

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: 11:01 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

November 13, 2024

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

State Registration Board for Professional
Engineers, Land Surveyors, and Geologists
November 13, 2024

BOARD MEMBERS:

- Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
- Joseph T. McNally, PG, President
- Robert P. Kudlawiec, PE, Vice President
- James J. Szalankiewicz, PE, PLS, Professional Member
- Martin F. Helmke, PhD, PG, Professional Member
- Lisa Peterson, PhD, PE-Electrical, Professional Member
- Jason Snyder, PE-Civil, Professional Member - Absent
- John J. Luciani, PE-Civil, PLS, Professional Member
- G. Windsor Tracy Jr., PLS, Professional Member
- Scott Reeser, PLS, Professional Member
- Carol D. Sides, Public Member - Absent

BUREAU PERSONNEL:

- Shana M. Walter, Esquire, Senior Board Counsel
- Ashley Goshert, Esquire, Board Counsel
- Michael Merten, Esquire, Board Counsel
- Ray J. Michalowski, Esquire, Senior Board Prosecutor and Board Prosecution Liaison
- Angela L. Solomon, Esquire, Board Prosecutor
- Kristel Hennessy Hemler, Board Administrator
- Marc Farrell, Esquire, Regulatory Counsel, Office of Chief Counsel, Department of State
- Andrew LaFratte, MPA, Deputy Policy Director, Department of State
- Amanda Richards, Fiscal Supervisor, Bureau of Finance and Procurement, Department of State

ALSO PRESENT:

- Ted Mowatt, CAE, Vice President/Lobbyist & Executive Director, Wanner Associates, on behalf of the Pennsylvania Society of Professional Engineers
- Jennifer Smeltz, Republican Executive Director, Senate Consumer Protection & Professional Licensure Committee

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
51

State Registration Board for Professional
Engineers, Land Surveyors, and Geologists
November 13, 2024

ALSO PRESENT: (cont.)

Lisa Houser, Environmental Engineer, Pennsylvania
Department of Environmental Protection
Daniel Powers, Sargent's Court Reporting Service,
Inc.

1 ***

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

4 November 13, 2024

5 ***

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

13 ***

14 The regularly scheduled meeting of the State
15 Registration Board for Professional Engineers, Land
16 Surveyors, and Geologists was held on Wednesday,
17 November 13, 2024. Joseph T. McNally, PG, President,
18 called the meeting to order at 11:01 a.m.

19 ***

20 Introduction of Board Members/Attendees

21 [Kristel Hennessy Hemler, Board Administrator,
22 provided an introduction of Board members and
23 attendees. A quorum of Board members was present.]

24 ***

25 [Ashley B. Goshert, Esquire, Board Counsel, reminded

1 everyone that the meeting was being recorded and
2 voluntary participation constituted consent to be
3 recorded.

4 Ms. Goshert also noted the Board entered into
5 Executive Session with Board Counsel for the purpose
6 of conducting quasi-judicial deliberations and to
7 receive the advice of counsel.]

8 ***

9 Approval of minutes of the September 25, 2024 meeting

10 PRESIDENT MCNALLY:

11 The first item on the agenda is
12 approval of the minutes from September
13 25, 2024. Do we have any comments or
14 edits on the minutes as presented?

15 Can we have a motion to approve the
16 minutes?

17 DR. PETERSON:

18 I make a motion to approve the meeting
19 minutes from September 25, 2024, as
20 presented.

21 DR. HELMKE:

22 Second.

23 PRESIDENT MCNALLY:

24 Any discussion? Hearing none. May we
25 have a roll call vote on approval of

1 the minutes?

2

3 Arion Claggett, abstain; Joseph
4 McNally, yes; Robert Kudlawiec, aye;
5 Jim Szalankiewicz, abstain; Martin
6 Helmke, yes; Lisa Peterson, yes; John
7 Luciani, yes; Windsor Tracy, yes; Scott
8 Reeser, yes.

9 [The motion carried. Arion Claggett and James
10 Szalankiewicz abstained from voting on the motion.]

11 ***

12 Report of Board President - No Report

13 ***

14 Report of Board Members

15 [Martin F. Helmke, PhD, PG, Professional Member,
16 addressed his attendance, along with President
17 McNally, at the National Association of State Boards
18 of Geology Meeting in Fort Collins, CO, October 23-
19 26, 2024. He explained that the National Association
20 of State Boards of Geology (ASBOG) manages the
21 examinations used to license professional geologists
22 in 32 states, including Pennsylvania. He reported
23 President McNally represented Pennsylvania as a
24 voting delegate during the annual business meeting
25 held on October 23, 2024.

