

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 BOARD OF CRANE OPERATORS**

TIME: 10:30 A.M.

Held at

**PENNSYLVANIA DEPARTMENT OF STATE**

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

**VIA MICROSOFT TEAMS**

January 25, 2023



1 \*\*\*

2 State Board of Crane Operators

3 January 25, 2023

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
6 at 9:30 a.m. the Board entered into Executive Session  
7 with Dean F. Picarella, Esquire, Senior 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, Senior Board Counsel,  
15 informed everyone that the meeting was being  
16 recorded, and voluntary participation constituted  
17 consent to be recorded.

18 Mr. Picarella also noted the Board entered into  
19 Executive Session for the purpose of conducting  
20 quasi-judicial deliberations on a number of matters  
21 currently pending before the Board and to receive  
22 advice of counsel.]

23 \*\*\*

24 The regularly scheduled meeting of the State  
25 Board of Crane Operators was held on Wednesday,

1 January 25, 2023. F. Allan "Buddy" Mauger Jr., Vice  
2 Chairman, Public Member, called the meeting to order  
3 at 10:30 a.m.

4 \*\*\*

5 Roll Call/Introductions

6 [A roll call of Board members was taken by Ms.  
7 Harris. She also provided an introduction of  
8 attendees.]

9 \*\*\*

10 Approval of minutes of the November 30, 2022 meeting

11 VICE CHAIR MAUGER:

12 The first item on the agenda is  
13 approval of the November 30, 2022  
14 minutes.

15 MR. PICARELLA:

16 Does anyone have any additions or  
17 corrections to the minutes?

18 VICE CHAIR MAUGER:

19 Do I hear a motion to approve?

20 MR. MITCHELL:

21 I'll make a motion.

22 MR. SCHMOYER:

23 I'll second it.

24 VICE CHAIR MAUGER:

25 Ms. Harris, could you call for the

1 votes please?

2

3 Mr. Claggett, aye; Mr. Mauger, aye; Mr.  
4 Mitchell, aye; Mr. Schmoyer.

5 [The motion carried unanimously.]

6

\*\*\*

7 Report of Prosecutorial Division

8 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,  
9 noted prosecution had nothing new to report. He  
10 mentioned that Mr. Liero was also present online for  
11 the presentation by Ms. DeLaurentis.]

12

\*\*\*

13 Report of Board Counsel

14 MR. PICARELLA:

15 For the Board Counsel report, there are  
16 two items that were both discussed in  
17 Executive Session.

18 The first item on the agenda is the  
19 Final Adjudication and Order in the  
20 matter of Shawn Watson, LCO, Case No.  
21 19-71-008228.

22 Based on discussions in Executive  
23 Session, it is my understanding that  
24 the Board would entertain a motion to  
25 approve the Final A&O as presented to

1 the Board.

2 MR. MITCHELL:

3 I'll make that motion.

4 MR. SCHMOYER:

5 I'll second that motion.

6 MR. PICARELLA:

7 Do we have any discussion? Ms. Harris,  
8 would you do a roll call?

9

10 Mr. Claggett, aye; Mr. Mauger, aye; Mr.  
11 Mitchell, aye; Mr. Schmoyer.

12 [The motion carried unanimously.]

13

\*\*\*

14 MR. PICARELLA:

15 Item 3 is the Final Adjudication and  
16 Order in the matter of BPOA v. Tammy L.  
17 Carter, LCO, Case No. 19-71-004707.

18 It is my understanding based upon  
19 discussions in Executive Session that  
20 the Board would entertain a motion to  
21 approve the Final Adjudication and  
22 Order as presented.

23 MR. MITCHELL:

24 I'll make that motion.

25 MR. SCHMOYER:

1 I'll second that one as well.

2 MR. PICARELLA:

3 Any discussion? Ms. Harris, would you  
4 please do a roll call?

5

6 Mr. Claggett, aye; Mr. Mauger, aye; Mr.  
7 Mitchell, aye; Mr. Schmoyer.

8 [The motion carried unanimously.]

9

\*\*\*

10 Report of Acting Commissioner

11 [Arion R. Claggett, Acting Commissioner, Bureau of  
12 Professional and Occupational Affairs, informed Board  
13 members of new functionality within the Pennsylvania  
14 Licensing System (PALS) called Act 35 that provides  
15 expedited licensure review for service members,  
16 veterans, and their spouses. He further explained  
17 that any service member, veteran, or spouse's  
18 application would be reviewed first when they apply  
19 for licensure as well as when they renew.

20 Acting Commissioner Claggett also stated they  
21 would be able to renew early and outside of the  
22 current 60-day renewal window. He noted that  
23 applications would be similar to initial  
24 applications, where they would also receive priority.  
25 He mentioned that fees would be waived for military

1 spouses to be in line with Act 35 for initial  
2 applications only and when they move to Pennsylvania  
3 and would also be issuing refunds because they  
4 currently do not have the ability to waive those in  
5 the system.

