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 28, 2025

State Board of Crane Operators
May 28, 2025

BOARD MEMBERS:

Elizabeth Bailey, Esquire, Public Member
Matthew Eaton, Deputy Commissioner, on behalf of Arion R. Claggett, Acting Commissioner 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
Gregory Liero, Esquire, Board Prosecution Liaison
Jessica Harris, Board Administrator
Paul Jarabeck, Esquire, Senior Prosecutor, Department of State
Cathy Tully, Esquire, Assistant District Attorney, Lackawanna County

ALSO PRESENT:

Tara Zetnick, Counsel Intern
Jacob Hill, Sargent's Court Reporting Service, Inc.

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State Board of Crane Operators

May 28, 2025

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

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[Dean F. Picarella, Esquire, Board Counsel, noted the meeting was being recorded and continued participation constituted consent to be recorded.

He also noted the Board entered into Executive Session for the purpose of conducting quasi-judicial deliberations on a number of matters that are currently pending before the Board and to receive the advice of counsel.]

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The regularly scheduled meeting of the State Board of Crane Operators was held on Wednesday, May 28, 2025. Steven M. Kuncelman, Chair, Professional

Member, called the meeting to order at 10:34 a.m.

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Roll Call/Introductions

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

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Approval of minutes of the March 26, 2025 meeting

MR. PICARELLA:

First item on the agenda is the minutes of the March 26, 2025 meeting. I believe Andrew Goulet will need to abstain from these.

Do any board members have any issues or amendments to the minutes from the meeting of March 26, 2025?

Seeing none, I believe the Board Chair would accept a motion to approve the Minutes of the March 26, 2025 meeting of the State Board of Crane Operators as presented.

CHAIR KUNCELMAN:

That's correct. Can I get a motion to approve the March meeting Minutes?

MR. MITCHELL:

Yes, Mr. Chairman. This is Daniel Mitchell, I'll make that motion.

MS. BAILEY:

This is Bailey, I'll second.

CHAIR KUNCELMAN:

Could we have a roll call, please?

Ms. Bailey, aye; Mr. Eaton, aye; Mr. Goulet, abstain; Mr. Kuncelman, aye; Mr. Mitchell, aye.

[The motion carried. Mr. Goulet abstained from the voting on the motion.]

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Report of Prosecutorial Division - No Report

[Gregory S. Liero, Esquire, Board Prosecution Liaison, presented the Consent Agreement and Order for Agenda Item 2, Case No. 23-71-014559.]

MR. PICARELLA:

Do any members of the Board have any questions to the prosecutor? Based upon his presentation, does any member of the Board feel need to go back into Executive Session?

Based upon that, based upon discussions in Executive Session, I

believe the Board Chair would entertain a motion to approve the Consent Agreement at Item No. 2 of the Agenda, Case No. 23-71-014559.

CHAIR KUNCELMAN

That's correct. Can I get a motion to approve Item No. 2 as read?

MR. MITCHELL

Mr. Chairman, this is Daniel Mitchell I'll make that motion.

MR. GOULET

This is Andrew Goulet. I'll second the motion.

MR. PICARELLA

Roll call, please.

Ms. Bailey, aye; Mr. Eaton, aye; Mr. Goulet, aye; Mr. Kuncelman, aye; Mr. Mitchell, aye.

[The motion carried unanimously. The Respondent's name is Daniel Ross Headley, LCO.]

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Report of Board Counsel - Final Adjudications and Orders

MR. PICARELLA

Now to Item No. 3, the Final Adjudication and Order for Bradley Christine, Case No. 23-71-022741.

Based upon discussions in Executive Session, I believe the Board Chair would entertain a motion to direct Board Counsel and to issue the Adjudication and Order in this matter as the final order of the Board.

CHAIR KUNCELMAN

That's correct. Can I get a motion to approve as read for Item No. three?

MR. MITCHELL

Mr. Chairman, this is Daniel Mitchell I'll make that motion.

MR. GOULET

This is Andrew Goulet. I'll second the motion.

MR. PICARELLA

Roll call, please.

Ms. Bailey, aye; Mr. Eaton, aye; Mr. Goulet, aye; Mr. Kuncelman, aye; Mr. Mitchell, aye.

[The motion carried unanimously.]

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MR. PICARELLA

Next is Item No. 4 on Adjudication. The Final Adjudication and Order for Todd Styer Sr., Case No. 22-71-014463.

Based upon discussions in Executive Session, I believe the Board Chair would entertain a motion to direct Board Counsel to issue the Adjudication and order in this matter as the Final order of the Board.