1 Dr. Helmke noted ASBOG discussed several orders
2 of business, including computer-based testing, which
3 continues to serve examinees well across the country.
4 He reported no complaints were received about the
5 system.

6 Dr. Helmke stated a psychometrician, Dr. Jack
7 Warner, has been evaluating ASBOG exams since the
8 late 80s but is retiring, so there is a request for
9 proposal for a new psychometrician to start sometime
10 in 2026.

11 Dr. Helmke announced ASBOG released a new
12 Knowledge Base document, which is a list of
13 descriptors of knowledge that candidates need to know
14 to successfully pass the exams. He noted it to be
15 very helpful for academic programs to align their
16 curriculum so that students are prepared to take and
17 pass the exams.

18 Dr. Helmke noted ASBOG sponsored a geology field
19 trip investigating stratigraphy petroleum geology and
20 structural geology of the Colorado Front Range near a
21 Horsetooth Reservoir on October 24, 2024, which was
22 attended by 56 geologists from across the country.
23 He mentioned that it was led by Dr. Stephen
24 Sonnenberg and Tom Dimelo from the Colorado School of
25 Mines. He mentioned that he served as the field trip

1 coordinator and safety officer for the event.

2 Dr. Helmke addressed his attendance, along with
3 President McNally, at the Council of Examiners
4 Workshop October 25-26, 2024. He noted they were
5 joined by other professional geologists and
6 academicians reviewing and editing past and future
7 versions of the ASBOG Fundamentals of Geology and
8 Practice of Geology examinations.

9 Dr. Helmke mentioned that he and President
10 McNally take the exams as part of the process to make
11 sure they are rigorous. He noted they both greatly
12 appreciate the opportunity to attend the meetings to
13 network with geologists at the national level and
14 support the interests of working geologists and
15 citizens of the Commonwealth of Pennsylvania.

16 Dr. Peterson informed Board members that the
17 Committee on Licensure for the National Council of
18 Examiners for Engineering and Surveying (NCEES) is
19 meeting in November and offered to provide a report
20 at their next meeting.]

21

22 Report of Acting Commissioner

23 [Arion R. Claggett, Acting Commissioner, Bureau of
24 Professional and Occupational Affairs, informed Board
25 members that a vendor has been selected for

1 replacement of the Pennsylvania Licensing System
2 (PALS), and System Automation will be implemented at
3 the end of 2025.]

4 ***

5 Report of Board Administrator - Off-site Board
6 Meeting Scheduled for September 18, 2025
7 [Kristel Hennessy Hemler, Board Administrator,
8 referred to prior Board discussion regarding holding
9 one of their Board meetings off site. She informed
10 Board members that Molly Smith from the
11 Commissioner's Office was able to secure the location
12 at York College of Pennsylvania on September 18,
13 2025.

14 President McNally thanked the Commissioner's
15 Office and Molly Smith for her work in reaching out
16 to the different universities and colleges to make
17 sure they met the criteria of the Board. He noted
18 looking forward to being able to share some of the
19 activities and what a Board actually does with new
20 students and perhaps faculty members and others in
21 the community.]

22 ***

23 Report of Prosecutorial Division
24 [Ray J. Michalowski, Esquire, Senior Board Prosecutor
25 and Prosecution Liaison, had no Consent Agreements to

1 present.

2 Mr. Michalowski informed Board members that
3 matters are being handled through their citation
4 system, which is working very well. He noted that
5 prosecution would have somebody attend in person for
6 their off-site meeting in 2025 to provide a
7 presentation. He also noted Caroline Bailey works
8 with the landscape architects and Angela Solomon
9 works with the architects and will be handling all of
10 the Board's cases going forward.

11 President McNally requested more information
12 regarding the citation system.

13 Mr. Michalowski explained that the citation
14 system is a schedule of civil penalties the boards
15 have decided upon for minor things, including lapsed
16 licenses, unlicensed practice, continuing education
17 (CE) cases, and inspection-related issues. The
18 boards do not want to go through the entire process.

19 Mr. Michalowski stated there is a set schedule of
20 civil penalties decided ahead of time, where it may
21 be a first offense or the second offense. He noted
22 the individual receives a one- or two-page document
23 of the charge and can admit and just pay it or deny
24 it. He addressed the hearing process, penalties, and
25 appeals. He mentioned that there are a lot of

1 advantages to both licensees and the board, and it
2 helps minor matters move quicker and more
3 efficiently.

