

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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: 9:31 A.M.

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

January 8, 2020

1 State Registration Board for Professional
2 Engineers, Land Surveyors and Geologists
3 January 8, 2020
4
5

6 BOARD MEMBERS:
7

8 Francis J. Stanton Jr., PE, President
9 Theodore Stauffer, Legal Assistant/Executive
10 Secretary, Bureau of Professional and Occupational
11 Affairs, on behalf of K. Kalonji Johnson, Acting
12 Commissioner, Bureau of Professional and
13 Occupational Affairs
14 James J. Szalankiewicz, PE, PLS, Vice President
15 Michael F. Brinkash, PLS
16 Ronald N. Jumper Jr., Public Member
17 Robert P. Kudlawiec, PE
18 Joseph T. McNally, PG
19 Carol D. Sides, Public Member
20 Theodore Tesler, PG
21
22

23 BUREAU PERSONNEL:
24

25 C. William Fritz II, Esquire, Board Counsel
26 Glenn P. Masser, Esquire, Board Prosecution Liaison
27 Caroline A. Bailey, Esquire, Board Prosecutor
28 Jeannie Bronshtein, Board Administrator
29 Andrew LaFratte, MPA, Department of State
30 Cheryl Sinclair, PG, Chair, Coordinating Committee on
31 Professional Practices, Pennsylvania Department of
32 Environmental Protection
33
34

35 ALSO PRESENT:
36

37 Ted Mowatt, Wanner Associates, Pennsylvania Society of
38 Land Surveyors/Pennsylvania Society of Professional
39 Engineers
40
41
42
43
44
45
46
47
48
49
50

1 ***

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

4 January 8, 2020

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 January 8, 2020. Francis J. Stanton Jr., PE,
10 President, called the meeting to order at 9:31 a.m.

11 Carol D. Sides, Public Member, and Theodore
12 Stauffer, Legal Assistant/Executive Secretary, Bureau
13 of Professional and Occupational Affairs, were not
14 present at the commencement of the meeting.

15 ***

16 Introduction of Board Members

17 [President Stanton requested the introduction of Board
18 members.]

19 ***

20 Approval of minutes of the November 13, 2019 meeting

21 PRESIDENT STANTON:

22 We have minutes from the November 13
23 meeting. Do we have any comments on
24 those meeting minutes? Hearing none.

25 Do I have a motion to approve?

1 MR. TESLER:

2 I move to approve the minutes.

3 PRESIDENT STANTON:

4 Do I have a second?

5 MR. SZALANKIEWICZ:

6 Second.

7 PRESIDENT STANTON:

8 All in favor of passing the minutes of
9 November 13, say aye. Any nays?

10 Hearing none. The minutes are approved.

11 [The motion carried unanimously.]

12 ***

13 Acknowledge Public

14 [President Stanton asked members of the public to
15 introduce themselves.]

16 ***

17 Report of Board President - No Report

18 ***

19 Report of Board Members - No Report

20 ***

21 [Theodore Stauffer, Legal Assistant/Executive

22 Secretary, Bureau of Professional and Occupational
23 Affairs, entered the meeting at 9:33 a.m.]

24 ***

25 Report of Acting Commissioner

1 [Theodore Stauffer, Legal Assistant/Executive
2 Secretary, Bureau of Professional and Occupational
3 Affairs, on behalf of K. Kalonji Johnson, Acting
4 Commissioner, Bureau of Professional and Occupational
5 Affairs, asked whether the Board had any questions
6 regarding the travel memorandum from Ms. Bronshtein.]

7 ***

8 Report of Board Administrator

9 [Jeannie Bronshtein, Board Administrator, noted a
10 meeting following the regular Board meeting with
11 Pearson VUE's content developer and three subject
12 matter experts for item bank review of the state-
13 specific exam and questions to determine if any
14 changes or updates are needed.]

15 ***

16 Report of Board Prosecution Division

17 [Glenn P. Masser, Esquire, Board Prosecution Liaison,
18 presented the Consent Agreements for Case No. 19-47-
19 006715, File No. 18-47-00038, File No. 19-47-004183,
20 File No. 17-47-03662, File No. 17-47-10121, and File
21 No. 19-47-006140.]

22 ***

23 [Caroline A. Bailey, Esquire, Board Prosecutor,
24 presented the Consent Agreement for File No. 18-47-
25 010348.]

