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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 REGISTRATION BOARD FOR PROFESSIONAL
ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

TIME: 11:00 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

September 25, 2024

1 State Registration Board for Professional
2 Engineers, Land Surveyors, and Geologists
3 September 25, 2024
4
5

6 BOARD MEMBERS:
7

8 Christina Townley, Director of Operations, on behalf
9 of Arion R. Claggett, Acting Commissioner, Bureau
10 of Professional and Occupational Affairs
11 Joseph T. McNally, PG, President
12 Robert P. Kudlawiec, PE, Vice President
13 James J. Szalankiewicz, PE, PLS, Professional
14 Member - Absent
15 Martin F. Helmke, PhD, PG, Professional
16 Member
17 Lisa Peterson, PhD, PE-Electrical, Professional
18 Member
19 Jason Snyder, PE-Civil, Professional Member
20 John J. Luciani, PE-Civil, PLS, Professional Member
21 G. Windsor Tracy Jr., PLS, Professional Member
22 Scott Reeser, PLS, Professional Member
23 Carol D. Sides, Public Member
24
25

26 BUREAU PERSONNEL:
27

28 Ashley Goshert, Esquire, Board Counsel
29 Michael Merten, Esquire, Board Counsel
30 Ray J. Michalowski, Esquire, Senior Board Prosecutor
31 and Board Prosecution Liaison
32 Angela L. Solomon, Esquire, Board Prosecutor
33 Kristel Hennessy Hemler, Board Administrator
34 Marc Farrell, Esquire, Regulatory Counsel,
35 Office of Chief Counsel, Department of State
36 Andrew LaFratte, MPA, Deputy Policy Director,
37 Department of State
38
39

40 ALSO PRESENT:
41

42 Lisa Houser, Environmental Engineer, Pennsylvania
43 Department of Environmental Protection
44 Julia Wanner, Marketing and Communications Project
45 Manager, Wanner Associates
46 Rachel Wilbur-Adams, Sargent's Court Reporting
47 Service, Inc.
48
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1 ***

2 State Registration Board for Professional
3 Engineers, Land Surveyors, and Geologists
4 September 25, 2024

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act,
7 at 9:30 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 10:30 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 September 25, 2024. Joseph T. McNally, PG,
18 President, called the meeting to order at 11:00 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 Jason Snyder experienced technical difficulties.]

25 ***

1 [Ashley B. Goshert, Esquire, Board Counsel, reminded
2 everyone that the meeting was being recorded and
3 voluntary participation constituted consent to be
4 recorded.

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

9

10 Approval of minutes of the July 24, 2024 meeting

11 PRESIDENT MCNALLY:

12 The first item on the agenda is
13 approval of the minutes from the July
14 24, 2024 meeting. Do we have any edits
15 or changes to the minutes?

16 Can we have a motion for approval
17 of the minutes?

18 MR. REESER:

19 So moved.

20 DR. HELMKE:

21 Second.

22 PRESIDENT MCNALLY:

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

25

1 Christina Townley, abstain; Joseph
2 McNally, yes; Robert Kudlawiec, aye;
3 Martin Helmke, aye; Lisa Peterson, aye;
4 Jason Snyder, abstain; John Luciani,
5 yes; Windsor Tracy, aye; Scott Reeser,
6 yes; Carol Sides, yes.

7 [The motion carried. Christina Townley and Jason
8 Snyder abstained from voting on the motion.]

9 ***

10 Report of Board President - No Report

11 ***

12 Report of Board Members

13 [Lisa Peterson, PhD, PE, Professional Member,
14 addressed her attendance, along with Mr. Luciani, Mr.
15 Tracy, and former Board member Mr. Brinkash, at the
16 National Council of Examiners for Engineering and
17 Surveying (NCEES) Annual Meeting August 14-17, 2024,
18 in Chicago. She reported 247 representatives from 67
19 boards were in attendance.

20 Dr. Peterson noted the ceremonial signing of the
21 Engineering Mutual Recognition Agreement with United
22 Kingdom (UK) was signed by 26 jurisdictions on
23 Wednesday, October 14, and NCEES and the UK
24 Engineering Council requested the remaining
25 jurisdictions consider signing on to the agreement.

1 She mentioned that each zone held a meeting on
2 Thursday, August 15, 2024, with approval of the
3 Northeast Zone Meeting Minutes held in Washington,
4 D.C., in May 2024.

