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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: 10:31 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

January 31, 2024

State Board of Crane Operators
January 31, 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
F. Allan "Buddy" Mauger Jr., Public Member - Absent
Daniel J. Mitchell, Vice Chair, Professional Member
Brian M. Schmoyer, Professional Member - Absent

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Senior Board Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
Gregory Liero, Esquire, Board Prosecution Liaison
Jessica Harris, Board Administrator
Carlton Smith, Deputy Chief Counsel, Prosecution
Division
Marc Farrell, Esquire, Regulatory Counsel,
Office of Chief Counsel, Department of State
Benjamin McFadden, Extern, Department of State
Ryan Petchal, Extern, Department of State

ALSO PRESENT:

Rachel Wilbur

1 ***

2 State Board of Crane Operators

3 January 31, 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, 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 The regularly scheduled meeting of the State
15 Board of Crane Operators was held on Wednesday,
16 January 31, 2024. Steven M. Kuncelman, Chair,
17 Professional Member, called the meeting to order at
18 10:31 a.m.

19 ***

20 [Dean F. Picarella, Esquire, Senior Board Counsel,
21 informed everyone that the meeting was being
22 recorded, and voluntary participation constituted
23 consent to be recorded.

24 Mr. Picarella also noted the Board entered into
25 Executive Session for the purpose of conducting

1 quasi-judicial deliberations on a number of matters
2 currently pending before the Board and to receive
3 advice of counsel.]

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 29, 2023 meeting

11 MR. PICARELLA:

12 The first item on the agenda is the
13 minutes from our November 29, 2023
14 meeting.

15 Based upon discussions in Executive
16 Session, I believe the Board Chair
17 would entertain a motion to approve the
18 minutes of the November 29, 2023
19 meeting as written.

20 ACTING COMMISSIONER CLAGGETT:

21 So moved.

22 MR. MITCHELL:

23 Second.

24 MS. HARRIS:

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

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

3 [The motion carried unanimously.]

4 ***

5 Report of Prosecutorial Division - Annual Prosecution
6 Division Presentation

7 [Carlton Smith, Esquire, Deputy Chief Counsel,
8 Prosecution Division, informed Board members that he
9 assumed his role in March 2023 when Carolyn
10 DeLaurentis was promoted to the Executive Deputy
11 Chief Counsel position and provided a brief summary
12 of his professional background.

13 Mr. Smith reported a decrease in the number of
14 Bureau of Professional and Occupational Affairs
15 (BPOA) complaints for all boards and commissions from
16 around 22,000 in 2022 to about 19,000 in 2023.

17 Mr. Smith presented the Prosecution Division's
18 Annual Report for the State Board of Crane Operators.
19 He reported over 3,000 licensees with 56 opened cases
20 in 2023. He also reported 55 open cases and 48 cases
21 closed. He informed Board members that prosecution's
22 gold standard is to be able to dispose of a case
23 within a year across all boards.

24 Mr. Smith addressed closed cases that result from
25 discipline and reported 2 suspensions, 1 reprimand,

1 and 1 fine. He noted the numbers are fairly close to
2 2022. He addressed cases where there is no
3 discipline imposed, including prosecution not
4 warranted and warning letters.

5 Mr. Smith stated warning letters are the most
6 appropriate course of action when cases are fairly
7 mundane, where the person does not have a significant
8 discipline history or there may be problems from an
9 evidentiary standpoint. He noted prosecution not
10 warranted may involve whether prosecution can prove a
11 violation and the strength of the evidence.]

12 ***

13 Report of Board Counsel

14 MR. PICARELLA:

15 Items 3, 4, and 5 were discussed in
16 Executive Session. Item 3 is a
17 Proposed Adjudication and Order in the
18 matter of Clifford Pierce, LCO, Case
19 No. 21-71-009384.

20 Based upon discussions in Executive
21 Session, I believe the Board Chair
22 would entertain a motion to direct
23 Board Counsel to draft a Final
24 Adjudication and Order in this matter
25 consistent with the Board's discussions

1 and addressing the respondent's
2 exception to the preliminary
3 Adjudication and Order in this matter.

