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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

D R A F T M I N U T E S

MEETING OF:

STATE REGISTRATION BOARD FOR PROFESSIONAL
ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

TIME: 9:30 A.M.

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

July 10, 2019

1 State Registration Board for Professional
2 Engineers, Land Surveyors and Geologists
3 July 10, 2019
4
5

6 BOARD MEMBERS:
7

8 Francis J. Stanton Jr., PE, President
9 K. Kalonji Johnson, Acting Commissioner, Bureau of
10 Professional and Occupational Affairs
11 Theodore Tesler, PG
12 Michael F. Brinkash, PLS
13 Ronald N. Jumper Jr., Public Member
14 Robert P. Kudlawiec, PE
15 Joseph T. McNally, PG - Absent
16 David Pennoni, PE - Absent
17 Carol D. Sides, Public Member
18 Francis J. Stanton Jr., PE
19 James J. Szalankiewicz, PE, PLS
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21

22 BUREAU PERSONNEL:
23

24 C. William Fritz II, Esquire, Board Counsel
25 Robert B. Armour, Esquire, Board Prosecution Liaison
26 Glenn P. Masser, Esquire, Board Prosecutor
27 Ray Michalowski, Esquire, Senior Prosecutor
28 Carolyn A. DeLaurentis, Deputy Chief Counsel,
29 Prosecution Division
30 Marc Farrell, Deputy Policy Director, Department of
31 State
32 Andrew LaFratte, MPA, William Penn Fellow, Department
33 of State
34 Cheryl Sinclair, PG, Chair, Coordinating Committee on
35 Professional Practices, Pennsylvania Department of
36 Environmental Protection
37 Jeannie Bronshtein, Board Administrator
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39

40 ALSO PRESENT:
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42 Ted Mowatt, Wanner Associates, Pennsylvania Society of
43 Land Surveyors/Pennsylvania Society of Professional
44 Engineers
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1 ***

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

4 July 10, 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, July
9 10, 2019. Francis J. Stanton Jr., PE, President,
10 called the meeting to order at 9:30 a.m. K. Kalonji
11 Johnson, Acting Commissioner, Bureau of Professional
12 and Occupational Affairs, was not present at the
13 commencement of the meeting.

14 ***

15 Introduction of Board Members
16 [President Stanton requested the introduction of Board
17 members.]

18 ***

19 Approval of minutes of the March 13, 2019 meeting

20 PRESIDENT STANTON:

21 I'd like to review the minutes from
22 March 13, 2019. Are there any comments
23 on the minutes? If none, do we have a
24 motion for approval?

25 MR. SZALANKIEWICZ:

1 I make a motion for approval.

2 MR. KUDLAWIEC:

3 Second.

4 PRESIDENT STANTON:

5 Any discussion? All in favor, say aye.

6 Against? Any abstentions?

7 [The motion carried unanimously.]

8 ***

9 Introduction of Audience

10 [President Stanton asked members of the public to
11 identify themselves.]

12 ***

13 Appointment - Prosecution Division Presentation

14 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
15 Counsel, Prosecution Division, introduced herself and
16 provided a brief summary of her professional
17 background. She also introduced Ray Michalowski,
18 Esquire, Senior Prosecutor.

19 Ms. DeLaurentis provided information for the
20 Pennsylvania State Registration Board for Professional
21 Engineers, Land Surveyors, and Geologists for FY
22 2018-2019, noting that 90 cases had been opened with
23 83 open cases as of July 1, 2019. She also provided
24 information regarding enforcement statistics.

25 Ms. DeLaurentis noted 69 immediate temporary

1 suspensions, in general, for the prosecution division
2 in FY 2018-2019 with 11,359 open cases as of July 1,
3 2019. She mentioned the last fiscal period, noting
4 that 14,030 cases were opened, which was up from
5 12,604 the year before. She noted that 13,270 cases
6 were closed last year.

7 Ms. DeLaurentis reviewed the Office of General
8 Counsel's Mediation Program, which is free of charge.
9 She stated consent agreements will reflect whether the
10 case was resolved through mediation.

