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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: 10:34 A.M.

Held at

**PENNSYLVANIA DEPARTMENT OF STATE**

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

**VIA MICROSOFT TEAMS**

May 30, 2024

State Board of Crane Operators  
May 30, 2024

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BOARD MEMBERS:

Elizabeth Bailey, Esquire, Public Member  
Arion R. Claggett, Acting Commissioner, Bureau of  
Professional and Occupational Affairs  
Andrew S. Goulet, Professional Member  
Steven M. Kuncelman, Chair, Professional Member  
Daniel J. Mitchell, Vice Chair, Professional Member  
Brian M. Schmoyer, Professional Member - Absent

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Board Counsel  
Dana M. Wucinski, Esquire, Board Counsel  
Paul J. Jarabeck, Esquire, Senior Board Prosecutor  
Gregory Liero, Esquire, Board Prosecution Liaison  
Jessica Harris, Board Administrator  
Justin Green, Legal Intern

ALSO PRESENT:

Jessica Ashman, Sargent's Court Reporting Service,  
Inc.

1 \*\*\*

2 State Board of Crane Operators

3 May 30, 2024

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
6 at 10:00 a.m. the Board entered into Executive  
7 Session with Dean F. Picarella, Esquire, Board  
8 Counsel, for the purpose of conducting quasi-judicial  
9 deliberations on a number of matters that are  
10 currently pending before the Board and to receive the  
11 advice of counsel. The Board returned to open  
12 session at 10:30 a.m.]

13 \*\*\*

14 [Dean F. Picarella, Esquire, Board Counsel, noted the  
15 Board entered into Executive Session for the purpose  
16 of conducting quasi-judicial deliberations on a  
17 number of matters that are currently pending before  
18 the Board and to receive the advice of counsel.]

19 \*\*\*

20 The regularly scheduled meeting of the State  
21 Board of Crane Operators was held on Thursday, May  
22 30, 2024. Steven M. Kuncelman, Chair, Professional  
23 Member, called the meeting to order at 10:34 a.m.

24 \*\*\*

25 Roll Call/Introductions

1 [A roll call of Board members and introduction of  
2 attendees was taken by Ms. Harris. A quorum of Board  
3 members was present.]

4

\*\*\*

5 Approval of minutes of the March 27, 2024 meeting

6 MR. PICARELLA:

7

The first item on the agenda is the

8

approval of the March 27, 2024 meeting.

9

I believe the Board Chair would

10

entertain a motion to approve the

11

minutes of the March 27, 2024 meeting

12

of the State Board of Crane Operators

13

as written.

14 CHAIR KUNCELMAN:

15

That was correct. Could I get a motion

16

to approve the minutes from the

17

previous meeting?

18 MS. BAILEY:

19

So moved.

20 MR. MITCHELL:

21

Second.

22 MS. HARRIS:

23

Ms. Bailey, aye; Mr. Claggett, aye; Mr.

24

Goulet, abstain; Mr. Kuncelman, aye;

25

Mr. Mitchell, aye.

1 [The motion carried. Andrew Goulet abstained from  
2 voting on the motion.]

3 \*\*\*

4 Report of Prosecutorial Division

5 [Gregory S. Liero, Esquire, Board Prosecutor, had  
6 nothing to report.]

7 \*\*\*

8 Report of Board Counsel - Final Adjudication and  
9 Order

10 MR. PICARELLA:

11 Item 2 on the agenda is the Final  
12 Adjudication and Order in the Matter of  
13 Joseph J. Armstrong, LCO, Case No. 21-  
14 71-012335.

15 Based upon discussions in Executive  
16 Session, I believe the Board Chair  
17 would entertain a motion to approve the  
18 Adjudication and Order in the Matter of  
19 Joseph J. Armstrong, Case No. 21-71-  
20 012335, and have it issued as the  
21 Board's Final Order in this matter.

22 CHAIR KUNCELMAN:

23 Could I get a motion to approve Board  
24 Counsel's recommendation on the matter?

25 MS. BAILEY:

1                   So moved.

2 MR. MITCHELL:

3                   I'll second.

4 MS. HARRIS:

5                   Ms. Bailey, aye; Mr. Claggett, aye; Mr.  
6                   Goulet, aye; Mr. Kuncelman, aye; Mr.  
7                   Mitchell, aye.

8 [The motion carried unanimously.]