5 Dr. Peterson announced the current vice president
6 of the Northeast Zone, Sam Wilson of Washington,
7 D.C., will be running for president of NCEES at the
8 August 2025 meeting; Azu Etoniru of Washington, D.C.,
9 indicated interest in running for vice president of
10 the Northeast Zone; and Rosie Noble of New York
11 indicated interest in running for assistant vice
12 president of the Northeast Zone. She mentioned that
13 Sam Wilson shared that he would like to attend one
14 board meeting at all Northeast Zone jurisdictions
15 over the next year.

16 Dr. Peterson noted an engineering, surveying, and
17 Master of Business Administration (MBA) forum were
18 held concurrently. She addressed the engineering
19 forum that included discussion centered on
20 frustration that licensees do not know each
21 jurisdiction's laws well enough, exam statistics,
22 proactive initiatives around the emerging field of
23 artificial intelligence and machine learning, and a
24 Northeast Zone motion for a pathway for licensure of
25 Accreditation Board for Engineering and Technology,

1 Inc. (ABET) Engineering Technology Accreditation
2 (ETAC)-accredited degree candidates.

3 Dr. Peterson stated differences between ABET
4 ETAC- and ABET Engineering Accreditation Commission
5 (EAC)-accredited degrees were discussed with
6 differing opinions by some jurisdictions of whether
7 ETAC degrees should be allowed as a pathway for
8 licensure.

9 Dr. Peterson addressed highlights from the
10 business meeting, where membership fee structure
11 changed from \$6,500 annually for 501 or more
12 registrants to a sliding scale ranging from \$4000 to
13 \$8,500 annually, depending on the number of
14 registrants in the jurisdiction.

15 Dr. Peterson reported that a position statement
16 on professional ethics was added; and the Public Land
17 Survey System Examination was added as an assessment
18 tool, along with the Fundamentals of Engineering
19 (FE), Principles and Practice of Engineering (PE),
20 Fundamentals of Surveying (FS), and Principles and
21 Practice of Surveying (PS) examinations.

22 Dr. Peterson mentioned that the Committee on
23 Board Member Administrators withdrew their two
24 motions given the ambiguity around what is a minor
25 disciplinary action and the use of the term

1 "expungement" that would remain on the record and
2 visible to other boards. She noted the MBA Committee
3 will review the two motions over the upcoming year
4 and present them at the next meeting in August 2025.

5 Dr. Peterson announced that the Northeast Zone
6 put forth a motion to propose a licensure pathway for
7 four-year ABET ETAC-accredited engineering technology
8 programs to be incorporated by the Committee on
9 Uniform Procedures and Legislative Guidelines into
10 model law. She mentioned that Pennsylvania only
11 requires four years of progressive experience but
12 other jurisdictions require six years, noting others
13 do not allow engineering technology degrees as a
14 pathway to licensure.

15 Dr. Peterson reported a proposed motion of six
16 years passed in the spirit of finding common ground
17 for more than half of their jurisdictions, and the
18 Uniform Procedures and Legislative Guidelines (UPLG)
19 Committee will be working on incorporating language
20 into model law with a motion to be brought forth at
21 the meeting in August 2025.

22 Dr. Peterson announced the 104th NCEES Meeting
23 will be held during the week of August 18, 2025, in
24 New Orleans. She informed Board members that she has
25 been named a member of the UPLG Committee and will be

1 working on drafting language for adding the ETAC
2 degree candidate into a model law proposal.

3 Mr. Tracy addressed the surveying forum and noted
4 several topics that included exam updates, the Public
5 Land Survey System (PLSS) Exam, NCEES surveying
6 outreach program, early mapping of Louisiana, federal
7 lawsuits v. North Carolina, and the California Board
8 Exam update.

9 Mr. Tracy noted a presentation by Jason Gamble,
10 who is the chief officer of examinations for NCEES,
11 discussing the different forms of exams offered by
12 NCEES, including the Fundamental exams and Principle
13 and Practice exams.

14 Mr. Tracy reported NCEES is developing a new
15 format exam for the Public Land Survey System to be
16 released no sooner than October 2027 in addition to
17 the two principle and practice exams. He reported
18 the exam will not affect Pennsylvania but will affect
19 other states.

20 Mr. Tracy explained that computer-based testing
21 (CBT) consists of formats of a linear-on-the-fly test
22 (LOFT) and linear fixed form (LFF). He stated CBT
23 LOFT exams are typically used for large examinee
24 volumes, and every examinee receives a different but
25 substantially equivalent exam.

