

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF CRANE OPERATORS**

In the Matter of the :
Citation Issued to : **Case No. 24-71-018829**
Ryan Dwain Church, :
Respondent :

**MEMORANDUM OPINION AND ORDER UPHOLDING CITATION
AND SUBSTITUTING BOARD ORDER**

This matter comes before the State Board of Crane Operators (Board) on Ryan Dwain Church’s (Respondent) July 7, 2025, appeal from a September 3, 2025, Order of Hearing Examiner Hope S. Goldhaber upholding the citation issued to the Respondent on January 10, 2025. The citation charged Respondent with failing to maintain certification or to submit evidence of renewal of certification before the expiration date of certification, in violation of 63 P.S. § 2400.502(b)¹ and 49 Pa. Code § 6.32(a)(2).²

¹ Section 502. Qualifications.

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(b) Renewal of license.--In the case of a licensee applying for renewal of license where certification will expire before the biennial renewal cycle will expire, the licensee shall submit evidence satisfactory to the board that the licensee has renewed certification. Failure to maintain certification or to submit evidence of renewal of certification shall subject the licensee to disciplinary action. The board shall promulgate regulations setting forth the evidence necessary to demonstrate renewal of certification as provided in this subsection.

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63 P.S. § 2400.502(b)

² 49 Pa. Code § 6.32. Renewal of license.

(a) Application for renewal of a license with certification must be made on forms provided by the Board, and include:

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The facts in this matter are not in dispute. Respondent holds a license to practice as a crane operator in the Commonwealth of Pennsylvania, License No. LCO005962, which was originally issued by the Board on February 9, 2018, and is current through October 31, 2026. On April 11, 2021, Respondent submitted a renewal application to the Board indicating that his National Commission for the Certification of Crane Operators (NCCCO) certification was set to expire on April 30, 2022. Respondent’s crane operator’s license expired on November 30, 2022. On November 13, 2024, Respondent submitted a reactivation application to the Board and informed the Board that his NCCCO certification was renewed on April 30, 2022, and is set to expire on April 30, 2027. Although Respondent’s crane operator’s license expired on November 30, 2022, there was no lapse in his NCCCO certification. Respondent’s November 13, 2024, reactivation application is the first time that the Board would have received documentation from Respondent that his NCCCO certifications had been renewed.³

Based upon these facts, the Commonwealth established before the hearing examiner that a violation of the Board’s act and regulations had occurred. Once the hearing examiner finds a violation has been established, the hearing examiner has no ability or discretion to deviate from the prescribed sanction in the Board’s schedule of civil penalties, as set forth at 49 Pa. Code §

(2) An indication whether certification will expire before the biennial renewal cycle will expire. In the case of a licensee applying for renewal of license where certification will expire before the biennial renewal cycle will expire, the licensee shall submit to the Board before the expiration of the certification, evidence that the licensee has renewed certification consisting of proof of recertification. Failure to maintain certification, or to submit evidence of renewal of certification before the expiration date of certification will subject the licensee to disciplinary action

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49 Pa. Code § 6.32(a)(2)

³ Licensees can inform the Board of their NCCCO or other recertifications by emailing the Board at: “ra-craneoperators@pa.gov” and attaching a copy of the certificate. They should also include in the email their name as it appears on their license, as well as their license number.

43b.28. This schedule establishes a civil penalty of \$1,000 for a first violation of 63 P.S. § 2400.502(b) and 49 Pa. Code § 6.32(a)(2).

The Order upholding the citation was filed on September 3, 2025. The Order, at page 5, set forth the process for appealing the decision of the hearing examiner. Specifically, an appeal may be initiated by filing an application for review within 20 days of the mailing date of the Order. The Order further stated that “[t]he application must set forth grounds for appeal with specificity.” On September 11, 2025, Respondent timely filed an appeal via email to the Prothonotary, simply stating that he is requesting “an appeal of case No. 24-71-018829.” Respondent provided no factual or legal basis for his appeal. It is noted that in his appeal Respondent did not contest the finding that he committed the violation.

At the hearing in this matter, Respondent confirmed the timeline of events that supported the conclusion that a violation of the Board’s act and regulations had occurred. However, he also confirmed that although there was a proven violation, there was no actual lapse in his certification, and that he had not operated a crane in Pennsylvania during the period within which his crane operator’s license was lapsed. Respondent accepted the fact that he had violated the Board’s act and regulations; however, he stated that he was unaware of his requirement to notify the Board when his NCCCO certifications were renewed. He further testified about his current difficult financial situation due to the current economy, as well as having custody of his two children 50% of the time. As such, he requested leniency from the Board.

The punishment imposed herein was set by the Board, acting fully within its discretion, when it promulgated its schedule of civil penalties. The penalty was set at \$1,000 due to the Board’s concern that an uncertified crane operator poses a substantial risk to the health and safety of the citizens of Pennsylvania. Indeed, certification is required of crane operators to ensure they

are current and up to date in the knowledge and skills required to safely operate a crane, and to prevent the damage that can occur when a crane is not operated in a safe and competent manner.⁴ In this case, there is no evidence that Respondent notified the Board that he had renewed his certification before his prior certification expired.

