinstated to the pre-COVID two-member policy. He encouraged Board members to participate in regional and national opportunities virtually.

Commissioner Johnson addressed wall certificates, noting they were stopped administratively a few years back but that the policy is being reexamined internally. He stated there would be some announcements shortly, probably within the next 30 days or so with respect to that development.

Commissioner Johnson commented that the department will be piloting the return of wall licenses on a limited basis to certain boards, and based on the results of that pilot program, wall licenses will be expanded back to the original number of boards that were receiving those in the past.]

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Report of Board Administrator

[Jeannie Bronshtein, Board Administrator, reported a nearly 90 percent license renewal rate as of the close on September 30, 2021. She also mentioned a few reactivations have been submitted and is expecting that percentage to go up a few points.

Ms. Bronshtein noted that the fall geology exams took place a week ago, and the last paper-and-pencil

a

- 1 Principles and Practice of Engineering (PE) exam will
- 2 be given in two weeks. She mentioned NCEES has
- 3 stepped up their transition to computer-based testing
- 4 for the civil engineer disciplines due to the
- 5 pandemic.
- 6 Ms. Bronshtein noted, next spring, they will join
- 7 | the rest of the disciplines as computer-based testing
- 8 (CBT) exams with several testing windows throughout
- 9 | the year. She mentioned it alleviates the
- 10 registration deadlines and the stress for the
- 11 applicants as well as the staff. She believed that
- 12 the 16-hour two-component structural exam will remain
- 13 paper and pencil until 2024.
- 14 Ms. Bronshtein thanked everyone who helped in the
- 15 successful completion of the revised state-specific
- 16 exam. She noted the last phase is taking place right
- 17 | now and being completed by Pearson VUE with an
- 18 expected publish date of January 1.
- 19 President Szalankiewicz further explained that
- 20 the Board thought it was inadequate when Pearson VUE
- 21 took over the previous state exam. He commented that
- 22 people, such as Mike Brinkash and some other
- 23 volunteers and Ms. Bronshtein, put a lot of time and
- 24 work into making the exam what it should be and
- 25 thanked them for their efforts.

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Mr. Brinkash personally thanked Ms. Bronshtein
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2
   for her persistence in pursing that with Pearson VUE.
3
   He noted that shooting for January sounds like an
   excellent plan, where it seems like it is going to
5
   finally happen.
6
        President Szalankiewicz thanked Commissioner
   Johnson and his staff, along with Ms. Bronshtein for
   the effort she put forth and wonder job they did
   working together.
10
        Commissioner Johnson attested to Ms. Bronshtein's
11
   persistence and weekly updates, noting an immeasurable
12
   number of hours went into that project, and she should
13
   be commended. 1
                              * * *
14
15
   Report of Board Prosecution Division
   [Caroline A. Bailey, Esquire, Board Prosecutor,
16
17
   presented the Consent Agreement for Case No. 18-47-
18
   010930.1
                              * * *
19
20
   [Glenn P. Masser, Esquire, Board Prosecutor, presented
21
   the Consent Agreements for Case No. 19-47-016669, Case
22
   No. 20-47-009242, and Case No. 20-47-010341.
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2.4
   MR. FRITZ:
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                  The Board would entertain a motion to
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11
                  approve the Consent Agreement at Case
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2
                  No. 18-47-010930.
3
   MR. TABAS:
4
                  So moved.
5
   DR. HELMKE:
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                  Second.
7
   PRESIDENT SZALANKIEWICZ:
                  All in favor? Opposed?
   [The motion carried. Mr. Stanton opposed the motion.
10
   The Respondent's name is Joseph M. Fusillo, P.E.]
                               * * *
11
   MR. FRITZ:
12
                  The Board would entertain a motion to
13
14
                  approve the Consent Agreement at Case
15
                  No. 19-47-016669.
16
   MR. TABAS:
17
                  So moved.
   MR. KUDLAWIEC:
18
19
                  Second.
20
   PRESIDENT SZALANKIEWICZ:
21
                  All those in favor? Any opposed?
22
   [The motion carried unanimously. The Respondent's
23
   name is Raja Sleiman El-Awar, P.E.]
                               * * *
24
   MR. FRITZ:
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12
                  The Board would entertain a motion to
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2
                  approve the Consent Agreement at Case
3
                  No. 20-47-009242.
   DR. HELMKE:
4
5
                  I make that motion.
6
   MR. STANTON:
7
                  Second.
   PRESIDENT SZALANKIEWICZ:
9
                  Those in favor of the motion as
10
                  presented? Any opposed?
11
   [The motion carried unanimously. The Respondent's
12
   name is Lawrence J. Artman II.]
13
                               * * *
   MR. FRITZ:
14
15
                  Finally, the Board would entertain a
16
                  motion to approve the Consent Agreement
                  at Case No. 20-47-010341.
17
   MR. STANTON:
18
19
                  So moved.
20
   MR. TABAS:
21
                  Second.
22
   PRESIDENT SZALANKIEWICZ:
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                  Those in favor? Anyone opposed?
24
   [The motion carried unanimously.]
                               * * *
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1 | [Ray Michalowski, Esquire, Senior Board Prosecution