9   \*\*\*

10 Report of Board Counsel - State Board of Crane  
11     Operators 2023 Annual Report

12 [Dean F. Picarella, Esquire, Board Counsel, referred  
13 to the State Board of Crane Operators 2023 Annual  
14 Report. He explained all boards are required to send  
15 the report to the legislative committees every year.  
16 He mentioned the report is basically the same as the  
17 report Carlton Smith from the Prosecution Division  
18 presented. He noted the report is for the Board's  
19 information and has been sent to the legislative  
20 committees.]

21   \*\*\*

22 Report of Board Counsel - Pennsylvania Sunshine Act  
23     Presentation

24 [Dean F. Picarella, Esquire, Board Counsel, provided  
25 a presentation on the Pennsylvania Sunshine Act and

1 Recusal Guidelines. He stated the Pennsylvania  
2 Sunshine Act is the main guideline of how the Board  
3 conducts meetings, along with the importance of  
4 having public transparency.

5 Mr. Picarella explained that meetings must be  
6 open to the public when deliberations or official  
7 action takes place. He provided a definition of  
8 agency, deliberation, and official action.

9 Mr. Picarella addressed public notice, where an  
10 agency shall give public notice of its first regular  
11 meeting of each calendar year, not less than three  
12 days in advance of the meeting, and shall give public  
13 notice of the schedule of the remaining regular  
14 meetings.

15 Mr. Picarella discussed special meetings, where  
16 an agency shall give public notice of each special  
17 meeting at least 24 hours in advance. He noted  
18 public notice is not required in the case of an  
19 emergency meeting or a conference but must be posted  
20 afterwards. He stated public notice includes the  
21 place, date, and time of the meeting in a newspaper  
22 of general circulation and political subdivision  
23 where the meeting is being held. He also mentioned  
24 that a notice is sent to interested parties by email.

25 Mr. Picarella addressed the recording of votes

1 and requirement of minutes for all open meetings. He  
2 mentioned that the only applicable exceptions to open  
3 meeting requirements are executive sessions and  
4 conferences, noting agency business may not occur at  
5 a conference. He explained an executive session may  
6 be held at any time during the meeting, conclusion of  
7 the meeting, or be announced for a future time for  
8 personnel issues, consulting with an attorney or  
9 professional advisor, and reviewing and discussing  
10 agency business that would violate a lawful privilege  
11 or lead to disclosure of information or  
12 confidentiality protected by law.

13 Mr. Picarella further explained that official  
14 actions on matters discussed in executive session  
15 shall be taken at the open meeting.

16 Mr. Picarella noted people can challenge a  
17 meeting based on a violation of the Sunshine Act but  
18 must be filed within 30 days of the date of the  
19 meeting or discovery of any action in which the  
20 Sunshine Act was violated. He also discussed  
21 penalties for violating the Sunshine Act.

22 Mr. Picarella stated all Board business shall be  
23 conducted in open meetings, and Board members should  
24 not discuss agency business, especially executive  
25 session matters, outside of an official Board



1 meeting.

2       Mr. Picarella noted regulations, policies, etc.,  
3 delegated to a committee, should take place in an  
4 open meeting with appropriate public notice. He  
5 mentioned that administrative functions,  
6 prosecutorial functions, and reviewing applications  
7 are not subject to open meeting requirements.

8       Mr. Picarella addressed mandatory recusals, where  
9 a Board member may have a prosecutorial role or  
10 direct personal or financial interest in the outcome  
11 of the matter. He addressed strongly suggested  
12 recusals, where they have a personal affection or  
13 outside knowledge and cannot make a fair and unbiased  
14 determination.

15       Mr. Picarella noted that discretionary recusals  
16 are when a Board member cannot hear and dispose of  
17 the case or participate in a decision on a subject  
18 fairly and without prejudice. He encouraged Board  
19 members who are uncertain whether to recuse  
20 themselves to discuss the matter with Board Counsel.

21       Mr. Picarella addressed abstention, noting  
22 abstention means someone is withholding their vote  
23 but does not affect quorum requirements. He noted  
24 the Board member is unable to vote at all with  
25 recusal and can affect the quorum requirement.]

1 \*\*\*

2 Report of Regulatory Counsel

3 [Dean F. Picarella, Esquire, Board Counsel, on behalf  
4 of Marc Farrell, Esquire, Regulatory Counsel, Office  
5 of Chief Counsel, Department of State, informed Board  
6 members that Act 41 regarding licensure by  
7 endorsement is the only regulation in process. He  
8 reported it is currently with the Independent  
9 Regulatory Review Commission and scheduled for a vote  
10 on June 20, 2024.]