1 Mr. Tracy addressed benefits of a CBT LOFT,
2 including year-round testing and daily releases of
3 results to NCEES with results released to the
4 examinees within 7-10 days.

5 Mr. Tracy explained that CBT LFF exams are used
6 when the exam population is not large enough for the
7 LOFT exam, noting every examinee receives the same
8 form administered by a computer. He noted the
9 benefit of the CBT LFF exam is quicker results
10 turnaround than typical pencil paper exams.

11 Mr. Tracy addressed alternative item type exams,
12 noting they are all CBT exams. He mentioned NCEES
13 pencil and paper exams are only single-response
14 multiple choice tests.

15 Mr. Tracy noted Jason Gamble also provided a PLS
16 exam update, noting it is currently under
17 development. He reported 24 states are represented,
18 and the exam will be LFF format with 75 items and 4.5
19 hours of testing, which will be offered twice a year.

20 He mentioned that the PLS exam is intended to be in
21 addition to the existing PS exam.

22 Mr. Tracy addressed a presentation by Christian
23 Cernauskas, an NCEES outreach strategist. He
24 reported NCEES is working with McKinley Advisors to
25 reach out to surveyors, surveying faculty, surveying

1 students, and school counselors to address challenges
2 and opportunities. He noted 63% of surveyors did not
3 know about the profession until after high school,
4 54% of surveying students did not become aware of the
5 surveying profession until after high school, and
6 most school counselors had no idea about the
7 profession.

8 Mr. Tracy addressed a presentation on early
9 mapping of Louisiana, a prestatehood production,
10 presented by Wilfred Fontenot.

11 Mr. Tracy discussed two lawsuits concerning North
12 Carolina and California dealing with unlicensed
13 surveying. He reported North Carolina and California
14 had instances of unlicensed surveying in the
15 presentation of either aerial mapping or the actual
16 presentation of plans. He noted the state boards
17 took the violators to task and won their decisions in
18 both cases. He stated it moved to federal court and
19 is being taken up by the Institute for Justice. He
20 also stated it is actually an attack on the
21 registration law and would probably be go to the
22 Supreme Court this year 2024.

23 President McNally thanked everyone who attended
24 the meeting and for their presentations to the Board.

25 Mr. Luciani commented that Mr. Tracy and Dr.

1 Peterson did a great job presenting comprehensive
2 reports. He referred to the lawsuits for the
3 surveyors and reported the individuals are working in
4 all 50 states and can provide a site plan for
5 building permit purposes for \$100. He stated people
6 are using those services because they are inexpensive
7 without any checks and balances.

8 Mr. Luciani stated the challenge of recruitment
9 is getting individuals early because other services
10 will be offered and circumvent the code if they do
11 not continue to supplement their ranks.

12 Mr. Luciani commented that they cannot lower the
13 bar because health, safety, and welfare is their
14 objective but do need to supplement their ranks by
15 attracting people to the industry.]

16 ***

17 Report of Acting Commissioner - No Report

18 ***

19 Report of Board Administrator - Approval of 2027

20 Board Meeting Dates

21 MS. GOSHERT:

22 Would the Board entertain a motion to
23 approve the 2027 Board meeting dates as
24 proposed?

25 MR. LUCIANI:

1 I would move to accept those dates as
2 written.

3 DR. HELMKE:

4 Second.

5 PRESIDENT MCNALLY:

6 Any discussion? May we have a roll
7 call vote, please?

8
9 Christina Townley, abstain; Joseph
10 McNally, yes; Robert Kudlawiec, yes;
11 Martin Helmke, yes; Lisa Peterson, yes;
12 Jason Snyder, aye; John Luciani, yes;
13 Windsor Tracy, yes; Scott Reeser, yes;
14 Carol Sides, yes.

15 [The motion carried. Christina Townley abstained
16 from voting on the motion.]

17 ***

18 [Kristel Hennessy Hemler, Board Administrator, noted
19 the proposed 2027 Board meeting dates are January 13,
20 March 10, May 12, July 14, September 15, and November
21 17. She also noted the dates will be updated on the
22 next Board agenda and listed on the Department of
23 State website.]

