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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: 10:59 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

March 13, 2024

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State Registration Board for Professional
Engineers, Land Surveyors, and Geologists
March 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
- Michael F. Brinkash, PLS, Professional Member
- Martin F. Helmke, PhD, PG, Professional Member - Absent
- Lisa Peterson, PhD, PE, Professional Member
- Jason Snyder, PE, Professional Member
- Carol D. Sides, Public Member - Absent
- Daniel A. Hartman, Public Member

BUREAU PERSONNEL:

- Shana M. Walter, Esquire, Senior Board Counsel
- Ashley Goshert, Esquire, Board Counsel
- Tyesha C. Miley, Esquire, Board Counsel
- Ray J. Michalowski, Esquire, Senior Board Prosecutor
- Glenn P. Masser, Esquire, Board Prosecution Liaison
- Angela L. Solomon, Esquire, Board Prosecutor
- Kristel Hennessy Hemler, Board Administrator
- Marc Farrell, Deputy Director, Office of Policy, Department of State
- Andrew LaFratte, MPA, Deputy Policy Director, Department of State
- Benjamin McFadden, Extern, Department of State
- Naomi Anderson, Engineer-in-Training

ALSO PRESENT:

- Ted Mowatt, CAE, Vice President, Wanner Associates, on behalf of the Pennsylvania Society of Professional Engineers
- Wesley J. Rish, Esquire, Rish Law Office, LLC
- Lisa Houser, Environmental Engineer, Pennsylvania Department of Environmental Protection
- Jake Newman
- Rachel Wilbur, Sargent's Court Reporting Service, Inc.

1 ***

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

4 March 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 pending before the Board. The Board returned
12 to open session at 10:59 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 March 13, 2024. Joseph T. McNally, PG, President,
18 called the meeting to order at 10:59 a.m.

19 ***

20 Roll Call

21 [Kristel Hennessy Hemler, Board Administrator,
22 provided a roll call of Board members.]

23 ***

24 Introduction of Attendees

25 [Kristel Hennessy Hemler, Board Administrator,

1 provided an introduction of attendees.]

2

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

7

8 Approval of minutes of the January 24, 2024 meeting

9 PRESIDENT MCNALLY:

10 The first item on the agenda is
11 approval of the minutes. The minutes
12 have been circulated. Do we have any
13 comments or edits to the minutes?

14 Do we have a motion to approve the
15 minutes?

16 MR. HARTMAN:

17 So moved.

18 MS. PETERSON:

19 Second.

20 PRESIDENT MCNALLY:

21 Is there any further discussion?

22 Hearing none. Could we have a roll
23 call vote, please, on the minutes?

24

25 Arion Claggett, abstain; Joseph

1 McNally, yes; Robert Kudlawiec, aye;
2 James Szalankiewicz, aye; Michael
3 Brinkash, aye; Lisa Peterson, aye;
4 Jason Snyder, abstain; Daniel Hartman,
5 yes.

6 [The motion carried. Arion Claggett and Jason Snyder
7 abstained from voting on the motion.]

8 ***

9 Report of Board President - No Report

10 ***

11 Report of Board Members - No Report

12 ***

13 Report of Acting Commissioner - No Report

14 ***

15 Report of Board Administrator - No Report

16 ***

17 [Ashley B. Goshert, Esquire, Board Counsel, noted the
18 Board entered into Executive Session this morning
19 with Board Counsel for the purpose of conducting
20 quasi-judicial deliberations and to receive the
21 advice of counsel.

22 Ms. Goshert reported agenda item 2 will be tabled
23 until the next meeting for lack of quorum because of
24 two Board members' recusal.]

25 ***

1 Report of Prosecutorial Division
2 [Glenn P. Masser, Esquire, Board Prosecution Liaison,
3 presented the Consent Agreement for Case Nos. 23-47-
4 012392 & 24-47-001217.]

5 MS. GOSHERT:

6 I believe, based on Executive Session
7 deliberations, the Board would
8 entertain a motion to approve the
9 Consent Agreement for Case Nos. 23-47-
10 012392 & 24-47-001217.

11 MR. HARTMAN:

12 So moved.

13 MS. PETERSON:

14 Second.

15 PRESIDENT MCNALLY:

16 Could we have a roll call vote, please?

17
18 Arion Claggett, aye; Joseph McNally,
19 no; Robert Kudlawiec, aye; James
20 Szalankiewicz, aye; Michael Brinkash,
21 aye; Lisa Peterson, aye; Jason Snyder,
22 aye; Daniel Hartman, no.

23 [The motion carried. Joseph McNally and Daniel
24 Hartman opposed the motion. The name of the
25 Respondent is Boris A. Ovrutsky.]

1 ***

2 Report of Board Counsel - Final Adjudication and
3 Order

4 MS. GOSHERT:

5 Item 4 on the agenda is a Final
6 Adjudication and Order for David
7 Costello.

8 I believe, based on Executive
9 Session deliberation, the Board would
10 entertain a motion to approve that
11 Final Adjudication and Order for Case
12 No. 22-47-001217.