11 \*\*\*

12 Report of Acting Commissioner

13 [Arion R. Claggett, Acting Commissioner, Bureau of  
14 Professional and Occupational Affairs, informed Board  
15 members that e-licensure would be enabled in the  
16 Pennsylvania Licensing System (PALS) on May 31, 2024,  
17 for licensees to be able to print their own license.

18 Acting Commissioner Claggett mentioned that the  
19 license will have a quick response (QR) code that can  
20 connect with the database verifying the status of  
21 their license. He noted licenses will be printed as  
22 they are issued until the implementation of the new  
23 licensing system in the spring or summer of 2025.

24 Chair Kuncelman asked whether a digital form as  
25 proof of their license is acceptable or whether a

1 paper form is still required.

2 Mr. Goulet believed the state of Pennsylvania  
3 does not require a physical paper when operating,  
4 because it is on record and can be verified through  
5 the state. He mentioned that the state of New Jersey  
6 requires individuals to carry a card with a picture  
7 while operating.]

8 \*\*\*

9 Report of Board Chair - No Report

10 \*\*\*

11 Report of Board Administrator

12 [Jessica Harris, Board Administrator, requested Board  
13 approval of the proposed 2025, 2026, and 2027 Board  
14 meeting dates.]

15 MR. PICARELLA:

16 I believe the Board Chair would  
17 entertain a motion to approve the  
18 meeting dates as presented for calendar  
19 years 2025, 2026, and 2027.

20 CHAIR KUNCELMAN:

21 That is correct. Could I get a motion  
22 to approve the meeting dates for 2025  
23 through 2027?

24 MS. BAILEY:

25 So moved.

1 MR. MITCHELL:

2 I'll second the motion.

3 MS. HARRIS:

4 Ms. Bailey, aye; Mr. Claggett, aye; Mr.  
5 Goulet, aye; Mr. Kuncelman, aye; Mr.  
6 Mitchell, aye.

7 [The motion carried unanimously.]

8 \*\*\*

9 FYI

10 [Andrew S. Goulet, Professional Member, thanked Board  
11 members for allowing him to serve. He informed  
12 everyone that this would be his last meeting, because  
13 his until successor qualifies (USQ) ends in June. He  
14 has notified parties of an interest in continuing to  
15 serve.

16 Acting Commissioner Claggett mentioned that he  
17 and Mr. Goulet contacted the Governor's Office but  
18 had not received a follow-up.

19 Mr. Picarella thanked Mr. Goulet for his  
20 attendance at the meetings and service as past  
21 president if it is his last meeting.]

22 \*\*\*

23 Adjournment

24 CHAIR KUNCELMAN:

25 Do we have a motion to adjourn?

1 MS. BAILEY:

2 So moved.

3 CHAIR KUNCELMAN:

4 Thanks everybody.

5 \*\*\*

6 [There being no further business, the State Board of  
7 Crane Operators Meeting adjourned at 11:05 a.m.]

8 \*\*\*

9

10 CERTIFICATE

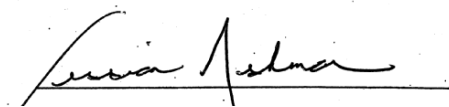
11

12 I hereby certify that the foregoing summary  
13 minutes of the State Board of Crane Operators  
14 meeting, was reduced to writing by me or under my  
15 supervision, and that the minutes accurately  
16 summarize the substance of the State Board of Crane  
17 Operators meeting.

18

19

20



21

Jessica Ashman,

22

Minute Clerk

23

Sargent's Court Reporting

24

Service, Inc.

25

26

STATE BOARD OF CRANE OPERATORS  
REFERENCE INDEX

May 30, 2024

	TIME	AGENDA
1		
2		
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4		
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6		
7		
8	10:00	Executive Session
9	10:30	Return to Open Session
10		
11	10:34	Official Call to Order
12		
13	10:30	Roll Call/Introductions
14		
15	10:33	Approval of Minutes
16		
17	10:35	Report of Prosecutorial Division
18		
19	10:36	Report of Board Counsel
20		
21	10:57	Report of Regulatory Counsel
22		
23	10:58	Report of Acting Commissioner
24		
25	11:01	Report of Board Administrator
26		
27	11:03	FYI
28		
29	11:05	Adjournment
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