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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

TIME: 9:00 A.M.

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

November 20, 2019

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State Board of Crane Operators
November 20, 2019

BOARD MEMBERS:

Daniel R. Haulman, President, Professional Member
K. Kalonji Johnson, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Michael A. Becker, Professional Member
F. Allan "Buddy" Mauger Jr., Public Member

BUREAU PERSONNEL:

C. William Fritz II, Esquire, Board Counsel
Dean F. Picarella, Esquire, Board Counsel
Colby B. Widdowson, Esquire, Board Prosecution Liaison
Heather J. McCarthy, Esquire, Board Prosecutor
Amanda Li, Board Administrator
Andrew LaFratte, MPA, Department of State

ALSO PRESENT:

Kerry E. Maloney, Esquire, Post & Schell
Wesley J. Rish, Esquire, Rish Law Office, LLC
Matthew Shaw, Program Coordinator, Regulatory Affairs
and Test Development, National Commission for the
Certification of Crane Operators
Kyle J. Meyer, Esquire, Buchanan, Ingersoll & Rooney

1 ***

2 State Board of Crane Operators

3 November 20, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Crane Operators was held on Wednesday,
7 November 20, 2019.

8 K. Kalonji Johnson, Acting Commissioner, Bureau
9 of Professional and Occupational Affairs, was not
10 present at the commencement of the meeting.

11 ***

12 [Daniel R. Haulman, President, Professional Member,
13 called the meeting to order at 9:00 a.m.]

14 ***

15 Introduction of Board Members, Staff, and Audience
16 [Daniel R. Haulman, President, Professional Member,
17 requested the introduction of the Board members,
18 staff, and audience in attendance.]

19 ***

20 Approval of minutes of the September 25, 2019 meeting

21 PRESIDENT HAULMAN:

22 We will start off with reviewing the
23 minutes from the last meeting.

24 Does anybody have any changes or
25 amendments that need to be made to

1 those? If not, could I get a motion to
2 approve the minutes from the last
3 meeting?

4 MR. MAUGER:

5 I'll make a motion we approve the
6 minutes from September 25, 2019, as they
7 are written.

8 MR. BECKER:

9 I second that motion.

10 PRESIDENT HAULMAN:

11 All in favor?

12 [The motion carried unanimously.]

13 ***

14 Report of Prosecutorial Division

15 [Colby B. Widdowson, Esquire, Board Prosecution
16 Liaison, presented the Consent Agreement for File No.
17 16-71-13835.]

18 ***

19 [Colby B. Widdowson, Esquire, Board Prosecution
20 Liaison, presented the Consent Agreement for File No.
21 18-71-009255.]

22 Kerry E. Maloney, Esquire, Post & Schell, Counsel
23 for the Respondent, was also present for the
24 discussion.]

25 ***

1 [Colby B. Widdowson, Esquire, Board Prosecution
2 Liaison, presented the Consent Agreement for File No.
3 18-71-011410.

4 Wesley J. Rish, Esquire, Rish Law Office, LLC,
5 Counsel for the Respondent, was also present for the
6 discussion.]

7 ***

8 [Colby B. Widdowson, Esquire, Board Prosecution
9 Liaison, presented the Consent Agreements for File No.
10 19-71-014869 and File No. 19-71-007109.]

11 ***

12 [Colby B. Widdowson, Esquire, Board Prosecution
13 Liaison, presented the Consent Agreement for File No.
14 19-71-006026.

15 Kyle J. Meyer, Esquire, Buchanan, Ingersoll &
16 Rooney, Counsel for the Respondent, was also present
17 for the discussion.]

18 ***

19 Report of Board Counsel

20 [C. William Fritz II, Esquire, Board Counsel, noted
21 Consent Agreements and a Motion to Enter Default and
22 Deem Facts Admitted (MDFA) for discussion during
23 Executive Session.

24 Mr. Fritz presented a rough draft of the Act 41
25 regulations discussed at the last Board meeting. He

1 mentioned the next step would be a review by
2 Regulatory Counsel if the Board approves the changes
3 and then an actual Board vote on the final version.]

4 ***

5 Report of Board President

6 [Daniel R. Haulman, President, Professional Member,
7 referred to the election of officers for December
8 2020.]