24 ***

25 Report of Board Administrator - Update on the

1 Pennsylvania Licensing System (PALS) Application
2 Submission Process

3 [Kristel Hennessy Hemler, Board Administrator,
4 addressed the Pennsylvania Licensing System
5 application submission process, particularly for
6 engineers and surveyors. She announced Act 32 of
7 2024 officially became law on August 26, 2024, and
8 their system was updated.

9 Ms. Hennessy Hemler explained that the law
10 decouples the work experience with the issue date of
11 the engineer-in-training or surveyor-in-training
12 certificate. She provided an on-screen view of the
13 application process, noting the system determines the
14 application based on the questions answered. She
15 also reviewed the questions and checklist
16 instructions.]

17 ***

18 Report of Prosecutorial Division

19 [Ray J. Michalowski, Esquire, Senior Board Prosecutor
20 and Prosecution Liaison, had nothing to report today.
21 He noted cases are low, and professional development
22 hour (PDH) cases are being handled by citation again
23 now that those citations match the schedule of civil
24 penalties on the citation schedule.

25 Mr. Michalowski mentioned that he has done

1 presentations for engineers and land surveyors in the
2 past and is working on a February presentation for
3 geologists.]

4 ***

5 Report of Board Counsel - Final Adjudication and
6 Order

7 [Ashley B. Goshert, Esquire, Board Counsel, noted
8 item 5 on the agenda regarding Ronald Bittler has
9 been tabled.]

10 ***

11 MS. GOSHERT:

12 Item 6 on the agenda. I believe, in
13 Executive Session discussion, the Board
14 would entertain a motion to issue a
15 Final Order in the matter of Edward
16 Major II, Case No. 21-47-012724, with
17 the additional things we had discovered
18 during Executive Session.

19 Motion to direct counsel to issue a
20 Final Order in the matter of Edward
21 Major II including the additions
22 discussed in Executive Session.

23 MR. REESER:

24 So moved.

25 DR. HELMKE:

1 Second.

2 PRESIDENT MCNALLY:

3 Is there any discussion? May we have a
4 roll call vote, please?

5

6 Christina Townley, abstain; Joseph
7 McNally, yes; Robert Kudlawiec, aye;
8 Martin Helmke, aye; Lisa Peterson, aye;
9 Jason Snyder, aye; John Luciani, aye;
10 Windsor Tracy, aye; Scott Reeser, yes;
11 Carol Sides, yes.

12 [The motion carried. Christina Townley abstained
13 from voting on the motion.]

14

15 Regulatory Updates - Regulatory Updates

16 [Marc Farrell, Esquire, Regulatory Counsel, Office of
17 Chief Counsel, Department of State, noted that the
18 Board does not currently have any open regulatory
19 matters. He recommended taking care of the Act 32
20 changes by cleaning up regulations to match their
21 statute to avoid confusion.

22 Mr. Farrell noted prior Board discussion
23 concerning adding an ethics course or credit for
24 geologists. He reported the Board has pretty broad
25 authority to regulate as far as continuing education

1 requirements.

2 Board members informed Mr. Farrell that the
3 ethics course is all encompassing and should include
4 engineers, surveyors, and geologists.

5 Mr. Reeser commented that the genesis of an
6 ethics course is to make sure all licensees are well
7 aware of ethical requirements, because those topics
8 are not particularly well taught in the academic
9 curricula.

10 Mr. Farrell asked whether the Board wanted the
11 ethics course to be a portion of the 24 required
12 PDHs.

13 PDHs are included in the required continuing
14 education in other states, and they envision the same
15 for Pennsylvania, and Board members agreed, along
16 with 2 hours within the biennial period to be
17 consistent with other jurisdictions.

18 Mr. Farrell commented that Act 32 changes could
19 be taken care of on its own separately and then they
20 could have a separate package regarding continuing
21 education for ethics. He mentioned that an internal
22 memo will probably be necessary from a policy
23 standpoint to make sure that everything is okay
24 internally with going down that path.

25 Ms. Goshert informed Board members that she meets

1 with Mr. Farrell regularly and would provide a more
2 concrete plan for the next meeting.]

3 ***

4 Regulatory Updates

5 [Ashley B. Goshert, Esquire, Board Counsel, provided
6 a PowerPoint review of the Sunshine Act to remind
7 everyone of what the Sunshine Act entails and what is
8 required of Board members. She encouraged Board
9 members to contact her with any questions or
10 concerns.]