1 ***

2 Report of Board/Regulatory Counsel

3 [C. William Fritz II, Esquire, Board Counsel, noted a
4 Motion to Enter Default and Deem Facts Admitted (MDFA)
5 for discussion during Executive Session.

6 ***

7 [Carol D. Sides, Public Member, entered the meeting at
8 9:52 a.m.]

9 ***

10 [Mr. Fritz noted Act 41 licensure requirement updates
11 for the Board's review. He mentioned prior discussion
12 to allow an Act 41 provisional licensee to use their
13 home state stamp while in the process of meeting
14 Pennsylvania's requirements. He noted a
15 recommendation, as any other reciprocal licensee
16 applicant, to require the use of Pennsylvania stamp
17 and seal.

18 Mr. Fritz referred to § 37.20a(c), where
19 individuals must meet the same seal requirements as
20 any other licensee and will update the Board at the
21 next meeting.

22 Mr. McNally referred to section § 37.20(a)(1) and
23 questioned the reviewer of provided information to
24 determine a consistency with the laws and rules from
25 other states.

1 Mr. Fritz and Ms. Bronshtein will be working
2 together to review the information uploaded by the and
3 eventually create a list of states considered
4 substantially equivalent after reviewing other states
5 regulations and statutes. He noted the Board will
6 also be consulted if there are any specific questions.

7 Mr. McNally referred to § 37.20(a)(3) and (4),
8 where it was stipulated that the applicant had not
9 committed any violations and had not been disciplined.
10 He questioned whether it would negate a person who had
11 committed a violation or had been disciplined but
12 served the remedy or was there some provision that
13 should be added to make that acceptable.

14 Mr. Fritz referred to § 37.20(c), where the Board
15 may, in its discretion, determine whether an act
16 prohibits licensure.

17 Mr. McNally requested more information concerning
18 § 37.20(a)(4), termination provisions.

19 Mr. Fritz referred to § 37.20(a) for further
20 explanation, including the license will expire if
21 certain requirements are not met.

22 Mr. Fritz stated Act 41 had not been a big issue
23 yet, and there had been only one case.

24 President Stanton mentioned that some states
25 require an expiration date on a license, noting that

1 as an additional safety precaution. He questioned
2 whether individuals with a provisional license will
3 obtain the same seal. Mr. Fritz explained that the
4 suffix "P" for provisional will be added. Once the
5 applicant has met Pennsylvania's requirements for a
6 full license, the "P" would be removed.

7 President Stanton questioned whether there was
8 any thought of putting an expiration date on a license
9 because of unlicensed practice. Mr. Fritz noted that
10 the license becomes null and void at the end of one
11 year unless an extension was requested. He stated the
12 Board would consider such requests. Prosecution,
13 working with the Bureau of Enforcement and
14 Investigation (BEI), would directly contact the
15 provisional licensee regarding their license no longer
16 being active and send someone out to obtain the
17 provisional license.

18 Mr. Szalankiewicz referred to § 37.20a(b)
19 regarding limitations, where an individual may not be
20 issued more than one provisional endorsement license.
21 He suggested clarifying the language as to whether it
22 was time or practice area to avoid confusion.]

23 MR. KUDLAWIEC:

24 I make a motion to accept the draft as
25 written and proceeding.

1 MR. BRINKASH:

2 Second.

3 PRESIDENT STANTON:

4 All in favor of the motion, say aye.

5 Against?

6 [The motion carried unanimously.]

7 ***

8 Applications for Review

9 [C. William Fritz II, Esquire, Board Counsel, noted
10 applications for discussion during Executive Session.]

11 ***

12 Discussion Items

13 [C. William Fritz II, Esquire, Board Counsel, referred
14 to House Bill 2101 for informational purposes, noting
15 no official request for comment currently regarding
16 the bill, but there would possibly be a legislative
17 analysis in the future.

18 Ted Mowatt, Wanner Associates, Pennsylvania
19 Society of Land Surveyors/Pennsylvania Society of
20 Professional Engineers, updated the Board concerning
21 House Bill 2101. He commented that both the
22 Pennsylvania Society of Land Surveyors and
23 Pennsylvania Society of Professional Engineers
24 reviewed some of the issues raised in the Davey
25 Resource Group case. The language in the law will be

1 amended so similar cases would not be brought forward.

2 Mr. Mowatt mentioned four or so years of
3 discussions with interested parties on prior drafts,
4 including county commissioners, particularly their
5 Geographic Information System folks, as well as some
6 of the other utilities who had prior issues with the
7 bill.

