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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:

**PENNSYLVANIA STATE
NAVIGATION COMMISSION**

TIME: 10:30 A.M.

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

VIA MICROSOFT TEAMS

January 13, 2023

Pennsylvania State
Navigation Commission
January 13, 2023

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ALSO PRESENT: Continued

Ward Guilday, Captain, Pilots' Association for the
Bay and River Delaware
Cody Guilday, River Pilot, Pilots' Association for
The Bay and River Delaware

1 ***

2 Pennsylvania State
3 Navigation Commission

4 January 13, 2023

5 ***

6 The regularly scheduled meeting of the
7 Pennsylvania State Navigation Commission was held on
8 Friday, January 13, 2023. Jason E. McMurry, Esquire,
9 Commission Counsel, on behalf of K. Kalonji Johnson,
10 Chairperson, Deputy Secretary for Regulatory
11 Programs, officially called the meeting to order at
12 10:30 a.m.

13 ***

14 [Jason E. McMurry, Esquire, Commission Counsel, noted
15 the meeting was being recorded, and those who
16 continued to participate were giving their consent to
17 be recorded.]

18 ***

19 Roll Call of Commission Members/Introduction of
20 Attendees

21 [Amanda Li, Commission Administrator, provided a roll
22 call of Commission members and introduction of
23 attendees.]

24 ***

25 Approval of Minutes

1 MR. MCMURRY:

2 The first item on the agenda is
3 approval of the minutes of the December
4 16, 2022 meeting presented to the
5 Commission members prior to the
6 Commission's meeting this morning.

7 Are there any corrections or
8 notations on those? Hearing none.

9 I would ask for a motion to approve
10 the December 16, 2022 minutes.

11 MR. SCHAFER:

12 So moved.

13 MR. SULLIVAN:

14 I'll second.

15 MR. MCMURRY:

16 We need to do a roll call vote, Amanda.

17

18 Ms. Daniels, aye; Mr. D'Agostino, aye;
19 Mr. Keller, aye; Mr. Schafer, aye; Mr.
20 James, aye; Mr. Roche, aye; Mr.
21 Sullivan, aye.

22 [The motion carried unanimously.]

23

24 Appointment - Prosecution Division Annual Report
25 Presentation

1 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
2 Counsel, Prosecution Division, presented to the
3 Commission to provide a summary of the prosecution
4 division's role and present annual numbers for 2022.
5 She informed the Commission members that the Bureau
6 of Professional and Occupational Affairs provides
7 administrative and legal support to all 29 boards and
8 commissions, along with about 37 prosecuting
9 attorneys, about 18 counsel attorneys, and hearing
10 examiners. She noted professional licensing protects
11 the health and safety of the public and protects the
12 integrity of the professions.

13 Ms. DeLaurentis explained that the Office of
14 Chief Counsel is under the Governor's Office of
15 General Counsel, noting the prosecution division is
16 one division under the Office of Chief Counsel. She
17 noted the prosecution division works with the Bureau
18 of Enforcement and Investigation (BEI), along with
19 the Professional Compliance Office (PCO).

20 Ms. DeLaurentis stated the group is tasked with
21 complaints, investigating allegations, ensuring
22 public safety, and enforcing compliance with the acts
23 and regulations that govern the 29 boards and
24 commissions.

25 Ms. DeLaurentis stated the prosecution division

1 has five senior prosecuting attorneys and is broken
2 into five teams, noting each team has a senior
3 prosecuting attorney. She also noted Karl Geschwindt
4 is an acting senior prosecutor and also the
5 Commission liaison. She also mentioned Paul
6 Jarabeck, Heather McCarthy, Ray Michalowski, and
7 William Newport are all senior prosecutors.

8 Ms. DeLaurentis addressed the complaint process,
9 noting complaints are received from any source. She
10 stated the most efficient way to file a complaint is
11 on the Pennsylvania Licensing System (PALS) at
12 pals.pa.gov and easy to access through Google. She
13 noted prosecution also accepts complaints from law
14 enforcement, sister agencies, media reports, and the
15 Pennsylvania Justice Network (JNET).

16 Ms. DeLaurentis stated the Bureau of Enforcement
17 and Investigation (BEI) has the ability to
18 investigate matters and gather facts but do not make
19 decisions on any violations or cases. She discussed
20 levels of review, including jurisdiction checks, to
21 make sure they are being efficient with time and
22 money.

23 Ms. DeLaurentis noted that cases are reviewed
24 after the investigation to determine whether any
25 charges need filed or the case can be closed. She

1 addressed charging decisions that include an order to
2 show cause or citations. She stated the individual
3 is entitled to a hearing if charged and the hearing
4 examiner issues a proposed decision but then the
5 boards and commissions make a final decision. She
6 noted boards and commissions also makes the final
7 decision for consent agreements.

