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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 BOARD OF CRANE OPERATORS
VIA VIDEOCONFERENCE**

TIME: 10:32 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

March 24, 2021

State Board of Crane Operators
March 24, 2021

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BOARD MEMBERS:

Daniel R. Haulman, Chair, Professional Member
K. Kalonji Johnson, Commissioner, Bureau of
Professional and Occupational Affairs
Michael A. Becker, Professional Member - Absent
Andrew S. Goulet, Professional Member
F. Allan "Buddy" Mauger Jr., Public Member
Brian M. Schmoyer, Professional Member - Absent

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Senior Board Counsel
C. William Fritz II, Esquire, Board Counsel
Colby B. Widdowson, Esquire, Board Prosecutor
Paul J. Jarabeck, Esquire, Board Prosecutor
Kayla R. Bolan, Esquire, Board Prosecutor
Tim Henderson, Esquire, Board Prosecutor
Amanda Li, Board Administrator
Theodore Stauffer, Executive Secretary, Bureau of
Professional and Occupational Affairs
Andrew LaFratte, MPA, Executive Policy Specialist,
Department of State

1 State Board of Crane Operators

2 March 24, 2021

3 ***

4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
5 9:00 a.m. the Board entered into executive session
6 with Dean F. Picarella, Esquire, Senior Board Counsel,
7 and C. William Fritz II, Esquire, Board Counsel, for
8 the purpose of conducting quasi-judicial deliberations
9 on a number of matters that are currently pending
10 before the Board and to receive the advice of counsel.
11 The Board returned to open session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Crane Operators was held on Wednesday, March
15 24, 2021. Daniel R. Haulman, Chair, Professional
16 Member, called the meeting to order at 10:32 a.m.]

17 ***

18 Roll Call/Introductions

19 [Chair Haulman requested Mr. Stauffer provide an
20 introduction of the Board members, staff, and audience
21 in attendance.]

22 ***

23 Approval of minutes of the January 27, 2021 meeting

24 CHAIR HAULMAN:

25 At this time, I would like to get the

1 approval of minutes from our previous
2 meeting on January 27. If anybody has
3 any notes or changes, please make it
4 known now. If not, could I have a
5 motion to approve those minutes?

6 MR. PICARELLA:

7 I believe, at this point, the Board
8 would entertain a motion to approve the
9 minutes of the January 27, 2021 Board
10 meeting of the crane operators.

11 MR. GOULET:

12 I make that motion.

13 CHAIR HAULMAN:

14 I'll second that motion. All in favor
15 of approving those minutes, please say
16 aye. Any opposed?

17 [The motion carried unanimously.]

18 ***

19 Report of Prosecutorial Division

20 [Colby B. Widdowson, Esquire, Board Prosecutor,
21 announced he would no longer be the prosecution
22 liaison for the Board due to the reorganization within
23 the office. He noted that the Board's prosecution
24 cases will now be under the supervision of Paul
25 Jarabeck's team, along with David Smith as the

1 prosecution liaison and Kayla Bolan as a new
2 prosecutor.

3 Mr. Widdowson thanked the Board for the
4 opportunity to work with them, noting the Board will
5 be in good hands moving forward.

6 Mr. Widdowson presented the Consent Agreements
7 for Case No. 18-71-009458 and Case No. 19-71-006657.

8 Mr. Picarella noted Mr. Fritz led the
9 deliberations and would be presenting the Board
10 Counsel part on these two Consent Agreements because
11 he recused himself due to prior conflict.]

12 ***

13 MR. FRITZ:

14 The Board would entertain a motion to
15 approve the Consent Agreement at Case
16 No. 18-71-009458.

17 MR. MAUGER:

18 I make a motion to approve that Consent
19 Agreement as written.

20 COMMISSIONER JOHNSON:

21 Second.

22 MR. FRITZ:

23 All in favor? Any opposed?

24 [The motion carried unanimously. The Respondent's
25 name is Lloyd Crane & Equipment, LLC.]

1 ***

2 MR. FRITZ:

3 The Board would entertain a motion to
4 approve the Consent Agreement at Case
5 No. 19-71-006657.

6 Anyone make a motion?

7 MR. MAUGER:

8 I'll make a motion to approve that one
9 as written as well.

10 COMMISSIONER JOHNSON:

11 Second.

12 MR. FRITZ:

13 All in favor? Any opposed?

14 [The motion carried unanimously. The Respondent's
15 name is Aaron Lloyd, L.C.O.]

16 ***

17 [Paul J. Jarabeck, Esquire, Board Prosecutor,
18 addressed the prosecution division's reorganization,
19 stating that David Smith had previously worked with
20 the Board for about one year and noted Kayla Bolan
21 came from the Dauphin County District Attorney's
22 Office. He informed the Board of their review of
23 cases and offered their assistance before the next
24 Board meeting if any questions arose.