6 Acting Commissioner Claggett stated another great  
7 feature of Act 35 was being able to provide temporary  
8 permits for applicants who apply for licensure but  
9 may not meet some of the Board's requirements to  
10 allow additional time to gain experience and be  
11 issued a full license.

12 Acting Commissioner Claggett noted that Act 35  
13 also has military crosswalks explaining experience  
14 and education that translates over to licensure for  
15 service members and veterans and can be found on the  
16 Board web page.]

17 \*\*\*  
18 Report of Board Chair - No Report

19 \*\*\*  
20 Report of Board Administrator - No Report

21 \*\*\*  
22 Miscellaneous - Annual Prosecutorial Division  
23 Presentation

24 [Carolyn A. DeLaurentis, Esquire, Executive Deputy  
25 Chief Counsel, Department of State, informed Board



1 members that she is now the executive deputy chief  
2 counsel but presenting to the Board in her former  
3 role to provide the presentation.

4 Ms. DeLaurentis presented to the Board to provide  
5 a summary of the prosecution division's role and  
6 present annual numbers for 2022. She informed Board  
7 members that the Bureau of Professional and  
8 Occupational Affairs provides administrative and  
9 legal support to all 29 licensing boards and  
10 commissions under the legal support of the  
11 prosecution division, counsel division, and hearing  
12 examiners. She noted the mission is to protect the  
13 health and safety of the public and the integrity of  
14 the profession.

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

23 Ms. DeLaurentis stated BEI, PCO, and prosecution  
24 are all tasked with receiving complaints,  
25 investigating allegations, ensuring public safety,

1 and enforcing compliance with the 29 boards and  
2 commissions acts and regulations.

3 Ms. DeLaurentis stated the prosecution division  
4 is the largest division under the Office of Chief  
5 Counsel for the Department of State. She explained  
6 that there are five senior prosecuting attorneys  
7 assigned to teams, noting Mr. Jarabeck is the senior  
8 prosecutor for the Board, along with Karl Geschwindt  
9 as an acting senior prosecutor, Heather McCarthy, Ray  
10 Michalowski, and William Newport. She mentioned  
11 there are currently 32 prosecuting attorneys serving  
12 under the senior attorneys, including Board liaisons.

13 Ms. DeLaurentis addressed the complaint process,  
14 noting complaints are received from any source but  
15 prefer complaints be submitted through the  
16 Pennsylvania Licensing System (PALS) at [pals.pa.gov](http://pals.pa.gov)  
17 because it is the most efficient. She noted  
18 prosecution also accepts complaints from sister  
19 agencies, federal agencies, law enforcement, and  
20 through media reports.

21 Ms. DeLaurentis discussed levels of review,  
22 including jurisdiction checks, noting administrative  
23 assistants review every complaint to see if it falls  
24 under one of the 29 boards and commissions. She  
25 mentioned complaints are referred to the appropriate

1 agency if prosecution does not have jurisdiction.

2 Ms. DeLaurentis stated prosecution works with BEI  
3 inspectors and investigators to determine the most  
4 efficient use of resources. She noted investigations  
5 may include interviewing witness and gathering  
6 documents, along with paralegals and legal analysts.

7 Ms. DeLaurentis addressed the various levels of  
8 review and whether there was a violation. She  
9 explained that matters could be closed if there is  
10 not a violation of the act or regulation and direct  
11 attention to other cases.

12 Ms. DeLaurentis discussed the post-investigation  
13 process, where attorneys may need to make charging  
14 decisions based on evidence by filing an order to  
15 show cause or a citation. She noted there is a  
16 hearing process, which is similar to a regular trial,  
17 where both sides are able to present evidence and  
18 present arguments.

19 Ms. DeLaurentis noted that if it goes to a  
20 hearing examiner, the hearing examiner usually issues  
21 a proposed adjudication and then it goes to the  
22 boards and commissions for their final decision  
23 because they have the ultimate authority for  
24 discipline. She addressed consent agreements, where  
25 both sides are conducting negotiations and trying to

1 reach a resolution and presenting that to the Board,  
2 where the Board could accept or reject the agreement.

3 Ms. DeLaurentis addressed the prosecution  
4 division's role at Board meetings, including  
5 presenting consent agreements and listening to  
6 concerns of the Board. She pointed out that  
7 prosecution has a confidentiality statute that  
8 applies to their files, where everything contained in  
9 their files not presented publicly is confidential  
10 and is why prosecution cannot speak on some matters  
11 except for the final action.

12 Ms. DeLaurentis stated BEI conducts  
13 investigations and interviews, gathers evidence, and  
14 conducts inspections for certain boards. She noted  
15 the role of the investigators is fact gathering and  
16 serving subpoenas, orders, and letters. She  
17 mentioned that prosecution has subpoena authority,  
18 but BEI does not have search warrant authority and is  
19 limited. She noted BEI also testifies to the results  
20 of their investigations and inspections.