4 President McNally asked whether that includes
5 violations that may occur out of Pennsylvania as
6 well.

7 Mr. Michalowski explained that the only ones he
8 had for reciprocal cases on other boards is
9 notification violations. He noted they have
10 reciprocal violations from other states and require
11 everybody to report the reciprocal violations to them
12 within 30 days.

13 Mr. Michalowski mentioned that other boards
14 included failure to report on their schedule of civil
15 penalties. He stated those cases would not be
16 brought to the Board because they are minor. He
17 noted public safety issues or fraud issues would not
18 be appropriate for a citation. He suggested
19 revisiting their schedule of civil penalties
20 occasionally with counsel.

21 Dr. Peterson asked what processes are in place
22 for states to notify them or for the Board to notify
23 other states of a disciplinary action if the person
24 does not self-report.

25 Mr. Michalowski explained that professional

1 organizations, like NCEES, would report violations
2 through the resource account, but it is pretty much
3 on an honor system at this point. He noted that
4 finding out three cycles later that an individual did
5 not report would be a more serious violation.]

6

7 Report of Board Counsel - Final Adjudication and
8 Order

9 [Ashley B. Goshert, Esquire, Board Counsel, noted
10 Board members already voted on item 4 on the agenda
11 at the last meeting.]

12

13 Report of Board Counsel - Motion to Deem Facts
14 Admitted

15 MS. GOSHERT:

16 Item 3 on the agenda. I believe, based
17 on Executive Session deliberation, the
18 Board would entertain a motion to grant
19 a Motion to Deem Facts Admitted at Case
20 No. 23-47-014961, Daniel Pierce Allen,
21 and direct counsel to prepare an
22 Adjudication and Order consistent with
23 the discussion in Executive Session.

24 DR. PETERSON:

25 I make that motion.

1 DR. HELMKE:

2 Second.

3 PRESIDENT MCNALLY:

4 Any discussion? Hearing none. May we
5 have a roll call vote?

6

7 Arion Claggett, aye; Joseph McNally,
8 yes; Robert Kudlawiec, aye; Jim
9 Szalankiewicz, aye; Martin Helmke, yes;
10 Lisa Peterson, yes; John Luciani, aye;
11 Windsor Tracy, yes; Scott Reeser, yes.

12 [The motion carried unanimously.]

13

14 Regulatory Updates - Regulatory Updates

15 [Marc Farrell, Esquire, Regulatory Counsel, Office of
16 Chief Counsel, Department of State, informed Board
17 members that they have formally opened two new
18 regulatory matters for the Board since they last met.
19 He noted assigning the ethics continuing education
20 16A-4716. He also noted Act 32 of 2024 amendments
21 changing the name to engineer interns and the
22 decoupling of the work experience requirement from
23 the issue date of the in-training certificate has
24 been assigned 16A-4717.

25 Mr. Farrell referred to the ethics regulation,

1 noting that anytime a regulatory package is drafted
2 that is not being generated as a result of a
3 statutory change that they do an internal policy memo
4 to confirm that everybody signed off on the work
5 before doing the work and are currently working on
6 that.

7 Mr. Farrell referred to 16A-4717, noting they are
8 only doing statutory changes and bringing the
9 regulations current so that they both match, which is
10 a shortened process called final-omitted rulemaking.
11 He noted a memo has to be submitted to the Attorney
12 General's Office for their approval that it meets the
13 requirements to do the shortened procedure and then
14 can move forward as well. He noted they opened the
15 files and started the process on the two regulations,
16 and there will be Board discussion in the future.

17 President McNally requested information regarding
18 the steps needed for the ethics regulation to
19 proceed.

20 Mr. Farrell stated the Board spoke about having 2
21 credits per biennium but have not talked about what
22 courses will satisfy that, how they will be handled
23 administratively, and how they will tie into biennial
24 renewals. He mentioned that he has been provided
25 with some research regarding what other states are

1 doing. He also noted meeting with Board Counsel on a
2 regular basis concerning regulations, and they will
3 have a game plan at the next meeting.]

4 ***

5 Matters for Discussion

6 [Kristel Hennessy Hemler, Board Administrator, asked
7 whether any Board members wished to attend the
8 National Council of Examiners for Engineering and
9 Surveying (NCEES) interim meeting in Cambridge, MA,
10 April 10-12, 2025.]

11 MS. GOSHERT:

12 Do we have a motion to approve travel
13 for Board members Kudlawiec, Peterson,
14 and Reeser to attend the 2025 NCEES
15 interim meeting that will take place
16 April 10-12 in Cambridge, MA?