25 Mr. Picarella thanked Colby Widdowson for his

1 work for Board prosecution and welcomed David Smith
2 and Kayla Bolan as new prosecutors.

3 Chair Haulman also thanked Mr. Widdowson and
4 welcomed Mr. Jarabeck.]

5 ***

6 Report of Board Counsel - Regulations

7 [Dean F. Picarella, Esquire, Senior Board Counsel,
8 noted items 2, 3, 6, and 7 were discussed during
9 executive session.

10 Mr. Picarella addressed 16A-7103 regarding the
11 final annex for the schedule of civil penalties
12 regulation. He noted prior discussion at the last
13 meeting of the comments received from the Independent
14 Regulatory Review Commission (IRRC). He noted the
15 Board directed him to make changes to the final annex
16 and final preamble before promulgating them for final
17 rulemaking.

18 Mr. Picarella noted IRRC had a question as to why
19 lapsed or expired crane licenses on the schedule of
20 civil penalties for citations for people who were not
21 licensed was not included. He stated the Board agreed
22 to not only use this for individuals who were never
23 licensed as crane operators but also include
24 individuals who were formerly licensed and their
25 license had lapsed or expired.

1 Mr. Picarella addressed the addition to § 6.41(a)
2 of the schedule to add the phase, "or after a crane
3 operator's license has lapsed or expired" to the
4 section where it reads, "holding oneself out as being
5 able to operate a crane or using the title "licensed
6 crane operator" or the abbreviation "L.C.O." without a
7 license.]

8 MR. PICARELLA:

9 I believe the Board would entertain a
10 motion to accept the changes made to the
11 annex and to promulgate the annex for
12 the schedule of civil penalties for
13 regulation 16A-7103 for final
14 rulemaking.

15 Does the Board have such a motion?

16 MR. MAUGER:

17 I'll make a motion to accept it as
18 written.

19 MR. GOULET:

20 I'll second the motion.

21 MR. PICARELLA:

22 Having a motion and seconded. Can we
23 have a vote? All in favor, say aye.
24 Any opposed?

25 [The motion carried unanimously.]

1 ***

2 Mr. Picarella addressed changes to the preamble
3 relating to IRRC's request for clarification. He
4 noted IRRC asked whether the Board considered
5 qualifying the use of the civil penalty for the
6 offense of operating a crane without a license or
7 employing an unlicensed individual to operate a crane,
8 in those instances where the violation for either of
9 these two offenses resulted in bodily harm or
10 substantial property damage, and whether a civil
11 penalty should even be available for consideration in
12 those circumstances.

13 Mr. Picarella also noted IRRC asked the Board to
14 explain their rationale on how dealing with violations
15 of that nature, as well as describe their approach to
16 protect the public health and safety and deter
17 violations of statutory and regulatory requirements.

18 Mr. Picarella provided additional language to the
19 preamble as directed by the Board at the last meeting
20 as follows: The ability for agents of the bureau to
21 file a citation for violations of these sections does
22 not foreclose the option of filing formal action for
23 these violations if the facts and circumstances
24 warrant a more serious penalty. The option of
25 issuance of a citation for unlicensed operation of a

1 crane or employing an unlicensed individual to operate
2 a crane is discretionary and should be used in those
3 situations where the violation occurs without
4 aggravating circumstances, such as bodily injury or
5 property damage. This approach protects the public
6 health and safety by allowing a quick resolution and
7 the establishment of a first violation of these
8 provisions in those matters that do not involve bodily
9 injury or property damage. A subsequent violation
10 requires the filing of a formal disciplinary action,
11 the threat of which would promote compliance with the
12 licensing requirements of the Board.

13 Mr. Picarella noted IRRC also made a comment
14 about the fact that a license to operate a crane is
15 only valid in conjunction with certification if the
16 license maintains a current certification in a
17 specialty for which the crane operator is certified.
18 He stated, depending on the specialty or the
19 accrediting organization, certifications are valid for
20 2, 3, or 5 years. IRRC noted there may be times when
21 a crane operator's certification will expire during
22 the biennial licensing renewal period. IRRC further
23 noted that section 502(b) of the act (63 P.S. §
24 2400.502(b)) and the Board's regulations at §
25 6.32(a)(2), relating to renewal of a license, require

1 crane operators to have current valid certification at
2 all times and that the Board requires licensees to
3 submit evidence of certification renewal before the
4 current certification expires and that a licensee who
5 has failed to maintain certification or submit
6 evidence of recertification is subject to disciplinary
7 action.

8 Mr. Picarella noted IRRC questioned whether the
9 Board considered and rejected establishing a civil
10 penalty for failure to maintain certification or
11 provide evidence of certification renewal and, if so,
12 to explain the reason and rationale for excluding
13 these offenses from the schedule of civil penalties.