4 CHAIR KUNCELMAN:

5 That is correct. Do I have a motion?

6 ACTING COMMISSIONER CLAGGETT:

7 So moved.

8 MR. MITCHELL:

9 Second.

10 MS. HARRIS:

11 Ms. Bailey, aye; Mr. Claggett, aye; Mr.
12 Goulet, aye; Mr. Kuncelman, aye; Mr.
13 Mitchell, aye.

14 [The motion carried unanimously.]

15 ***

16 MR. PICARELLA:

17 Item 4 is the Final Adjudication and
18 Order in this matter of Robert Pfeifer,
19 LCO, Case No. 22-71-015386.

20 Based on discussions in Executive
21 Session, I believe the Board Chair
22 would entertain a motion to approve the
23 Adjudication and Order in the matter of
24 Robert Pfeifer, LCO, Case No. 22-71-
25 015386, as the Final Order of the

1 Board.

2 CHAIR KUNCELMAN:

3 That is correct. Do I have a motion?

4 ACTING COMMISSIONER CLAGGETT:

5 So moved.

6 MR. MITCHELL:

7 Second.

8 MS. HARRIS:

9 Ms. Bailey, aye; Mr. Claggett, aye; Mr.
10 Goulet, aye; Mr. Kuncelman, aye; Mr.
11 Mitchell, aye.

12 [The motion carried unanimously.]

13 ***

14 Applications

15 MR. PICARELLA:

16 Item 5 on the agenda is the Application
17 of Jason D. Wilson.

18 Based upon discussions in Executive
19 Session, I believe the Board Chair
20 would entertain a motion to
21 provisionally deny the Application and
22 direct Board Counsel to draft a letter
23 in accordance with the discussions in
24 Executive Session.

25 CHAIR KUNCELMAN:

1 That is correct. Do I have a motion?

2 ACTING COMMISSIONER CLAGGETT:

3 So moved.

4 MR. MITCHELL:

5 I'll second.

6 MS. HARRIS:

7 Ms. Bailey, aye; Mr. Claggett, aye; Mr.
8 Goulet, aye; Mr. Kuncelman, aye; Mr.
9 Mitchell, aye.

10 [The motion carried unanimously.]

11 ***

12 Regulatory Counsel Report

13 [Marc Farrell, Esquire, Regulatory Counsel, Office of
14 Chief Counsel, informed Board members that the
15 counsel division within BPOA previously had one
16 attorney dedicated to regulations but now has three.
17 He reported that each board has been assigned its own
18 dedicated regulatory counsel in the hopes of
19 generating continuity and moving the regulations. He
20 noted that he is the State Board of Crane Operators
21 designee and looked forward to working with the
22 Board.

23 Mr. Farrell stated the Board currently has one
24 pending regulatory package for licensure by
25 endorsement under Act 41, which is undergoing

1 departmental review. He mentioned that it has one
2 more approval to be obtained and then would go to the
3 governor's office and then the Independent Regulatory
4 Review Commission (IRRC).]

5 ***

6 Report of Acting Commissioner - No Report

7 ***

8 Report of Board Chair - No Report

9 ***

10 Report of Board Administrator - No Report

11 ***

12 Adjournment

13 CHAIR KUNCELMAN:

14 Could I get a motion for adjournment?

15 ACTING COMMISSIONER CLAGGETT:

16 So moved.

17 ***

18 [There being no further business, the State Board of
19 Crane Operators Meeting adjourned at 10:49 a.m.]

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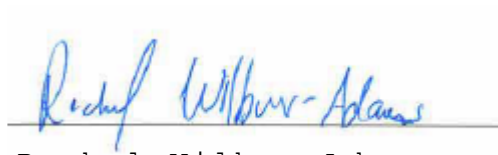
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CERTIFICATE

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.



Rachel Wilbur-Adams,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF CRANE OPERATORS
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TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:31	Official Call to Order
10:31	Roll Call/Introductions
10:32	Approval of Minutes
10:33	Report of Prosecutorial Division - Carlton Smith, Deputy Chief Counsel, Annual Prosecution Division Report
10:40	Report of Board Counsel
10:43	Applications
10:44	Regulatory Counsel Report
10:49	Adjournment