17 DR. PETERSON:

18 I make that motion.

19 DR. HELMKE:

20 Second.

21 PRESIDENT MCNALLY:

22 Any discussion? Hearing none. May we
23 have a roll call vote?

24

25 Arion Claggett, aye; Joseph McNally,

1 yes; Robert Kudlawiec, aye; Jim
2 Szalankiewicz, aye; Martin Helmke, yes;
3 Lisa Peterson, yes; John Luciani, aye;
4 Windsor Tracy, yes; Scott Reeser, yes.

5 [The motion carried unanimously.]

6 ***

7 Appointment - Bureau of Finance and Operations
8 Annual Budget Presentation

9 [Amanda Richards, Fiscal Supervisor, Bureau of
10 Finance and Procurement, Department of State,
11 presented the Annual Budget Report. She referred to
12 the license population over the last seven years,
13 noting the Board has three license classes that make
14 up their revenue. She noted the prior biennial
15 renewal showed 32,176 licenses and the current
16 renewal at 32,193 licenses, showing an increase of 17
17 licenses between the last and current renewal period.

18 Ms. Richards stated the next renewal will be in
19 September 2025, noting each license class pays \$100
20 and will stay there for the foreseeable future. She
21 mentioned that 2017 was the last time the Board had a
22 fee increase.

23 President McNally asked how frequently fee
24 increases occur for the Board.

25 Ms. Richards explained that it depends on the

1 need of the Board and whether expenses are exceeding
2 revenue.

3 Mr. Szalankiewicz commented that fees doubled in
4 2017 because they were drastically short, which made
5 a big difference and was well justified.

6 Ms. Richards addressed revenue on a biennial
7 basis and reported on the biennial revenue, noting
8 95.3% of that revenue came from renewals and
9 applications. She also noted the Board receives
10 revenue from other categories but is not a consistent
11 form of revenue.

12 Ms. Richards addressed expenses, which can hit
13 the Board through direct cost, timesheet-based
14 charges, and charges based on license population.
15 She noted the two main categories used for expenses
16 are administrative costs and legal costs. She
17 referred to expenses for FY22-23 and FY23-24, noting
18 the total expenses for that biennial period. She
19 referred to the current biennial period for FY24-25
20 and FY25-26 and the projected budgeted figure.

21 Ms. Richards stated the increase in cost and
22 expenses is for the new Pennsylvania Licensing System
23 (PALS), along with a new legal information technology
24 (IT) system and their legal office moving to a new
25 location.

1 Ms. Richards addressed expenses and revenue,
2 noting the Board's balance. She reported on the
3 Board's revenue and expenses.

4 Ms. Richards informed Board members that expenses
5 were well under their revenue, noting no need for a
6 fee increase.]

7 ***

8 Miscellaneous - Exemption Request

9 MS. GOSHERT:

10 Agenda item 7. I believe, based on
11 Executive Session deliberations, the
12 Board would entertain a motion to grant
13 the PDH Exemption Request submitted by
14 licensee, Alan Kearns.

15 DR. PETERSON:

16 Motion.

17 DR. HELMKE:

18 Second.

19 PRESIDENT MCNALLY:

20 Any discussion? Hearing none. May we
21 have a roll call vote, please?

22
23 Arion Claggett, aye; Joseph McNally,
24 yes; Robert Kudlawiec, aye; Jim
25 Szalankiewicz, aye; Martin Helmke, yes;

1 Lisa Peterson, yes; John Luciani, aye;
2 Windsor Tracy, yes; Scott Reeser, yes.

3 [The motion carried unanimously.]

4 ***

5 Miscellaneous - Ratifications

6 MS. GOSHERT:

7 Agenda items 8 and 9. Based on
8 Executive Session deliberations, I
9 believe the Board would entertain a
10 motion to Ratify the Approval for
11 Licensure for Applicants Hamed Hamidi
12 Jamnani and Sasidhar Parasa.

13 DR. PETERSON:

14 Motion.

15 DR. HELMKE:

16 Second.

17 PRESIDENT MCNALLY:

18 Any discussion? Hearing none. May we
19 have a roll call vote, please?

20
21 Arion Claggett, aye; Joseph McNally,
22 yes; Robert Kudlawiec, aye; Jim
23 Szalankiewicz, aye; Martin Helmke, yes;
24 Lisa Peterson, yes; John Luciani, yes;
25 Windsor Tracy, yes; Scott Reeser, yes.

1 [The motion carried unanimously.]