However, the Act, at section 502(b), specifically states, “**the licensee shall** submit evidence satisfactory to the board that the licensee has renewed certification.” (emphasis added). Further, the Board’s regulations at 49 Pa. Code § 6.32(a)(2) state: “[i]n the case of a licensee applying for renewal of license where certification will expire before the biennial renewal cycle will expire, **the licensee shall submit to the Board** before the expiration of the certification, evidence that the licensee has renewed certification consisting of proof of recertification.” (emphasis added). There is no requirement that an actual lapse of a licensee’s certification occur before a violation of these provisions can be found. Additionally, although this was not the case in this matter, once a crane operator’s certification lapses, that crane operator’s license is no longer valid, and the crane operator must cease and desist from the practice of the profession until their certification is renewed. Respondent, as a licensee of the Board, is required to know the rules and regulations of the Board that grant him his license to practice.

However, even though a civil penalty in the amount of \$1,000 is justified in this matter, the Board is cognizant of the fact that this particular offense has become a point of emphasis since

⁴ At the hearing in this matter, the prosecutor stated several times that he believes that Respondents charged with this violation should receive leniency, and that he was conducting his examination of the Respondent in this matter in order to make the record for Respondent’s benefit and to make his appeal easier. The prosecutor is reminded that the Board will always decide every matter before it based upon the merits, and will always consider all mitigating circumstances when assessing a penalty for a violation of its act and regulations. However, the prosecutor is also reminded that one of the core purposes of the Board, and its Law and regulations, is to ensure that crane operators perform their jobs in a safe and competent manner, and that the Board does this through the enforcement of its Law and regulations. Without knowledge that a licensee holds current certification, the Board cannot ensure that a licensee is practicing the profession safely and competently.

the Board's Schedule of Civil Penalties has gone into effect,⁵ and that this is the first renewal period that has occurred since the effective date of the Schedule. As this requirement to maintain certification, as well as the requirement to submit evidence of the renewal of certification, may not be well known within the licensee population at this time, the Board finds that a deviation from the \$1,000 civil penalty is warranted in this matter.

Although the Board has decided to be lenient in the penalty to be imposed based upon the circumstances in this matter, Respondent, the prosecutor, and the entire licensee population are placed on notice that the Board considers this infraction to be serious and that the Board will not show such lenience in the future. The sanction for this offense was intentionally set by the Board because the Board is concerned that uncertified crane operators pose a substantial threat to the health and safety of the public, and the Board must ensure that all crane operators can perform their duties with the requisite skill and safety required in the practice of the profession. The Board's assurance that licensees possess that skill comes from the licensees being certified at specific intervals, and in order to be so assured, the licensees must notify the Board when they have renewed their certification.

As there was no allegation or evidence produced in this matter showing that there was an actual lapse of certification, the Board will show leniency and place a Public Reprimand on Respondent's license. However, as a reminder, this is not a new provision in the Act or the Board's regulations. This requirement has been in place since the Act creating the Board was enacted and since the Board's regulations were duly promulgated and took effect. The Board takes its duty to ensure that members of the profession operate their cranes safely and competently very seriously. Respondent, the Board's prosecutors, and all licensees of the Board are hereby put on notice that

⁵ The Boards Schedule of Civil Penalties can be found at 49 Pa. Code § 43b.28. This provision became effective on December 4, 2021.

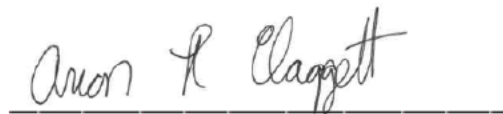
the Board will enforce its laws and regulations, and no such leniency will be given in the future where the violator claims that they were not aware of this requirement.

Thus, the Board hereby places a **PUBLIC REPRIMAND** upon Respondent **Ryan Dwain Church** license, License No. **LCO005962**.

This order shall be effective March 2, 2026, 30 days from the date of mailing indicated below.

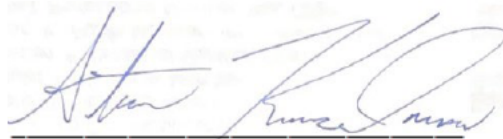
BY ORDER:

**BUREAU OF PROFESSIONAL
AND OCCUPATIONAL AFFAIRS**



**ARION R. CLAGGETT
ACTING COMMISSIONER**

STATE BOARD OF CRANE OPERATORS



**STEVEN KUNCELMAN
CHAIRPERSON**

Respondent's Address:
Tracking # 9489 0090 0027 6743 1384 40

Ryan Dwain Church



Prosecution Liaison:

Gregory Liero, Esquire
Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521

Board Counsel:

Dean F. Picarella, Esquire

Date of Mailing:

January 30, 2026

NOTICE

The attached Final Order represents the final agency decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a Petition for Review with that Court within 30 days after the entry of the order in accordance with the Pennsylvania Rules of Appellate Procedure. See Chapter 15 of the Pennsylvania Rules of Appellate Procedure entitled “Judicial Review of Governmental Determinations,” Pa.

R.A.P 1501 – 1561. Please note: An order is entered on the date it is mailed. If you take an appeal to the Commonwealth Court, you must serve the Board with a copy of your Petition for Review. The agency contact for receiving service of such an appeal is:

Board Counsel
P.O. Box 69523
Harrisburg, PA 17106-9523

The name of the individual Board Counsel is identified on the Final Order.