11 Ms. DeLaurentis addressed the Pennsylvania
12 Justice Network (JNET), where the prosecution division
13 receives an alert upon the charge of a crime to any
14 licensee from all of the Boards and Commissions. She
15 noted that two administrative assistants process those
16 to identify arrests that are relevant to each Board.]

17 * * *

18 [K. Kalonji Johnson, Acting Commissioner, Bureau of
19 Professional and Occupational Affairs, entered the
20 meeting at 9:41 a.m.]

21 * * *

22 [Ray Michalowski, Esquire, Senior Prosecutor,
23 addressed the JNET system, stating that the Board is
24 not generating much volume with only three or four
25 hits that led to serious charges being filed. He

1 noted that most of the complaints were with land
2 surveying.

3 Mr. Michalowski updated the Board regarding the
4 complaint process starting with the administrative
5 process of opening a complaint in the Pennsylvania
6 Licensing System (PALS). He stated the prosecution
7 team reviews and prioritizes the cases and can close
8 some cases or direct them to the Bureau of Enforcement
9 and Investigation.

10 Mr. Michalowski also noted a fair number of
11 document cases that can be criminal cases or
12 reciprocal cases where only documentation is gathered,
13 which has streamlined the process.

14 Ms. DeLaurentis commented that there are six
15 administrative assistants who review all of those and
16 two who just do JNET to prioritize them to
17 Mr. Michalowski's team.

18 Mr. Michalowski noted that the Board gets a
19 number of unlicensed practice cases, application
20 cases, and disciplinary cases with the vast majority
21 of consumer complaints concerning land surveyors.

22 Mr. Michalowski addressed continuing education
23 violations, noting that the Board does not have many
24 because their continuing education is licensee-
25 friendly, and violations are often just a lack of

1 credits or someone ready to retire.

2 Mr. Michalowski applauded the Board because the
3 Board gives people the ability to take the courses in
4 a manner that fits their lifestyle and their work
5 habits.

6 President Stanton questioned how far back JNET
7 can go and how many continuing education audits are
8 performed. Mr. Michalowski explained that JNET will
9 put out a notification the day after a filing but
10 cannot go back years. He stated Ms. Bronshtein and
11 her staff perform the audits and move them to the
12 Professional Compliance Office when they believe
13 somebody is noncompliant. He stated the original
14 percentage would be determined by the Board and Board
15 administrator.

16 Mr. Tesler requested documentation of cases in
17 the future.

18 Ms. DeLaurentis mentioned that she can provide
19 annual reports but to contact counsel or the
20 prosecution liaison for anything else.

21 Mr. Michalowski commented that new reports are
22 still being developed in PALS to monitor case status,
23 and the Board will be seeing those within the next
24 year.]

25

1 [K. Kalonji Johnson, Acting Commissioner, Bureau of
2 Professional and Occupational Affairs, exited the
3 meeting at 10:01 a.m.]

4 ***

5 Acknowledge Public

6 [Michael F. Brinkash, PLS, noted the written report
7 from John G. Fuehrer II, PE, PLS, regarding the PA
8 state-specific exam.]

9 ***

10 Report of Board President - No Report

11 ***

12 Report of Board Members

13 [Theodore Tesler, PG, addressed his attendance at the
14 National Association of State Boards of Geology
15 (ASBOG) Council of Examiners Meeting in Nashua, New
16 Hampshire last April. He informed the Board that
17 there were 352 Practice of Geology (PG) Examination
18 applicants with an average score of 62%. He also
19 noted 841 test takers for the Fundamentals of Geology
20 Examination.

21 Mr. Brinkash, noted his attendance at the
22 National Council of Examiners for Engineering and
23 Surveying (NCEES) Meeting. He noted questioning at
24 the meeting what services the Board is receiving from
25 the Colonial States Boards of Surveyor Registration.

1 He was told it is to keep the update of the science
2 and mapping exam in place because NCEES does not have
3 that exam. He mentioned talk of NCEES developing that
4 exam and interaction between NCEES and the Colonial
5 States Boards of Surveyor Registration to do that.