9 PRESIDENT HAULMAN:

10 Does anybody have nominations for Board
11 President?

12 MR. MAUGER:

13 I would make a nomination for Mike
14 Becker.

15 PRESIDENT HAULMAN:

16 Any other nominations? I'll second that
17 nomination.

18 PRESIDENT HAULMAN:

19 Any other nominations? All in favor of
20 Mike Becker being the Board President in
21 2020, say aye. Any opposed?

22 [The motion carried unanimously.]

23 ***

24 Report of Board Administrator

25 [Amanda Li, Board Administrator, provided training

1 material for Board members and Commonwealth staff to
2 be signed and returned to Ms. Li.]

3 ***

4 Miscellaneous

5 [Daniel R. Haulman, President, Professional Member,
6 noted 2020 Board meeting dates, commenting on his
7 possible unavailability to attend the March 25, 2020
8 meeting.

9 Mr. Fritz suggested informing the Board of any
10 unavailability closer to the date of the meeting in
11 order to possibly move or switch to a tentative date
12 of April 22, 2020.]

13 ***

14 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
15 9:19 a.m. the Board entered into Executive Session
16 with C. William Fritz II, Esquire, Board Counsel, for
17 the purpose of conducting quasi-judicial deliberations
18 in a number of matters that are currently pending
19 before the Board. The Board returned to open session
20 at 9:45 a.m.]

21 ***

22 MOTIONS

23 MR. FRITZ:

24 The Board met in Executive Session and
25 conducted quasi-judicial deliberations

1 on the following matters: The Board
2 would entertain a motion to approve the
3 Consent Agreement at File No. 16-71-
4 13835.

5 MR. MAUGER:

6 I'll make a motion we approve.

7 PRESIDENT HAULMAN:

8 I'll second that motion.

9 PRESIDENT HAULMAN:

10 All in favor?

11 [The motion carried. The Respondent's name is William
12 M. Porter, L.C.O. Mr. Becker recused himself from
13 deliberations and voting on the motion.]

14 ***

15 MR. FRITZ:

16 The Board would entertain a motion to
17 approve the Consent Agreement at File
18 No. 18-71-009255.

19 MR. MAUGER:

20 I'll make a motion we approve the file.

21 MR. BECKER:

22 I second that motion.

23 PRESIDENT HAULMAN:

24 All in favor?

25 [The motion carried unanimously. The Respondent's

1 name is Thomas McKeown, L.C.O.]

2 ***

3 MR. FRITZ:

4 The Board would entertain a motion to
5 approve the following Consent Agreement
6 at File No. 18-71-011410.

7 MR. MAUGER:

8 I'll make a motion we approve the file.

9 MR. BECKER:

10 I second that motion.

11 PRESIDENT HAULMAN:

12 All in favor?

13 [The motion carried unanimously. The Respondent's
14 name is Garrett Adams, L.C.O.]

15 ***

16 MR. FRITZ:

17 The Board would entertain a motion
18 approving the Consent Agreement at File
19 No. 19-71-014869.

20 MR. MAUGER:

21 I'll make a motion we approve the file.

22 MR. BECKER:

23 I'll second that motion.

24 PRESIDENT HAULMAN:

25 All in favor?

1 [The motion carried unanimously. The Respondent's
2 name is Loren Torres, L.C.O.]

3 ***

4 MR. FRITZ:

5 The Board would entertain a motion
6 approving the Consent Agreement at File
7 No. 19-71-007109.

8 MR. MAUGER:

9 I'll make a motion we approve the file.

10 PRESIDENT HAULMAN:

11 I'll second that motion.

12 PRESIDENT HAULMAN:

13 All in favor?

14 [The motion carried. The Respondent's name is David
15 R. Angle, L.C.O. Mr. Becker recused himself from
16 deliberations and voting on the motion.]

17 ***

18 MR. FRITZ:

19 The Board would entertain a motion
20 approving the Consent Agreement at File
21 No. 19-71-006026.

22 MR. MAUGER:

23 I'll make a motion we approve the file.

24 PRESIDENT HAULMAN:

25 I'll second that motion.

1 PRESIDENT HAULMAN:

2 All in favor?

3 [The motion carried. The Respondent's name is Crane
4 Institute of America Certification, Inc. Mr. Becker
5 recused himself from deliberations and voting on the
6 motion.]

7 ***

8 MR. FRITZ:

9 The Board would entertain a motion
10 granting the Motion to Deem Facts
11 Admitted and directing Board Counsel to
12 draft an Adjudication and Order in the
13 following matter of Norb Wishnok,
14 L.C.O., File No. 18-71-011209.

