

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: 9:38 A.M.

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

September 13, 2017

1 State Registration Board for Professional
2 Engineers, Land Surveyors and Geologists
3 September 13, 2017
4

5 BOARD MEMBERS:
6

7 Michael F. Brinkash, PLS
8 Kathryn Waters, Esquire, Deputy Commissioner of
9 Professional and Occupational Affairs
10 Elizabeth A. Catania, PE, Vice President
11 Robert E. Garlitz, PLS - Absent
12 Thomas D. Gillespie, PG - Absent
13 Ronald Jumper Jr., Public Member
14 Robert Kudlawiec, PE
15 David Pennoni, PE
16 Carol Sides, Public Member
17 Francis J. Stanton Jr., PE
18 James J. Szalankiewicz, PE, PLS
19 Theodore Tesler, PG, President
20
21

22 BUREAU PERSONNEL:
23

24 Juan Ruiz, Esquire, Board Counsel
25 Ray Michalowski, Esquire, Board Prosecution Liaison
26 Robert Armour, Esquire, Board Prosecutor
27 Terrie Kocher, Interim Board Administrator
28
29

30 ALSO PRESENT:
31

32 Ted Mowatt, PE/PLS, PSLs
33 John G. Fuehrer II, Chair, PSLs Education Committee,
34
35
36
37
38
39
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 September 13, 2017

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 September 13, 2017. Theodore Tesler, PG, President,
10 called the meeting to order at 9:38 a.m. Roll call
11 was taken. Kathryn Waters, Deputy Commissioner, and
12 Elizabeth A. Catania, PE, Vice President, were not
13 present at the commencement of the meeting. A quorum
14 was noted to be present.

15 ***

16 Approval of Minutes of the July 12, 2017 meeting

17 PRESIDENT TESLER:

18 The Chair will entertain a motion to
19 approve the minutes from the July 12th
20 meeting.

21 MR. STANTON:

22 So moved.

23 PRESIDENT TESLER:

24 I have a motion.

25 MR. SZALANKIEWICZ:

1 soon as possible.

2 President Tesler welcomed Ms. Kocher back.]

3 ***

4 Report of Prosecutorial Division

5 [Robert Armour, Esquire, Board Prosecutor, presented a
6 Consent Agreement for File No. 17-47-00172.]

7 ***

8 [Kathryn Waters, Deputy Commissioner, entered the
9 meeting at 9:48 a.m.]

10 ***

11 [Elizabeth Catania, PE, Vice President, entered the
12 meeting at 9:49 a.m.]

13 ***

14 [Juan Ruiz, Esquire, Board Counsel, noted the
15 Regulatory Case Status Report for the Board's review.

16 President Tesler expressed his concerns that the
17 status of cases does not provided the same level of
18 detail as in the past, but finds the report fairly
19 thorough and anonymized.

20 Mr. Ruiz and Mr. Michalowski will work together
21 to assure there are not many "stale" cases.

22 Mr. Michalowski stated the reports are generated
23 from the old system, which has limitations. With the
24 new PALS system, the reports will be customized for
25 each Board. He further explained the review process

1 for deciding on how to proceed with a case.]

2 ***

3 Report of Board Counsel

4 [Juan Ruiz, Esquire, Board Counsel, noted an
5 Adjudication and Order for deliberation during
6 Executive Session. He also noted a hearing scheduled
7 for 10:30 a.m.]

8 ***

9 [Kathryn Waters, Deputy Commissioner, exited the
10 meeting at 9:58 a.m.]

11 ***

12 Report of Regulatory Counsel

13 [Juan Ruiz, Esquire, on behalf of Thomas Blackburn,
14 Esquire, Regulatory Counsel, noted that Mr. Blackburn
15 attended the (IRRC) Independent Regulatory Review
16 Commission meeting in August. The fee regulation was
17 passed and is awaiting approval by the Attorney
18 General's Office, which will go into effect the next
19 renewal cycle.

20 Mr. Ruiz had no update regarding the digital seal
21 regulations.

22 Ms. Catania addressed changing technology and
23 suggested obtaining material from the National Council
24 of Examiners for Engineering and Surveying (NCEES) for
25 further discussion.

1 Ms. Catania also updated the Board by noting that
2 computer-based tests will be available 365 days a year
3 starting in January 2018. She also noted an annual
4 nuclear PE exam will be available in October 2018. It
5 was noted that the new NCEES system glitches have been
6 corrected.

7 Ms. Catania announced that Jim Purcell from New
8 Jersey was elected as the NCEES President-Elect and
9 Tim Rickborn as the Treasurer.

10 Ms. Catania discussed an alternative pathway to
11 the bachelor or master's Plus 30 position paper. She
12 stated a task force was formed to clarify the B+30
13 requirement by developing language for the Model Law
14 and Model Rules and creating guidelines for easier
15 implementation by NCEES Member Boards.

16 Ms. Catania encouraged members to attend the next
17 NCEES Annual meeting scheduled for August 15-18, 2018,
18 in Scottsdale, Arizona, or the next NCEES Zone meeting
19 scheduled for May 17-19, 2018, in Portland, Maine.]

20 ***

21 Report of Deputy Commissioner - No Report

22 ***

23 [Kathryn Waters, Deputy Commissioner, entered the
24 meeting at 10:01 a.m.]

25 ***

1 Discussion Item

2 [Juan Ruiz, Esquire, Board Counsel, discussed the
3 Questionnaire for Thesis. Mr. Ruiz recommended that
4 Board members not answer the questions on the survey
5 due to opinion and/or legal advice.]