2 Liaison, asked Board members, who attend the NCEES

3 | meetings, to thank NCEES for offering the online law

4 enforcement seminar on October 13 and to encourage

5 NCEES to continue that in the future. He mentioned

6 Ms. Bailey, Ms. Glasser, and Mr. Masser will be

attending that seminar via Zoom.]

\*

9 Report of Board Counsel

10 [C. William Fritz II, Esquire, Board Counsel, provided

11 a Status of Cases Report for the Board's review. He

12 noted six open cases, including the consent agreements

13 presented today that will be removed from the status

14 of cases for the next Board meeting. He mentioned

15 that there were no applications or reinstatements at

16 the current time.

Mr. Fritz referred to 16A-4712 regarding the

18 digital seal regulation, noting there will be

19 discussion on the updated regulation probably at the

20 next Board meeting. He wanted everyone to be aware

21 that that the regulation is moving, and there is

22 reason to be optimistic. He also noted working on the

23 Architect Board and Landscape Architect Board

24 regulations.

25 Mr. Brinkash thanked Mr. Fritz for providing a

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14
   Status of Cases Report at each meeting to be able to
1
2
   see the progress.
3
        Mr. Fritz provided an update regarding Act 41,
4
   noting it to be moving very quickly. He reported no
5
   comments from the Independent Regulatory Review
6
   Commission or the Governor's Office. He is hoping the
   regulation will be on the Independent Regulatory
   Review Commission's November Agenda for approval and
   completed at that point.]
10
11
   Report of Board Counsel - Adjudication and Order
12
   MR. FRITZ:
                  The Board would entertain a motion
13
14
                  directing Board counsel to draft a Final
15
                  Adjudication and Order in the Matter of
16
                  Randall R. Myers, Case Nos. 17-47-014374
17
                  & 18-47-004847.
   MR. BRINKASH:
18
19
                  So moved.
2.0
   MR. KUDLAWIEC:
21
                  Second.
2.2
   PRESIDENT SZALANKIEWICZ:
2.3
                  All those in favor? Any opposed?
2.4
   [The motion carried unanimously.]
25
                              * * *
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15 Report of Board Counsel - Motion to Deem Facts 1 2 Admitted MR. FRITZ: 3 The Board would entertain a motion to 4 5 grant the Motion to Deem Facts Admitted 6 and direct Board counsel to draft an Adjudication and Order in the Matter of Robert Dennis Viszneki, Case No. 19-47-9 008803. 10 Do we have a motion? 11 MR. BRINKASH: 12 So moved. MS. SIDES: 13 14 Second. 15 PRESIDENT SZALANKIEWICZ: 16 Those in favor? Any opposed? 17 [The motion carried unanimously.] \* \* \* 18 19 Report of Regulatory Counsel 20 [C. William Fritz II, Esquire, Board Counsel, noted 21 regulatory counsel was not present but believed he 22 provided a decent update on the current regulations. 23 He offered to answer any further questions during or 2.4 after the meeting. 25 \* \* \*

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16
   Applications for Review
1
2
   MR. FRITZ:
3
                  The Board would entertain a Motion to
 4
                  grant the Reciprocal Application of Tim
5
                  John Vangelder with an Act 41
6
                  provisional license.
7
   MR. KUDLAWIEC:
                  So moved.
9
   COMMISSIONER JOHNSON:
10
                  Second.
11
   PRESIDENT SZALANKIEWICZ:
12
                  All those in favor? Anyone opposed?
13
   [The motion carried unanimously.]
                               * * *
14
15
   MR. FRITZ:
16
                  The Board would entertain a Motion to
17
                  provisionally deny the Reciprocal
18
                  License Application of Gordon John
19
                  Carrie.
20
   MR. STANTON:
21
                  So moved.
22
   MR. MCNALLY:
23
                  Second.
2.4
   PRESIDENT SZALANKIEWICZ:
25
                  Those in favor? Opposed?
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17 [The motion carried unanimously.] 1 2 3 Continuing Education Exemption/Waiver Requests MR. FRITZ: 4 5 The Board would entertain a Motion to 6 grant the Continuing Education Exemption 7 Request of Michael Shawn Roach. MR. MCNALLY: 9 Motion to grant. 10 MR. KUDLAWIEC: 11 Second. 12 PRESIDENT SZALANKIEWICZ: 13 Those in favor? Any opposed? 14 [The motion carried unanimously.] \* \* \* 15 16 Discussion Items 17 [James J. Szalankiewicz, PE, PLS, President, referred 18 to House Bill 609, noting Mr. Brinkash has done a lot 19 of research for the past few years as well as the rest 20 of the Board members.] 21 PRESIDENT SZALANKIEWICZ: 22 I'd like to have a motion for the State 2.3 Registration Board of Professional 2.4 Engineers, Land Surveyors, and 25 Geologists to endorse House Bill 609 as