14 Mr. Picarella mentioned the Board directed him to
15 include language explaining the Board's decision in
16 the preamble. He noted the language to read as
17 follows: The Commissioner and the Board did not
18 include the failure to maintain certification or
19 submit evidence of recertification in the schedule of
20 civil penalties because a licensee may choose not to
21 recertify or maintain their certification for several
22 reasons. A licensee may no longer be employed as a
23 crane operator if no longer practicing the profession
24 or has retired from the profession at the time the
25 certification expires. In those situations, rather

1 than going through the expense of recertification when
2 a licensee is no longer practicing the profession, the
3 licensee may let their certification expire and not
4 engage in the practice of the profession, even though
5 they have a valid current license to do so until that
6 license subsequently expires. The Commissioner and
7 the Board believed that the ability to discipline a
8 licensee for failure to maintain certification did not
9 arise until the licensee actually operates a crane
10 after the crane operator's certification had expired.
11 As such, a violation of 63 P.S. § 2400.502(b) and
12 § 6.32(a)(2) would more appropriately be the subject
13 of formal disciplinary action.]

14 MR. PICARELLA:

15 We need a vote to accept the preamble as
16 amended and to promulgate it as our
17 final rulemaking.

18 At this point, the Board would
19 entertain a motion to accept the final
20 preamble as presented and to promulgate
21 it as final rulemaking.

22 Do I have such a motion?

23 MR. GOULET:

24 I make that motion.

25 COMMISSIONER JOHNSON:

1 Second.

2 MR. PICARELLA:

3 We have a motion and second. Any
4 discussion? All those in favor of the
5 motion, please say aye. Any opposed?

6 [The motion carried unanimously.]

7 ***

8 Report of Board Counsel - Final Adjudication and Order

9 MR. PICARELLA:

10 At this point is the Final Adjudication
11 and Order at Case No. 20-71-009719.

12 Based upon the discussions in
13 executive session, I believe the Board
14 would entertain a motion to approve the
15 Final Adjudication and Order at Case No.
16 20-71-009719.

17 CHAIR HAULMAN:

18 I'll make that motion to approve the
19 Adjudication and Order.

20 COMMISSIONER JOHNSON:

21 Second.

22 MR. PICARELLA:

23 Any discussion? All those in favor, say
24 aye. Any opposed? Any abstentions?

25 [The motion carried unanimously. The Respondent's

1 name is Christopher Humlhanz, L.C.O.]

2 ***

3 Applications

4 MR. PICARELLA:

5 The Board has reviewed the Initial
6 License Application with Certification
7 of William Leach.

8 Based upon the discussions in
9 executive session, I believe the Board
10 would entertain a motion to table that
11 Application and direct the Board
12 administrator to send a discrepancy
13 letter seeking more information as
14 outlined in discussions in executive
15 session.

16 Do we have such a motion?

17 MR. MAUGER:

18 I make a motion that we direct a letter
19 to be sent.

20 COMMISSIONER JOHNSON:

21 Second.

22 MR. PICARELLA:

23 We have a motion and a second. Is there
24 any discussion on that? Seeing none. I
25 will ask for a vote as to whether we

1 table it and direct the Board
2 administrator to send a letter for more
3 information. All those in favor, say
4 aye. Any opposed? Any abstentions?

5 [The motion carried unanimously.]

6 ***

7 Report of Commissioner

8 [K. Kalonji Johnson, Commissioner, Bureau of
9 Professional and Occupational Affairs, recognized
10 Andrew LaFratte for his work regarding a 3-year
11 project funded by the Department of Labor & Industry
12 to examine various aspects of licensure and the
13 impacts of licensure on unique populations, including
14 veterans returning from active service as well as
15 military spouses.

16 Commissioner Johnson commended Mr. LaFratte for
17 doing a phenomenal job, noting a report should soon be
18 available for the public to view. He stated Mr.
19 LaFratte specifically worked on ways to help bridge
20 the gap for individuals returning to civilian life and
21 spouses who deal with being transient as far as
22 military specialties and professions and occupations.

23 Andrew LaFratte, MPA, Executive Policy
24 Specialist, Department of State, announced that the
25 report regarding veterans' licensure would soon be

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Adjournment

CHAIR HAULMAN:

I believe the Board would be open to entertain a motion to adjourn.

MR. MAUGER:

Second.

MR. PICARELLA:

Chair Haulman made the motion to adjourn. All those in favor, say aye.

[The motion carried unanimously.]

[There being no further business, the State Board of Crane Operators Meeting adjourned at 11:09 a.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Crane Operators meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Crane Operators meeting.



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF CRANE OPERATORS
REFERENCE INDEX

March 24, 2021

TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:32	Official Call to Order
10:32	Roll Call/Introductions
10:36	Approval of Minutes
10:36	Report of Prosecutorial Division
10:45	Report of Board Counsel
10:59	Applications
11:02	Report of Commissioner
11:09	Adjournment

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