2

3 Matters for Discussion - Election of Officers

4 [Joseph T. McNally, PG, President, noted that part of

5 the reason for the election at this meeting is

6 because his until successor qualifies (USQ) will be

7 expiring in mid-December and would prevent a gap

8 between now and the January meeting.]

9 MS. GOSHERT:

10 Do we have a nomination for President

11 of the Board?

12 MR. SZALANKIEWICZ:

13 I'd like to nominate Mr. Kudlawiec as

14 President.

15 MS. GOSHERT:

16 Do we have a second for the nomination?

17 DR. HELMKE:

18 Second.

19 MS. GOSHERT:

20 Mr. Kudlawiec, would you accept the

21 nomination?

22 MR. KUDLAWIEC:

23 I do.

24 MS. GOSHERT:

25 Do we have any other nominations for

1 President? Hearing none.

2 Do we have a motion to elect Robert
3 Kudlawiec as President of the State
4 Registration Board for Professional
5 Engineers, Land Surveyors, and
6 Geologists?

7 DR. PETERSON:

8 So moved.

9 DR. HELMKE:

10 Second.

11 PRESIDENT MCNALLY:

12 Any discussion? Hearing none. May we
13 have a roll call vote, please?

14

15 Arion Claggett, aye; Joseph McNally,
16 yes; Robert Kudlawiec, abstain; Jim
17 Szalankiewicz, aye; Martin Helmke, yes;
18 Lisa Peterson, yes; John Luciani, yes;
19 Windsor Tracy, yes; Scott Reeser, yes.

20 [The motion carried. Robert Kudlawiec abstained from
21 voting on the motion.]

22

23 MS. GOSHERT:

24 Do we have a nomination for Vice
25 President of the Board?

1 DR. PETERSON:

2 I'd like to nominate Mr. Windsor Tracy.

3 MS. GOSHERT:

4 Do we have a second for that
5 nomination?

6 DR. HELMKE:

7 Second.

8 MS. GOSHERT:

9 Any other nominations? Do we have a
10 motion to elect Windsor Tracy as Vice
11 President of the Board?

12 DR. PETERSON:

13 So moved.

14 DR. HELMKE:

15 Second.

16 PRESIDENT MCNALLY:

17 Any discussion? Hearing none. May we
18 have a roll call vote?

19

20 Arion Claggett, aye; Joseph McNally,
21 yes; Robert Kudlawiec, aye; Jim
22 Szalankiewicz, aye; Martin Helmke, yes;
23 Lisa Peterson, yes; John Luciani, aye;
24 Windsor Tracy, abstain; Scott Reeser,
25 yes.

1 [The motion carried. G. Windsor Tracy abstained from
2 voting on the motion.]

3 ***

4 Public Comment

5 [Kristel Hennessy Hemler, Board Administrator,
6 thanked Mr. Szalankiewicz for his two consecutive
7 six-year terms as a Board member and presented him
8 with a proclamation from the Commonwealth of
9 Pennsylvania Department of State Bureau of
10 Professional and Occupational Affairs.

11 Mr. Szalankiewicz commented that it has been an
12 honor to serve on the Board.

13 President McNally thanked the Board and also
14 noted it to be an honor to serve as a Board member.

15 Board members thanked President McNally for his
16 service and direction over the last two years.

17 Vice President Kudlawiec was also acknowledged.]

18 ***

19 [Kristel Hennessy Hemler, Board Administrator, noted
20 the next Board meeting will be held in person and
21 virtually on January 30, 2025.]

22 ***

23 Adjournment

24 PRESIDENT MCNALLY:

25 Could we have a motion to adjourn?

1 DR. PETERSON:

2 Motion to adjourn.

3 DR. HELMKE:

4 Second.

5 PRESIDENT MCNALLY:

6 Meeting adjourned.

7 ***

8 [There being no further business, the State Board of
9 Professional Engineers, Land Surveyors, and
10 Geologists Meeting adjourned at 11:43 a.m.]

11 ***

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

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

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.



Daniel Powers,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

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

November 13, 2024

TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
11:01	Official Call to Order
11:01	Roll Call
11:01	Introduction of Attendees
11:03	Approval of Minutes
11:04	Report of Board Members
11:08	Report of Acting Commissioner
11:09	Report of Board Administrator
11:10	Report of Prosecutorial Division
11:19	Report of Board Counsel
11:20	Regulatory Updates
11:23	Matters for Discussion
11:26	Appointment - Bureau of Finance and Procurement Annual Budget Presentation
11:34	Miscellaneous
11:36	Matters for Discussion
11:39	Public Comment
11:43	Adjournment