8 Mr. Mowatt stated the Professional Licensure
9 Committee had not scheduled a meeting, but the new
10 chairman had been fairly deliberative in consideration
11 of all the bills in front of them. He mentioned there
12 was not a lot of pushback right now on the current
13 content of this bill.

14 Mr. Mowatt noted a lot of reiterated industrial
15 exemptions for utilities for broadband cable. He
16 stated the bill would require individuals seeking the
17 30-day temporary license to apply for reciprocity as
18 well and requested guidance from the Board and the
19 Bureau in light of Act 41. He mentioned that letters
20 go out through both of the organizations to support
21 the legislation, and Representative Emrick was key on
22 the matter.

23 Mr. Fritz noted the Board cannot comment on
24 support of the bill and recommended Mr. Mowatt go
25 through the Office of Policy and Planning.

1 Mr. Brinkash noted reaching out to state
2 representatives and state senators in support of this
3 bill as a practicing land surveyor and not a
4 representative of the Board. He urged others to do
5 the same. He stated most of the language was the
6 result of the Davey Resource Group court case that was
7 appealed to the highest court in Pennsylvania. He
8 commented that land surveyors and engineers are dead
9 in the water with engineering land surveys right now.

10 Mr. McNally noted a concern, again not
11 representing the Board, to a section in the bill
12 regarding some of the natural resources, which was
13 inconsistent with some of the other sections, where it
14 does not include language for preparation of maps and
15 the gathering of original data.

16 Mr. Mowatt referred to prior discussions
17 concerning legislation, where the bulk of the
18 exemptions or exceptions were taken word for word on
19 most issues from the National Council of Examiners for
20 Engineering and Surveying (NCEES) model rules.

21 President Stanton questioned whether the society
22 had discussions regarding the Massachusetts gas
23 explosion and the recommendation of the National
24 Transportation Safety Board (NTSB) of eliminating gas
25 companies from being an industrial exemption.

1 Mr. Mowatt was not aware of that conversation.

2 President Stanton noted the NTSB sent a letter to
3 31 governors recommending the exemption be eliminated.

4 Ms. Bronshtein noted the National Association of
5 State Boards of Geology (ASBOG) Meeting April 16-18,
6 202, in Cheyenne, Wyoming, and the National Council of
7 Examiners for Engineering and Surveying April 23-25,
8 2020, in Houston, Texas.]

9 MR. TESLER:

10 I move that representatives McNalley and
11 Tesler attend the ASBOG Meeting in April
12 and also members Kudlawiec and President
13 Stanton attend as representatives for
14 the NCEES Meeting in Houston.

15 MR. BRINKASH:

16 Second.

17 PRESIDENT STANTON:

18 All in favor? Any against?

19 [The motion carried unanimously.]

20 ***

21 [The Board recessed from 10:10 a.m. until 10:19 a.m.]

22 ***

23 [Theodore Stauffer, Legal Assistant/Executive
24 Secretary, Bureau of Professional and Occupational
25 Affairs, exited the meeting at 10:19 a.m.]

1 ***

2 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
3 10:19 a.m. the Board entered into Executive Session
4 with C. William Fritz II, Esquire, Board Counsel, for
5 the purpose of conducting quasi-judicial deliberations
6 on matters that are currently pending before the Board
7 as well as receiving advice of Counsel. The Board
8 returned to open session at 11:06 a.m.]

9 ***

10 MOTIONS

11 MR. FRITZ:

12 The Board met in executive session and
13 conducted quasi-judicial deliberations
14 on the following matters:

15 The Board would entertain a motion
16 to approve the Consent Agreement at Case
17 No. 19-47-006715.

18 MR. BRINKASH:

19 So moved.

20 MR. KUDLAWIEC:

21 Second.

22 PRESIDENT STANTON:

23 All in favor?

24 [The motion carried unanimously. The name of the
25 Respondent is John Edward Skwiot, P.E.]

1

2 MR. FRITZ:

3

4

5

The Board would entertain a motion to
approve the Consent Agreement at File
No. 18-47-00038.

6 MR. BRINKASH:

7

So moved.

8 MR. KUDLAWIEC:

9

Second.

10 PRESIDENT STANTON:

11

All in favor?

12

13

[The motion carried unanimously. The name of the
Respondent is Peter Joseph Tardy, P.E.]

14

15 MR. FRITZ:

16

17

18

The Board would entertain a motion to
approve the Consent Agreement at File
No. 19-47-004183.

19 MR. BRINKASH:

20

So moved.