6 Mr. Brinkash stated the Colonial States Boards of
7 Surveyor Registration did administer and create
8 numerous state exam questions for the colonial states,
9 noting that the original 13 colonies had their own
10 exam and reciprocity was by application only, as
11 opposed to now where every state-specific exam must be
12 taken. He noted discussion about breaking the
13 barriers down for the surveyors to get licensing in
14 other states by reciprocity.

15 Mr. Brinkash noted the Annual National Council of
16 Examiners for Engineering and Surveying Meeting in
17 Washington, D.C., August 14-17. He noted a number of
18 proposals put forth to play out at the national
19 meeting. He stated the proposals do not greatly
20 affect the Board primarily due to the voting status of
21 members, retired members, emeritus members, and
22 committees they are allowed to serve.

23 Chair Stanton mentioned that past president David
24 Widmer will be getting an award. Mr. Brinkash stated
25 David Widmer will be receiving the Dedicated Service

1 Award, which is a highly prestigious national award
2 presented by NCEES for dedication to the organization
3 and contributions by individuals.]

4 ***

5 Report of Acting Commissioner - No Report

6 ***

7 Report of Board Administrator

8 [Jeannie Bronshtein, Board Administrator, addressed
9 the difficulty getting the new licensing system to
10 function with the audits, which will have to be
11 performed manually. Ms. Bronshtein noted that audits
12 usually consist of around 2.5% of randomly selected
13 licensees but will be less this year because it is
14 going to run into renewals.

15 Ms. Bronshtein announced that the system should
16 be opened for license renewals by the end of the
17 month.

18 Ms. Bronshtein noted communication with Pearson
19 VUE to update the state-specific exam. She commented
20 that Pearson VUE is present today to meet with the new
21 commissioner and would like to speak with them in
22 hopes of moving the process along.

23 Mr. Szalankiewicz questioned the user-friendly
24 status regarding the renewal process.

25 Ms. Bronshtein commented that the process should

1 work better because of it being the second renewal in
2 PALS and changes in development to make sure
3 everything is working properly.]

4

5 Report of Board Prosecution Division

6 [Robert B. Armour, Esquire, Board Prosecution Liaison,
7 introduced Glenn Masser as a new prosecuting attorney
8 for the Board.

9 Mr. Masser provided a brief summary of his
10 professional background.

11 Mr. Armour presented the presented the Consent
12 Agreements for File No. 18-47-03023 and Case Nos. 15-
13 47-02216 & 17-47-03030.

14 Mr. Armour addressed the Office of General
15 Counsel Mediation Program, noting that OGC has
16 increased their recommendation for its use. He stated
17 mediators that the Commonwealth uses have been trained
18 and gone through a program at the Dickinson School of
19 Law or equivalent type of program. He explained that
20 there is no cost to either party because the
21 Commonwealth picks that up. He noted that it has been
22 a successful program and is completely voluntary. He
23 mentioned that time, cost, and avoiding appeals are
24 benefits of the program.

25 Mr. Armour mentioned that the Board will always

1 have the opportunity to approve or reject consent
2 agreements, and each consent agreement will have a
3 statement noting the mediated process and provide the
4 date of the mediation.]

5 ***

6 Report of Board Counsel

7 [C. William Fritz II, Esquire, Board Counsel, noted an
8 Adjudication and Order and a few other items for
9 discussion during executive session.]

10 ***

11 Report of Regulatory Counsel

12 [C. William Fritz II, Esquire, Board Counsel,
13 addressed Act 41 of 2019 signed by Governor Wolf on
14 July 1, 2019, directing all Boards to make licensure
15 by endorsement available. Mr. Fritz stated the only
16 difference is this would allow applicants to be
17 provided with a provisional license for a set period
18 of time to make up whatever the applicant is lacking
19 in qualifications.

20 Mr. Fritz noted the need to work on regulations
21 for Act 41 of 2019. He stated once the regulation is
22 drafted, it will come to the Board for approval of the
23 language and they would be able to practice and be
24 given all of the capabilities of a licensed
25 professional engineer, land surveyor, or geologist.

1 He stated those who do not meet the requirements after
2 the set period would lose their license and could
3 potentially be prosecuted depending on what they were
4 doing after that period expired.