15 MR. MAUGER:

16 I'll make a motion we approve it as
17 decided.

18 MR. BECKER:

19 I second that motion.

20 PRESIDENT HAULMAN:

21 All in favor?

22 [The motion carried unanimously.]

23 ***

24 Report of Acting Commissioner

25 [K. Kalonji Johnson, Acting Commissioner, Bureau of

1 Professional and Occupational Affairs, announced that
2 Capitol police will now be providing security for the
3 building to be consistent with those of the Capitol
4 Complex. He noted the public lobby hours to be 8:30
5 a.m. to 4:00 p.m., after which time everyone will need
6 a badge to enter the building.

7 Acting Commissioner Johnson addressed the
8 transition to pa.gov email addresses. He announced
9 information technology (IT) was available for those
10 having difficulty with their email. He stated the
11 password protection, the 60-day scramble was not going
12 away as it is a security measure. He also noted the
13 authentication requirement was not going away either.

14 Acting Commissioner Johnson addressed working
15 with the Department of General Services to reinstitute
16 wall certificates and incorporate some type of digital
17 barcode or watermark that would allow members of the
18 public to scan and tie into the license verification
19 link and access disciplinary profiles.]

20 ***
21 [K. Kalonji Johnson, Acting Commissioner, Bureau of
22 Professional and Occupational Affairs, entered the
23 meeting at 9:47 a.m.]

24 ***

25 Report of Board Counsel

1 [C. William Fritz II, Esquire, Board Counsel, reviewed
2 the Act 41 draft. He noted that under (a)(1) the
3 language, "has a current license, certification,
4 registration, or permit" was not changed to avoid
5 confusion with other states. He mentioned the
6 jurisdiction the individual was coming from must be
7 substantially equivalent to Pennsylvania.

8 Mr. Fritz next referred to (a)(2), where
9 individuals must have practiced two of the last five
10 years. He discussed granting a provisional license
11 under Act 41 to individuals coming from another state
12 without certification. He stated the provisional
13 license would only be good for 12 months, unless the
14 applicant meets the requirements placed upon them in
15 order to receive a full license.

16 Mr. Fritz addressed other requirements, such as
17 individuals cannot commit a violation of the act or
18 regulations in another state, but stated the Board
19 could to choose to issue an Act 41 license after
20 conducting an informal conference with the applicant
21 to find out more details about what happened in the
22 other state.

23 Acting Commissioner Johnson stated the Policy
24 Office was working with the Department of Military and
25 Veterans Affairs to delve into areas where the

1 military has not been very good with certifying
2 classifications for training and duties. He mentioned
3 creating a crosswalk project for military
4 specifications to be matched with outside educational
5 requirements.

6 Mr. Fritz discussed additional administrative
7 requirements. He had not yet drafted the preamble,
8 because there were not a lot of administrative
9 requirements other than proof of the certification and
10 proper submission of the application.

11 Mr. Fritz mentioned waiting on the Budget Office
12 regarding a fee analysis.

13 Mr. Fritz stated a termination provision was not
14 something the Board had to put in the regulation,
15 because it would be included in the order granting the
16 license itself.

17 Mr. Fritz commented that Ms. Li may flag an
18 application as having an issue and Board Counsel may
19 confirm the person did not qualify. The Board would
20 then have the opportunity to review the application
21 for possible Act 41 licensure.

22 Mr. Fritz will take the language to Regulatory
23 Counsel, but the final version will not go forward
24 without approval by the Board.]

25

1 Adjournment

2 PRESIDENT HAULMAN:

3 Can I have a motion to adjourn?

4 MR. BECKER:

5 I make a motion to adjourn the November
6 2019 meeting.

7 MR. MAUGER:

8 Second that motion.

9 PRESIDENT HAULMAN:

10 All in favor?

11 [The motion carried unanimously.]

12 ***

13 [The State Board of Crane Operators Meeting adjourned
14 at 10:06 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

November 20, 2019

TIME	AGENDA
9:00	Official Call to Order
9:02	Introduction of Board Members, Staff, and Audience
9:02	Approval of Minutes
9:02	Report of Prosecutorial Division
9:13	Report of Board Counsel
9:16	Report of Board President
9:17	Report of Board Administrator
9:18	Miscellaneous
9:19	Executive Session
9:45	Return to Open Session
9:45	Motions
9:49	Report of Acting Commissioner
10:06	Adjournment