8 Ms. DeLaurentis informed Commission members that
9 investigations by their office are confidential and
10 privileged under confidentiality statutes, where
11 prosecution cannot disclose something within their
12 files if it is not contained within the document
13 presented to the Commission.

14 Ms. DeLaurentis explained that BEI is not law
15 enforcement and does not have search warrant
16 authority but does have subpoena authority. She
17 noted BEI is

18 Ms. DeLaurentis stated BEI not only conducts
19 interviews, inspections, and obtains evidence but
20 also serve subpoenas, orders, letters and also
21 testify. She noted BEI does not have unlimited
22 authority, and some boards are supposed to comply
23 based upon their governing regulations and statutes
24 if BEI asks to see their records but other boards do
25 not.

1 Ms. DeLaurentis addressed the post-investigation
2 process, where reports and evidence are provided to
3 the legal office and reviewed to see whether to close
4 the case or file charges. She noted they have the
5 ability to file immediate temporary suspensions if
6 someone is an immediate danger to the health and
7 safety of the public and automatic suspensions that
8 usually concern drug act violations and 302
9 commitments.

10 Ms. DeLaurentis noted they also have the ability
11 to file orders for examination, petitions for
12 appropriate relief when someone has violated a board
13 order, orders to show cause, and consent agreements.

14 She stated the levels of discipline include
15 revocations, suspensions, probations, reprimands,
16 fines, remedial education, and cost of the
17 investigation.

18 Ms. DeLaurentis referred to the confidentiality
19 statute under 63 Pa.C.S. § 3109, where all prosecution
20 information is confidential and privileged and are
21 noncriminal investigation records under the Right-to-
22 Know Law. She mentioned the only information public
23 is the final action of the agency.

24 Ms. DeLaurentis explained that information could
25 be shared with other licensing boards, law

1 enforcement, and other agencies in furtherance of
2 investigative efforts.

3 Ms. DeLaurentis provided data as of January 3,
4 2023, noting the number of current open cases for the
5 whole division is 13,154 but less than last year at
6 over 15,000. She stated 16,084 cases were opened in
7 2022 and is down from 2021 at 18,363 cases. She
8 reported closing 17,826 files in 2022 and is up from
9 2021, where 15,994 cases were closed. She thanked
10 the prosecution and counsel divisions and the
11 Commission for their hard work in 2022. She
12 mentioned the numbers include notary and the
13 Pennsylvania Navigation Commission but do not include
14 charities.

15 Ms. DeLaurentis informed the Commission that an
16 annual report is issued to the General Assembly that
17 includes case categories and would be available soon.
18 She addressed specific information for the State
19 Navigation Commission, noting 5 cases were opened in
20 2022 and 5 cases were closed. She reported 2 open
21 cases, noting the Commission licensee population is
22 following the rules.

23 Ms. DeLaurentis informed Commission members that
24 there was no discipline last year, noting 3 of the
25 cases were prosecution not warranted and 2 were

1 warning letters. She mentioned that warning letters
2 are not discipline but are a great tool to remind
3 everyone to review the act and regulations to make
4 sure they are following the rules.]

5 ***

6 Report of Prosecutorial Division

7 [J. Karl Geschwindt, Esquire, Commission Prosecution
8 Liaison, had nothing to report.]

9 ***

10 Report of Commission Counsel

11 [Jason E. McMurry, Esquire, Commission Counsel,
12 informed Commission members that the new governor
13 would be sworn in on January 17 and was not sure
14 whether Commissioner Johnson would remain on the
15 Commission because it would be the decision of the
16 new secretary. He stated the Commission may need to
17 address that issue at a future meeting if the
18 secretary decides to select another designee.]

19 ***

20 Report of Probable Cause Screening Committee - No
21 Report

22 ***

23 Report of Apprentice Program Committee - Vote on
24 Prospective Pilot Apprentices

25 [Jason E. McMurry, Esquire, Commission Counsel,

1 stated the Apprentice Program Committee requested
2 Commission members to move the admission of eight
3 individuals into the Apprentice Pilot Program run by
4 the Pilots' Association for the Bay and River
5 Delaware on behalf of the Commission.

6 Mr. Schafer thanked Ms. Li for all of her
7 assistance in making the interview process go
8 smoothly.

9 Mr. Schafer informed the Commission that a good
10 number of applications were received after the
11 notice. He stated the Apprentice Program Committee
12 reviewed the applications and made a decision to
13 bring in 18 candidates for interviews. He noted
14 being impressed with all 18 candidates concerning
15 qualifications and that the decision was based on
16 small items and information after the interviews.