1 it now exists moving forward.

2 MR. BRINKASH:

3 So moved.

4 MR. KUDLAWIEC:

5 Second.

6 PRESIDENT SZALANKIEWICZ:

Those in favor of House Bill 609?

8 Opposed?

9 [The motion carried unanimously.]

10

11 [C. William Fritz II, Esquire, Board Counsel, noted

12 | House Bill 1801 was also introduced and is related to

13 House Bill 609 but focuses directly on the engineer-

14 | in-training (EIT) certificate under Section 4.2(c)(1).

Mr. Fritz mentioned that the section is also

16 included in House Bill 609 but pulls out the section

17 requiring four years of the progressive experience

18 needing to occur after the issuance of the EIT

19 certificate. He stated it will allow the Board to

20 look at all experience of an applicant at that point

21 before and after the issuance of a certificate.

22 President Szalankiewicz commented that there was

23 extensive discussion over that in Executive Session

24 and feels pretty confident the Board endorses that

25 also.

Mr. Brinkash stated House Bill 609 is at its third attempt before legislators for approval and has been going on for approximately six years. He noted the case was born out of the violations that the state charged Davey Resource Group (DRG) with, primarily so they would add a surveyor's license, and provided a summary. He commented that people and lobbyists from DRG are endorsing that right now, which speaks highly of House Bill 609.

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Mr. Brinkash asked whether the Board endorsing and supporting House Bill 609 could be channeled to the key people in the Senate so they are aware of the Board's actions.

President Szalankiewicz commented that any interested party may contact the Board to provide some guidance on where to go. He personally, as a Board member and as a professional engineer and professional land surveyor, highly endorses the bill and will do his best with local surveyors and engineers by letting their senators know what needs to be done.

President Szalankiewicz noted the importance of the Board's obligation to maintain that for the health and safety of the public and thanked Mr. Brinkash for all the effort putting the bill forth.

Commissioner Johnson commented that the Office of

Legislative Affairs and Office of Policy work in conjunction with colleagues in the General Assembly through the executive directors of the respective oversight committees in the House and Senate, all of whom are active in observing the virtual meetings.

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Commissioner Johnson stated the correct processional channels within the department will be working to voice the Board's concerns, along with stating publically in public meetings to make sure that colleagues in the General Assembly are properly informed and notified of where the Board stands and their concerns on all legislative initiatives. He thanked the Board for making this part of a public record and reaching out to do that.

Mr. Brinkash thanked Commissioner Johnson for his support for the Board and praised him for his work, especially for his assistance with Pearson.

Mr. Brinkash asked the Pennsylvania Society of Professional Engineers (PSPE) and Pennsylvania Society of Land Surveyors (PSLS) how they would share the board's decision with the legislature.

Commissioner Johnson mentioned working closely with stakeholders and professional associations that have an integral role in moving legislation along. He stated Steve Latanishen at the Office of

Intergovernmental Affairs works closely with many of the stakeholders to make sure the department's interests are fully expressed.

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Commissioner Johnson also noted the stakeholders work tirelessly to advocate on behalf of the regulated community and presumably already working with the staff on the House Professional Licensure Committee to make sure the Board's concerns are voiced as well.

Jen Smeltz, Republican Executive Director, Senate Consumer Protection & Professional Licensure Committee, noted the bill is currently in committee. She mentioned that she appreciated the position the Board has taken and publically stating their stance on it. She stated the committee has looked at it multiple times, but it is a very technical bill.

Ms. Smeltz informed the Board that several groups currently oppose the bill, and the committee is trying to work through and understand all of the positions before moving the bill forward. She noted she would be happy to discuss the bill and suggested setting up a meeting.