CHAIR KUNCELMAN

That is correct. Can I get a motion to Approve Item No. 4 of the agenda as read?

MR. MITCHELL

Mr. Chairman, this is Daniel Mitchell. I'll make the motion.

MR. GOULET

This is Andrew Goulet. I'll second the motion.

MR. PICARELLA

Okay, can we have a roll call please?

Ms. Bailey, aye; Mr. Eaton, aye; Mr.

Goulet, aye; Mr. Kuncelman, aye; Mr. Mitchell, aye.

[The motion carried unanimously.]

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Report of Commissioner

[Matthew Eaton, Deputy Commissioner, Bureau of Professional and Occupational Affairs, on behalf of Arion R. Claggett, Acting Commissioner, provided an update on Evoke, the licensing modernization project intended to replace the current PALS system for the Board of Crane Operators. He reported that the Board Administrator and the Commissioner's Office staff had completed mapping the current state process and would soon begin mapping the future state. Although he did not provide specific dates, he stated that phase one Boards, which do not include crane operators, are expected to go live in early 2026.

Mr. Eaton confirmed that the Crane Board is in phase two, with an anticipated launch in the spring or summer of 2026, assuming the project remains on schedule.]

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Report of Board Chair

[Steven M. Kuncelman, Chair, Professional Member, addressed A92.2 equipment being utilized in

Pennsylvania. He stated that during the previous meeting, the board discussed drafting language to clarify that equipment manufactured under alternate standards, specifically American National Standards Institute (ANSI) A92.2 aerial lift standards, but used as cranes in the workplace, still fell under Pennsylvania state licensure requirements. He reported that Ms. Bailey had drafted a newsletter communicating this interpretation to the public.

Ms. Bailey explained that the newsletter aimed to narrow the scope of required licensure to operations of the machine that met the definition of crane operation. She noted the inclusion of a footnote to clarify that certain uses, such as operating the machine from a basket, would not qualify as crane operations and therefore would not require licensure. She invited feedback and input on any legal language or statutory references that might need correction.

Mr. Eaton opened the floor for further discussion on the topic.

Mr. Goulet stated that he appreciated the clarity provided by the footnote and suggested including ANSI 10.31 standards alongside ANSI A92.2, since both machine types could fall under the same issue. He also recommended updating the footnote to account for

crane operation via remote controls, not just ground controls.

Ms. Bailey agreed with broadening the terminology to alternative standard and adding more machine examples. She noted that she intentionally avoided referencing manufacturer instructions because manufacturers often claim their machines are not intended for crane operation, even when they function as such. She emphasized that licensure requirements should be based on how the equipment is operated, as defined by the act, not by manufacturer labels.

Chair Kuncelman cautioned that some manufacturers explicitly advice against using lower controls for crane operation, even if the equipment is equipped for it. He suggested referencing compliance with manufacturer specifications to avoid liability concerns.

Mr. Picarella clarified that before distribution, the document would need legal review by him and the commissioner's office to ensure it met legal and procedural standards. Once finalized and approved, it could be disseminated through an email blast and posted on the Board's website.

Mr. Goulet was asked to confirm and revisit the ANSI 10.31 standard for digger derricks. Discussions

were held debating if digger derricks, especially those exceeding 15 tons, and used as cranes, should fall under the Crane Act. Prior concerns were noted by Ms. Bailey about utility applications

Chair Kuncelman explained that the current exemption applies to the equipment itself, not the scope of work. He cautioned that including digger derricks without exemption language might unintentionally subject all such equipment to licensure.

Mr. Picarella cautioned the Board against making regulatory changes without following the formal process.

Mr. Mitchell asked whether Subpart V exempted such equipment

Mr. Goulet clarified that Pennsylvania's licensing requirement applies regardless of federal Occupational Safety and Health Administration (OSHA) subpart distinctions. He also highlighted that OSHA still requires certification for larger digger derricks unless operating under a narrow exemption.

Chair Kuncelman acknowledged utility industry concerns about licensing in emergency situations, citing New York’s precedent of waiving enforcement during storms. He supported maintaining exemption

flexibility.

Ms. Bailey emphasized the emerging nature of the ANSI A92.2 issue compared to the longstanding digger derrick debate. She advocated for addressing the immediate concern of machines used to circumvent crane licensing.

Chair Kuncelman echoed the view that any machine operated as a crane under the statutory definition, including digger derricks, should require licensure.

Ms. Bailey and Mr. Picarella discussed what interpretations may necessitate a regulatory definition change. Ms. Bailey noted that the Act defines crane operation based on use, not manufacturer designation, making new regulation unnecessary.