5 Mr. Fritz stated the language of the regulations
6 will come to the Board for review and should not take
7 the standard two-year period to get approved because
8 of being directed to get them done within a certain
9 period of time. He mentioned that language can be
10 found in House Bill 1172 for Act 41 of 2019.

11 Mr. Fritz stated the digital seal regulation was
12 still with regulatory counsel and has been identified
13 as one of the more important regulations that the
14 administration wants done.

15 Mr. Fritz noted no further information on the
16 home inspector legislative analysis submitted to OGC
17 in April.

18 Mr. Fritz offered to provide a case list on the
19 agenda every month.

20 Chair Stanton requested Mr. Tesler update the
21 Board regarding the home inspection bill and anything
22 on the legislative action on the engineer's act.

23 Mr. Tesler noted no information on home
24 inspectors. He mentioned ongoing negotiations with
25 interested parties regarding House Bill 1106, hoping

1 to get it introduced when the legislature returns in
2 the fall.]

3 ***

4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
5 10:46 a.m. the Board entered into Executive Session
6 with C. William Fritz II, Esquire, Board Counsel, for
7 the purpose of conducting quasi-judicial deliberations
8 on matters that are currently pending before the Board
9 as well as receiving advice of Counsel. The Board
10 returned to open session at 11:47 a.m.]

11 ***

12 MOTIONS

13 MR. FRITZ:

14 The Board just met in executive session
15 and conducted quasi-judicial
16 deliberations on the following matters:

17 The Board would entertain a motion
18 to approve the Consent Agreement at File
19 No. 18-47-03023.

20 MR. TESLER:

21 So moved.

22 MR. SZALANKIEWICZ:

23 Second.

24 PRESIDENT STANTON:

25 All in favor?

1 [The motion carried unanimously. That name is John P.
2 Stoppi Jr., PE.]

3 ***

4 MR. FRITZ:

5 The Board would entertain a motion to
6 approve the Consent Agreement at Case
7 Nos. 15-47-02216 & 17-47-03030.

8 MR. TESLER:

9 So moved.

10 MR. SZALANKIEWICZ:

11 Second.

12 PRESIDENT STANTON:

13 All in favor? Any opposed?

14 [The motion carried unanimously. That name is Mark J.
15 Irani.]

16 ***

17 MR. FRITZ:

18 The Board would entertain a motion to
19 approve the Adjudication and Order at
20 Case No. 18-47-005888.

21 MR. SZALANKIEWICZ:

22 I make the motion.

23 MR. BRINKASH:

24 Second.

25 PRESIDENT STANTON:

1 All in favor? Any opposed? Hearing
2 none. The motion passes.
3 [The motion carried unanimously. That name is James
4 A. Zientek.]

5 ***

6 Adjournment

7 PRESIDENT STANTON:

8 Motion to adjourn.

9 MR. KUDLAWIEC:

10 So moved.

11 MR. JUMPER:

12 Second.

13 PRESIDENT STANTON:

14 All in favor?

15 [The motion carried unanimously.]

16 ***

17 [There being no further business, the State Board of
18 Professional Engineers, Land Surveyors, and Geologists
19 Meeting adjourned at 11:49 a.m.]

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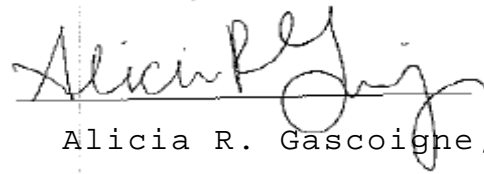
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CERTIFICATE

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.



Alicia R. Gascoigne,
Minute Clerk

Sargent's Court Reporting
Service, Inc.

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

July 10, 2019

TIME	AGENDA
9:30	Official Call to Order
9:31	Introduction of Board Members
9:32	Approval of Minutes
9:33	Introduction of Audience
9:34	Appointment - Carolyn A. DeLaurentis, Deputy Chief Counsel, Prosecution Division Presentation
10:01	Acknowledge Public
10:02	Report of Board Members
10:08	Report of Board Administrator
10:10	Report of Board Prosecution Division
10:38	Report of Regulatory Counsel
10:46	Executive Session
11:47	Return to Open Session
11:47	Motions
11:49	Adjournment