21 MR. KUDLAWIEC:

22

Second.

23 PRESIDENT STANTON:

24

All in favor, say aye. All opposed?

25

[The motion carried unanimously. The name of the

1 Respondent is Richard J. Oleniacz, P.E.]

2 ***

3 MR. FRITZ:

4 The Board would entertain a motion to
5 approve the Consent Agreement at File
6 No. 17-47-03662.

7 MR. BRINKASH:

8 So moved.

9 MR. KUDLAWIEC:

10 Second.

11 PRESIDENT STANTON:

12 All in favor, say aye. All against?

13 [The motion carried unanimously. The name of the
14 Respondent is Jon E. Thompson, P.E.]

15 ***

16 MR. FRITZ:

17 The Board would entertain a motion to
18 approve the Consent Agreement at File
19 No. 17-47-10121.

20 MR. BRINKASH:

21 So moved.

22 MR. KUDLAWIEC:

23 Second.

24 PRESIDENT STANTON:

25 All in favor, say aye. All against?

1 [The motion carried unanimously. The name of the
2 Respondent is Christopher S. Binck, P.E.]

3 ***

4 MR. FRITZ:

5 The Board would entertain a motion to
6 approve the Consent Agreement at File
7 No. 19-47-006140.

8 MR. BRINKASH:

9 So moved.

10 MR. KUDLAWIEC:

11 Second.

12 PRESIDENT STANTON:

13 All in favor, say aye. All against?

14 [The motion carried unanimously. The name of the
15 Respondent is Mark P. Neisser, P.E.]

16 ***

17 MR. FRITZ:

18 The Board would entertain a motion to
19 approve the Consent Agreement at File
20 No. 18-47-010348.

21 MR. BRINKASH:

22 So moved.

23 MR. KUDLAWIEC:

24 Second.

25 PRESIDENT STANTON:

1 All in favor? All against?
2 [The motion carried unanimously. The name of the
3 Respondent is Matthew E. Lane, P.E.]

4 ***

5 MR. FRITZ:

6 The Board would entertain a motion
7 approving the Motion to Deem Facts
8 Admitted and directing Board counsel to
9 draft an Adjudication and Order in the
10 Commonwealth vs. Matthew Mesko, P.E.,
11 Case No. 18-47-011242.

12 MR. BRINKASH:

13 So moved.

14 MR. KUDLAWIEC:

15 Second.

16 PRESIDENT STANTON:

17 All in favor? All against?

18 [The motion carried unanimously.]

19 ***

20 MR. FRITZ:

21 The Board would entertain a motion
22 approving the reciprocity application of
23 Moayyad M. Al-Nasra.

24 MR. BRINKASH:

25 So moved.

1 MR. KUDLAWIEC:

2 Second.

3 PRESIDENT STANTON:

4 All in favor? All against?

5 [The motion carried unanimously.]

6 ***

7 MR. FRITZ:

8 The Board would entertain a motion
9 approving the application of Vincent
10 Masucci.

11 MR. SZALANKIEWICZ:

12 I make a motion.

13 MR. BRINKASH:

14 Second.

15 PRESIDENT STANTON:

16 All in favor? All against?

17 [The motion carried unanimously.]

18 ***

19 Adjournment

20 PRESIDENT STANTON:

21 The meeting is adjourned until the next
22 meeting on March 11.

23 [There was no second to the motion.]

24 ***

25 [There being no further business, the State Board of

1 Professional Engineers, Land Surveyors, and Geologists
2 Meeting adjourned at 11:10 a.m.]

3 ***

4

5

6

CERTIFICATE

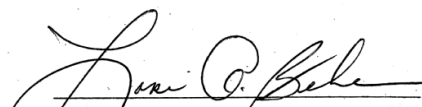
7

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.

16

17

18



19

Lori A. Behe,

20

Minute Clerk

21

Sargent's Court Reporting

22

Service, Inc.

23

24

25

26

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

January 8, 2020

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

TIME	AGENDA
9:31	Official Call to Order
9:31	Introduction of Board Members
9:32	Approval of Minutes
9:32	Acknowledge Public
9:33	Report of Acting Commissioner
9:34	Report of Board Administrator
9:34	Report of Board Prosecution Division
9:50	Report of Board/Regulatory Counsel
10:00	Discussion Items
10:10	Recess
10:19	Return to Open Session
10:19	Executive Session
11:06	Return to Open Session
11:05	Motions
11:10	Adjournment