11 ***

12 Matters for Discussion

13 [Joseph T. McNally, PG, President, noted information
14 was obtained and being reviewed regarding a meeting
15 being held at a different location, perhaps during
16 the upcoming year in 2025, where others in the public
17 could participate and be more aware of Board
18 activities.]

19 ***

20 Application for Review

21 MS. GOSHERT:

22 Agenda item 9. I believe, based on
23 discussions and deliberations during
24 Executive Session, the Board would
25 entertain a motion to provisionally

1 deny the Application of Batoul Chamali,
2 Application No. AA0005551716.

3 MR. REESER:

4 So moved.

5 DR. HELMKE:

6 Second.

7 PRESIDENT MCNALLY:

8 Is there any discussion? Hearing none.
9 May we have a roll call vote, please?

10

11 Christina Townley, abstain; Joseph
12 McNally, yes; Robert Kudlawiec, aye;
13 Martin Helmke, yes; Lisa Peterson, aye;
14 Jason Snyder, aye; John Luciani, aye;
15 Windsor Tracy, aye; Scott Reeser, yes;
16 Carol Sides, yes.

17 [The motion carried. Christina Townley abstained
18 from voting on the motion.]

19

20 Miscellaneous - Ratifications

21 MS. GOSHERT:

22 Agenda items 10 through 13 are
23 ratifications. Would the Board
24 entertain a motion to Ratify the
25 Application Approval for the following

1 applicants: Vijaykumar Patel, Liberty
2 Evuoke, Chacko Thomas, Robert Caiaro.

3 MR. REESER:

4 So moved.

5 DR. HELMKE:

6 Second.

7 PRESIDENT MCNALLY:

8 Is there any discussion on the motion?
9 Hearing none. May we have a roll call
10 vote, please?

11

12 Christina Townley, abstain; Joseph
13 McNally, yes; Robert Kudlawiec, aye;
14 Martin Helmke, yes; Lisa Peterson, aye;
15 Jason Snyder, aye; John Luciani, aye;
16 Windsor Tracy, aye; Scott Reeser, yes;
17 Carol Sides, yes.

18 [The motion carried. Christina Townley abstained
19 from voting on the motion.]

20

21 Correspondence

22 [Ashley B. Goshert, Esquire, Board Counsel, informed
23 Board members that Acting Commissioner Claggett
24 received a letter from the Engineering Council of
25 India (ECI) proposing a collaboration between the

1 Board and the ECI so that they can recognize
2 engineers between the two territories.

3 Ms. Goshert noted that a letter was prepared
4 informing ECI of Act 41, and there is a pathway for
5 out-of-territory folks to seek licensure in
6 Pennsylvania.

7 Dr. Peterson commented that there seems to be a
8 lot of similarity between ECI and the UK MRA and
9 asked Ms. Goshert for her advice.

10 Ms. Goshert stated out-of-territory inquiries as
11 to whether Pennsylvania would have a mutual
12 collaboration with that territory could be directed
13 to the pathway of licensure established by Act 41.
14 She explained that any concerns they have could be
15 looked at further, but the starting point for anyone
16 looking for licensure outside of Pennsylvania who is
17 licensed somewhere else could be directed to Act 41.]

18 ***

19 Adjournment

20 PRESIDENT MCNALLY:

21 Could we have a motion to adjourn the
22 meeting?

23 MR. REESER:

24 So moved.

25 DR. HELMKE:

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Second.

PRESIDENT MCNALLY:

Meeting adjourned.

[There being no further business, the State Board of Professional Engineers, Land Surveyors, and Geologists Meeting adjourned at 11:39 a.m.]

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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.



Rachel Wilbur-Adams,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

1 STATE REGISTRATION BOARD FOR PROFESSIONAL
2 ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
3 REFERENCE INDEX
4

5 September 25, 2024

6 TIME

AGENDA

7
8 9:00 Executive Session
9 10:30 Return to Open Session
10
11 11:00 Official Call to Order
12
13 11:01 Roll Call
14
15 11:01 Introduction of Attendees
16
17 11:03 Approval of Minutes
18
19 11:04 Report of Board Members
20
21 11:19 Report of Board Administrator
22
23 11:24 Report of Prosecutorial Division
24
25 11:25 Report of Board Counsel
26
27 11:26 Regulatory Updates
28
29 11:33 Matters for Discussion
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31 11:34 Applications for Review
32
33 11:34 Miscellaneous
34
35 11:35 Correspondence
36
37 11:39 Adjournment
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