21 Ms. DeLaurentis addressed documents upon request,  
22 where some boards and commissions have regulations  
23 that require cooperation but not everyone complies  
24 and charges may be filed. She stated all of the  
25 evidence gathered is presented to the teams and

1 reviewed by prosecuting attorneys to determine  
2 whether there was a violation of the act or  
3 regulation to decide whether to close the case or  
4 charge.

5 Ms. DeLaurentis stated charging options include  
6 immediate temporary suspensions if someone is an  
7 immediate danger to the health and safety of the  
8 public. She noted automatic suspensions include 302  
9 commitments and drug act violations.

10 Ms. DeLaurentis discussed orders for examination  
11 and petitions for appropriate relief when someone has  
12 violated a board order, orders to show cause, and  
13 consent agreements. She noted levels of discipline  
14 include revocations, suspensions, probations,  
15 reprimands, fines, remedial education, and cost of  
16 the investigation. She mentioned that someone could  
17 have more than one type of discipline and can be  
18 found in more than one category in the report.

19 Ms. DeLaurentis referred to the confidentiality  
20 statute under 63 Pa.C.S. § 3109, where prosecution and  
21 investigative files are deemed privileged and  
22 confidential under the law. She explained that  
23 Department of State investigative files are defined  
24 as a noncriminal investigative file under the Right-  
25 to-Know Law.

1 Ms. DeLaurentis stated information could be  
2 shared with other licensing boards, law enforcement,  
3 and other agencies in furtherance of investigative  
4 efforts but only their final action could be shared  
5 publicly.

6 Ms. DeLaurentis provided data as of January 3,  
7 2023, where the number of open cases for the  
8 prosecution division was 13,154. She stated 16,084  
9 cases were opened in 2022 and is down from 2021 at  
10 18,363 cases. She reported closing 17,826 files in  
11 2022 and is up from 2021, where 15,994 cases were  
12 closed. She thanked the prosecution division,  
13 counsel division, and Board for their group effort.

14 Ms. DeLaurentis informed Board members that an  
15 annual report is issued to the General Assembly,  
16 which includes a breakdown of case categories and  
17 would be available for review.

18 Ms. DeLaurentis addressed specific information  
19 for the State Board of Crane Operators, noting 52  
20 cases were opened in 2022, which was close to 2021 at  
21 56. She reported 57 cases were closed in 2022 and  
22 104 in 2021. She noted 47 cases were open as of  
23 January 3 and consistent with 2021 at 62.

24 Ms. DeLaurentis referred to disposition of closed  
25 cases, including discipline and non-discipline. She

1 mentioned that the Board does not have a lot of  
2 discipline and means licensees are following the  
3 rules. She mentioned that non-disciplinary actions  
4 are called Z codes in their system, where prosecution  
5 was not warranted.

6 Ms. DeLaurentis addressed warning letters, noting  
7 the Board received 18 warning letters in 2022, which  
8 was down from 2021 at 36. She noted warning letters  
9 are not discipline but help maintain the integrity of  
10 the profession by attempting to correct any behavior  
11 that may become an issue and are issued for de  
12 minimis violations.

13 Mr. Picarella thanked prosecution and Ms.  
14 DeLaurentis for the presentation and congratulated  
15 her on the promotion.

16 Vice Chair Mauger also congratulated Ms.  
17 DeLaurentis on her promotion on behalf of the Board.]

18 \*\*\*

19 Miscellaneous - Board Meeting Dates

20 [F. Allan "Buddy" Mauger Jr., Vice Chairman, Public  
21 Member, noted 2023 Board meeting dates are March 22,  
22 May 24, July 26, September 27, and November 29.

23 Vice Chair Mauger told Board members to be aware  
24 that the November 29 date is the fifth Wednesday and  
25 not in sync with the other dates.]

1 \*\*\*

2 Adjournment

3 MR. MITCHELL:

4 I'll make a motion to adjourn.

5 MR. SCHMOYER:

6 I'll second it.

7 VICE CHAIR MAUGER:

8 The January 25 meeting is over. Thank  
9 you everyone.

10 \*\*\*

11 [There being no further business, the State Board of  
12 Crane Operators Meeting adjourned at 11:09 a.m.]

13 \*\*\*

14

15

16

17

18

19

20

21

22

23

24

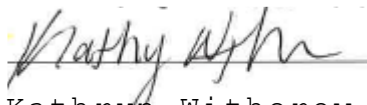
25



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 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.



Kathryn Witherow,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF CRANE OPERATORS  
REFERENCE INDEX

January 25, 2023

## TIME

## AGENDA

9:30	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:30	Roll Call/Introductions
10:32	Approval of Minutes
10:34	Report of Board Counsel
10:37	Report of Acting Commissioner
10:40	Miscellaneous - Carolyn A. DeLaurentis, Esquire, Executive Deputy Chief Counsel, Department of State, Annual Report Presentation
11:09	Adjournment