17 Mr. Sullivan also thanked Ms. Li for all of her
18 work providing the volumes of information. He
19 mentioned that every application was reviewed, noting
20 the difficulty they had narrowing it down. He
21 commented that he is looking forward to working with
22 the selected candidates in the future.

23 Mr. James also thanked Ms. Li. He noted having a
24 nicely diverse group of candidates and is looking
25 forward to working with them.]

1 MR. MCMURRY:

2 At this point, we would look for a
3 motion to approve the members that the
4 committee selected in the apprentice
5 program. I believe there are eight
6 individuals, and it would probably be
7 easiest for record purposes if we move
8 those individuals in by their names to
9 make sure everyone agrees with the
10 eight candidates.

11 I'm going to ask for a motion to
12 approve the following candidates into
13 the apprentice program. At this point,
14 we are going to look for a motion to
15 approve the following individuals to be
16 in the apprentice program.

17 MS. LI:

18 Grier Wakefield, Haleigh Sammons, Kevin
19 Roche, Daniel MacElrevey, Dennis Cluff,
20 Michael Carroll, Paul Boudart, and
21 Raina Barnes.

22 MR. MCMURRY:

23 From the committee's perspective, is
24 that the correct individuals?

25 MR. SULLIVAN:

1 That is correct.

2 MR. MCMURRY:

3 With that, we'll look for a motion now.

4 MR. KELLER:

5 So moved.

6 MR. MCMURRY:

7 We need a second.

8 MR. D'AGOSTINO:

9 Second.

10 MR. MCMURRY:

11 Amanda, would you do the roll call?

12

13 Lisa Daniels, aye; Mr. D'Agostino, aye;
14 Mr. Keller, aye; Mr. Schafer, aye; Mr.
15 James, aye; Mr. Roche, aye; Mr.
16 Sullivan, aye.

17 [The motion carried unanimously.]

18

19 [Jason E. McMurry, Esquire, Commission Counsel, noted
20 the eight individuals would be notified by the
21 Commission working with Captain Cuff and the
22 association to get them the information they need to
23 know when to report and get started in the program.]

24

25 Report from the Diversity for the Apprentice Program

1 Committee - No Report

2 ***

3 Report of Commission Chair - No Report

4 ***

5 Report of Commission Administrator - No Report

6 ***

7 Public Comment

8 [David K. Cuff, President, Pilots' Association for
9 the Bay and River Delaware, commented that he is
10 looking forward to the apprentices starting. He also
11 thanked Ms. Li, the Apprentice Program Committee, and
12 the Navigation Commission for their help.

13 Ward Guilday, Captain, Pilots' Association for
14 the Bay and River Delaware, thanked the Commission
15 and the Apprentice Program Committee for all of their
16 hard work in choosing the candidates. He also
17 thanked Ms. Li for the good job.]

18 ***

19 Next Meeting Date

20 [Jason E. McMurry, Esquire, Commission Counsel, noted
21 the next meeting date is yet to be determined but may
22 be sometime in November.

23 Mr. McMurry thanked the Apprentice Program
24 Committee and Commission members with getting those
25 individuals into the program. He also sent a special

1 thanks to Ms. Li and her team for keeping it running
2 smoothly.

3 Mr. McMurry offered congratulations on behalf of
4 the Secretary of the Commonwealth.]

5 ***

6 Approval of the Agenda

7 MR. MCMURRY:

8 At this time point in time, I'll look
9 for a motion to adjourn the meeting.

10 MR. ROCHE:

11 I'll make the motion.

12 MR. MCMURRY:

13 Second?

14 MR. SULLIVAN:

15 I'll second that.

16 MR. MCMURRY:

17 All in favor? Any opposed?

18 ***

19 [There being no further business, the Pennsylvania
20 State Navigation Commission Meeting adjourned at
21 11:08 a.m.]

22 ***

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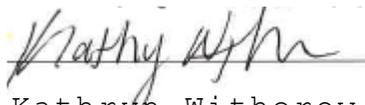
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CERTIFICATE

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



Kathryn Witherow,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

PENNSYLVANIA STATE
NAVIGATION COMMISSION
REFERENCE INDEX

January 13, 2023

1
2
3
4
5
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TIME	AGENDA
10:30	Official Call to Order
10:31	Roll Call of Commission Members and Introduction of Attendees
10:34	Approval of Minutes
10:36	Appointment - Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel, Prosecution Division, Annual Report Presentation
10:54	Report of Commission Counsel
10:55	Report of Apprentice Program Committee
11:05	Public Comment
11:08	Adjournment