Precedent concerns were discussed, emphasizing that Pennsylvania previously rejected crane certification exams conducted on digger derricks.

Mr. Goulet responded that the ANSI A92.2 issue was distinct and warranted separate handling. He recommended legal review before broadening scope.

Ms. Bailey clarified that the notification aimed to close loopholes by affirming that crane licensure depends on operation, not manufacturer intent. Mr. Picarella supported this approach to prevent

operators from using manufacturer designations as a legal defense. They agreed that this stance could be used to protect licensed crane operators.

Chair Kuncelman noted that most daily-use digger derricks fall below 15-ton capacity and would be exempt under the current draft language. He supported requiring licensure for larger transmission models.

Concerns were expressed about testing standards if non-B30.5 machines were subject to licensure. Ms. Bailey replied that while certain equipment was not intended for crane use per manufacturer statements, actual usage often suggested otherwise, necessitating licensure.

Mr. Picarella stressed the importance of accurate citations for legal validity. Because of this, Mr. Picarella informed the Board that he would begin a review of the language used in the footnote, believing it originated from the Crane Act or regulations.]

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Report of Board Administrator - No Report

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Applications

MR. PICARELLA

Next is the Applications. Item No. 6 on the Agenda, the application of Ray Walman.

Based upon discussions in Executive Session, I believe the Board Chair would entertain a motion direct to direct Board Counsel to draft a letter to applicant consistent with discussions in Executive Session.

CHAIR KUNCELMAN

That is correct. Can I get a motion to approve it as read?

MR. MITCHELL

Yes. Mr. Chairman, I'll make that motion.

MR. GOULET

This is Andrew Goulet, I'll second the motion.

MR. PICARELLA

Okay, can we have a rollcall please?

Ms. Bailey, aye; Mr. Eaton, aye; Mr. Goulet, aye; Mr. Kuncelman, aye; Mr. Mitchell, aye.

[The motion carried unanimously.]

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MR. PICARELLA

Next is Item No. 7 on the Agenda, the application of Jamelle Simpson.

Based upon discussions in Executive Session, I believe the Board Chair would entertain a motion to direct Board Counsel to draft a letter to the applicant consistent with discussions in Executive Session.

CHAIR KUNCELMAN

That is correct. Can I get a motion?

MR. MITCHELL

Yes, Mr. Chairman. This is Daniel Mitchell. I'll make that motion.

MR. GOULET

Andrew Goulet, I'll second the motion.

MR. PICARELLA

Roll call, please.

Ms. Bailey, aye; Mr. Eaton, aye; Mr. Goulet, aye; Mr. Kuncelman, aye; Mr. Mitchell, aye.

[The motion carried unanimously.]

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Report of Board Chair (Cont.)

[Daniel J. Mitchell, Vice Chair, Professional Member, wished to revisit discussions regarding Ms. Bailey's newsletter. He informed the Board that ASME B30.5 references remote-operated cranes, supporting the inclusion of remote controls in the language.

Amendments to the footnote's language were discussed by Mr. Mitchell and Ms. Bailey.

The discussion was acknowledged by Mr. Picarella, who agreed to proceed with the necessary steps to continue the review process, aiming to present a finalized version by the next meeting.]

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Miscellaneous - 2025 Board Meeting Dates

[Jessica Harris, Board Administrator, noted the next scheduled Board meeting date is July 30, 2025.]

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Adjournment

MR. PICARELLA:

Okay. And unless there's any other business, I believe the Chair would entertain a motion to adjourn.

CHAIR KUNCELMAN:

That's correct. Can I get a motion to adjourn the meeting?

MR. MITCHELL:

Mr. Chairman, this is Daniel Mitchell. I'll make that motion.

MR. PICARELLA:

Okay, we're good. Thanks everybody, for your attendance. As always, if you have any questions, you know how to get in touch with me.

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[There being no further business, the State Board of Crane Operators Meeting adjourned at 11:20 a.m.]

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CERTIFICATE

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

Jacob Hill,
Minute Clerk
Sargent's Court Reporting Service, Inc.

STATE BOARD OF CRANE OPERATORS
REFERENCE INDEX

May 28, 2025

TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:34	Official Call to Order
10:35	Roll Call/Introductions
10:37	Approval of Minutes
10:38	Report of Prosecutorial Division
10:40	Report of Board Counsel
10:44	Report of Acting Commissioner
10:45	Report of Board Chair
11:15	Report of Board Administrator
11:19	Miscellaneous
11:20	Adjournment