Mr. Tabas offered to provide a fact finding sheet document for Ms. Smeltz' information.

Mr. Brinkash noted sharing the fact finding sheet document with Board members a few weeks ago but

1 offered to provide the information again.]

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- 3 | Miscellaneous 2022 Board Meeting Dates
- 4 [C. William Fritz II, Esquire, Board Counsel, noted
- 5 2022 Board meeting dates for the Board's review and
- 6 approval. He encouraged everyone to contact Ms.
- 7 Bronshtein if they are unable to attend a meeting for
- 8 quorum purposes.]
- 9 DR. HELMKE:
- 10 I'll make the motion.
- 11 MR. KUDLAWIEC:
- 12 Second.
- 13 PRESIDENT SZALANKIEWICZ:
- 14 All those in favor to approve the dates
- as presented? Opposed?
- 16 [The motion carried unanimously.]
- 17
- 18 | [Francis J. Stanton Jr., PE, requested more
- 19 | information regarding in-person meetings and whether
- 20 there is a chance of having in-person meetings with
- 21 improved conditions.
- 22 Mr. Fritz deferred to Commissioner Johnson but
- 23 noted anything is possible. He mentioned that Board
- 24 members would be notified of any changes from virtual
- 25 to in person and the meetings would be virtual unless

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23
   informed otherwise.
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2
        Commissioner Johnson concurred with Mr. Fritz'
3
   statement.]
                               * * *
4
   Miscellaneous - Election of Officers
5
   MR. BRINKASH:
6
                   I make a motion to Nominate Mr. James
8
                  Szalankiewicz for president.
9
   MR. STANTON:
10
                  Second.
11
   MR. FRITZ:
12
                  We need a vote. All in favor? Anyone
13
                  opposed?
   [The motion carried unanimously.]
14
                               * * *
15
16
   MR. BRINKASH:
17
                  Mr. President, I would like to make a
18
                  Motion to Nominate Mr. Joseph McNally
19
                  for vice president of this Board.
20
   DR. HELMKE:
21
                  Second.
22
   PRESIDENT SZALANKIEWICZ:
2.3
                  All in favor? Opposed?
24
   [The motion carried unanimously.]
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1 | Miscellaneous - ASBOG Annual Meeting

- 2 [C. William Fritz II, Esquire, Board Counsel, noted
- 3 the National Association of State Boards of Geology
- 4 Annual Meeting in Little Rock, AR, October 27-28. He
- 5 encouraged anyone attending the meeting to coordinate
- 6 with Ms. Bronshtein and submit their request early.
- 7 Mr. Stanton thanked President Szalankiewicz and
- 8 Vice President McNally for their hard work during the
- 9 | year and other Board members agreed.]
- 10 \*\*\*
- 11 Adjournment
- 12 PRESIDENT SZALANKIEWICZ:
- Do I have a motion to adjourn?
- 14 MR. BRINKASH:
- 15 So moved.
- 16 MR. KUDLAWIEC:
- 17 | Second.
- 18 | PRESIDENT SZALANKIEWICZ:
- 19 All in favor? Opposed? The meeting is
- 20 adjourned.
- 21 [The motion carried unanimously.]
- 22 \*\*\*
- 23 [There being no further business, the State Board of
- 24 Professional Engineers, Land Surveyors, and Geologists
- 25 | Meeting adjourned at 11:44 a.m.]

1 \*\*\*
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3 CERTIFICATE
4
5 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.

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2.3

Kelly Gallick,

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	October 8, 2021		
6	·		
7			
8	TIME AGENDA		

8	TIME	AGENDA
9	0 - 0 0	The south in the Control of the Cont
10 11	9:00 10:50	Executive Session
12	10:30	Return to Open Session
13	10:50	Official Call to Order
14	10.50	Official Call Co Ofact
15	10:51	Roll Call
16		
17	10:53	Approval of Minutes
18		
19	10:53	Acknowledge Public
20		
21	10:55	Report of Board President
22	10 57	
23	10:57	Report of Board Members
24 25	11:00	Report of Commissioner
26	11.00	Report of Commissioner
27	11:04	Report of Board Administrator
28	11.01	Report of Board Hamilitotrator
29	11:08	Report of Board Prosecution Division
30		-
31	11:12	Report of Board Counsel
32		
33	11:18	Applications for Review
34		
35	11:19	Continuing Education Exemption/Waiver
36		Requests
37 38	11 <b>:</b> 20	Diagnasian Itama
39	11:20	Discussion Items
40	11 <b>:</b> 32	Miscellaneous
41	11.52	111500114110045
42	11:44	Adjournment
43		- J