6 ***

7 Correspondence

8 [President Tesler referred to correspondence regarding
9 an unsuccessful candidate for NCEES treasurer, David
10 G. Mongan.]

11 ***

12 [Kathryn Waters, Deputy Commissioner, exited the
13 meeting at 10:11 a.m.]

14 ***

15 [The Board recessed from 10:10 a.m. to 10:31 a.m.]

16 ***

17 [The Board held a formal hearing in the matter of an
18 Application for Licensure as a Professional Engineer
19 by Reciprocity of Himanshu Anand Goyal, File No.
20 17-47-07204, Docket No. 1223-47-17, from 10:31 a.m.
21 until 11:01 a.m.]

22 ***

23 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
24 11:01 a.m. the Board entered into Executive Session
25 with Juan Ruiz, Esquire, Board Counsel, for the

1 purpose of conducting quasi-judicial deliberations and
2 attorney/client consultations. The Board returned to
3 open session at 11:51 a.m.]

4 ***

5 MOTIONS

6 MR. RUIZ:

7 The Board was just in Executive Session
8 conducting quasi-judicial deliberations
9 on a number of matters currently pending
10 before the Board.

11 Is there a motion to approve the
12 Consent Agreement and Order at File No.
13 17-47-00172?

14 MR. BRINKASH:

15 So moved.

16 MR. PENNONI:

17 Second.

18 PRESIDENT TESLER:

19 We have a motion and a second. All in
20 favor, say aye. Any dissent?

21 [The motion carried unanimously. The Respondent's
22 name is Ross Alan Stevens, PE.]

23 ***

24 MR. RUIZ:

25 Is there a motion to adopt the proposed

1 Adjudication and Order in the case of
2 Raymond Prinkley, File No. 16-47-04940,
3 Docket No. 2071-47-16?

4 MR. BRINKASH:

5 So moved.

6 MR. PENNONI:

7 Second.

8 PRESIDENT TESLER:

9 We have a motion and a second. Any
10 further discussion? All in favor, say
11 aye? Any dissent? Please note Member
12 Tesler dissents.

13 [The motion carried. President Tesler opposed the
14 motion.]

15 ***

16 MR. RUIZ:

17 Is there a motion to approve the
18 Application of Reciprocity of Himanshu
19 Goyal, PE?

20 MR. BRINKASH:

21 So moved.

22 MR. KUDLAWIEC:

23 Second.

24 PRESIDENT TESLER:

25 The motion has been moved and seconded.

1 Any discussion? All those in favor,
2 say aye? Any dissent?

3 [The motion carried unanimously.]

4 ***

5 MR. RUIZ:

6 Is there a motion to approve the
7 Continuing Education Waiver Requests for
8 Matt Erickson, Hugh Hegarty, Walter
9 Leuchak, and Gregory Turner?

10 MS. CATANIA:

11 Catania will move. However, Leuchak,
12 we're asking that the CE be submitted to
13 the office.

14 PRESIDENT TESLER:

15 We have a motion.

16 MR. BRINKASH:

17 Second.

18 PRESIDENT TESLER:

19 Motion and a second. Any discussion?

20 MR. PENNONI:

21 Leuchak, are you asking that we accept
22 18 in lieu of 24 and that the
23 confirmation be provided of the 18?

24 MS. CATANIA:

25 Correct.

1 PRESIDENT TESLER:

2 All in favor, say aye? Dissent?

3 [The motion carried unanimously.]

4 ***

5 Miscellaneous

6 [President Tesler discussed attending the November
7 2017 ASBOG meeting in Portland, Oregon.]

8 There was discussion regarding state and personal
9 e-mails.

10 Mr. Pennoni noted two informal meetings whereby
11 one candidate was approved and the other was requested
12 to resubmit information.]

13 ***

14 Adjournment

15 PRESIDENT TESLER:

16 I'll entertain a motion to adjourn.

17 MR. BRINKASH:

18 So moved.

19 PRESIDENT TESLER:

20 Motion made.

21 MR. PENNONI:

22 Second.

23 ***

24 [There being no further business, the State Board of
25 Professional Engineers, Land Surveyors, and Geologists

1 meeting adjourned at 11:58 a.m.]

2 ***

3 [The next scheduled meeting is November 8, 2017.]

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

Amy L. Warehime

19

Amy L. Warehime,

20

Minute Clerk

21

Sargent's Court Reporting

22

Service, Inc.

23

24

25

STATE REGISTRATION BOARD FOR PROFESSIONAL
ENGINEERS, LAND SURVEYORS AND GEOLOGISTS
REFERENCE INDEX
September 13, 2017

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 |
|-------|---------------------------------------|
| 9:38 | Official Call to Order/Roll Call |
| 9:39 | Approval of Minutes |
| 9:40 | Public Session/Acknowledge Public |
| 9:41 | Report of Interim Board Administrator |
| 9:44 | Report of Prosecutorial Division |
| 9:56 | Report of Board Counsel |
| 9:56 | Report of Regulatory Counsel |
| 10:07 | Discussion |
| 10:09 | Correspondence |
| 10:10 | Recess |
| 10:31 | Return to Open Session |
| 10:31 | Formal Hearing - Himanshu Anand Goyal |
| 11:01 | |
| 11:01 | Executive Session |
| 11:51 | Return to Open Session |
| 11:52 | Motions |
| 11:57 | Miscellaneous |
| 11:58 | Adjournment |