13 MR. HARTMAN:

14 So moved.

15 MS. PETERSON:

16 Second.

17 PRESIDENT MCNALLY:

18 Do we have a roll call vote, please, on
19 this?

20
21 Arion Claggett, aye; Joseph McNally,
22 yes; Robert Kudlawiec, aye; James
23 Szalankiewicz, aye; Michael Brinkash,
24 aye; Lisa Peterson, aye; Jason Snyder,
25 aye; Daniel Hartman, yes.

1 [The motion carried unanimously.]

2 ***

3 MS. GOSHERT:

4 As it relates to agenda items 5 and 6,
5 I believe that we agreed to table those
6 approvals until the next Board meeting.

7 ***

8 Report of Board Counsel - Miscellaneous

9 [Ashley B. Goshert, Esquire, Board Counsel, provided
10 a Status of Cases Report for the Board's review. She
11 encouraged Board members to identify any potential
12 recusals.]

13 ***

14 Report of Board Counsel - Legislative Update

15 [Ashley B. Goshert, Esquire, Board Counsel, provided
16 an update regarding Senate Bill 403, noting it would
17 amend the law to replace references to engineer-in-
18 training with engineer interns. She stated it would
19 also remove the requirements that four years of
20 experience work for licensure as a professional
21 engineer and land surveyor come after the issuance of
22 the engineer and surveyor-in-training certificate.

23 Ms. Goshert reported that the bill passed in the
24 Senate on February 7, 2024, with a 48-1 vote. The
25 bill will now move to the House. She will continue

1 to keep the Board updated.]

2 ***

3 Regulatory Update - No Report

4 ***

5 Matters for Discussion - Active-Retired Status with
6 Definition of Practice

7 [Joseph T. McNally, PG, President, noted the Board is
8 tabling the discussion regarding active-retired
9 status until a future meeting.]

10 ***

11 Matters for Discussion - Act 41

12 [Kristel Hennessy Hemler, Board Administrator,
13 provided an update regarding the Act 41 application
14 process. She reported receiving more and more
15 applications from Washington Accord signatories,
16 including Canada, Australia, United Kingdom, and New
17 Zealand, and the application process has been going
18 smoothly.]

19 ***

20 Applications for Review

21 [Joseph T. McNally, PG, President, noted the Board
22 received the additional information requested by the
23 Board concerning the applicant taking the
24 Fundamentals of Geology Examination, and the
25 applicant was approved to take that exam.]

1 MS. GOSHERT:

2 I believe the Board would entertain a
3 motion to Ratify that approval for
4 licensure of Matthew G. McHugh.

5 MR. HARTMAN:

6 So moved.

7 MS. PETERSON:

8 Second.

9 PRESIDENT MCNALLY:

10 Any further discussion? Hearing no
11 discussion. May we have a roll call
12 vote, please?

13

14 Arion Claggett, aye; Joseph McNally,
15 yes; Robert Kudlawiec, aye; James
16 Szalankiewicz, aye; Michael Brinkash,
17 aye; Lisa Peterson, aye; Jason Snyder,
18 aye; Daniel Hartman, yes.

19 [The motion carried unanimously.]

20

21 Miscellaneous - NCEES Seeks Environmental Engineers
22 for Knowledge Study

23 [Kristel Hennessy Hemler, Board Administrator,
24 informed everyone that the National Council of
25 Examiners for Engineering and Surveying (NCEES) is

1 seeking environmental engineers to participate in a
2 knowledge study. She mentioned that NCEES updates
3 their exam every six to eight years and are in the
4 process of doing that. NCEES is looking for
5 environmental engineers and licensed environmental
6 engineers to help with the exam update.

7 Ms. Hennessy Hemler encouraged anyone who is
8 interested to contact Andy Bindewald at 1-800-250-
9 3196.

10 Chair McNally also encouraged anyone who is
11 interested to check into it further, noting the
12 importance of their participation in different
13 activities.]

14 ***

15 Miscellaneous - Ratifications

16 MS. GOSHERT:

17 Items 14 through 17 are Ratifications
18 for licensure approval.

19 I believe, based on Executive
20 Session discussions, the Board would
21 entertain a motion to Ratify the
22 Approvals for Licensure of the
23 Applicants listed in the Board agenda
24 at items 14 through 17 for Gurmeet
25 Lohchav, Hossein Amirian, Krisstoffer

1 Manansala, and Aiman Omar.

2 MR. HARTMAN:

3 So moved.

4 MS. PETERSON:

5 Second.

6 PRESIDENT MCNALLY:

7 Any discussion? Hearing none.

8

9 Arion Claggett, aye; Joseph McNally,
10 yes; Robert Kudlawiec, aye; James
11 Szalankiewicz, aye; Michael Brinkash,
12 aye; Lisa Peterson, aye; Jason Snyder,
13 aye; Daniel Hartman, yes.

14 [The motion carried unanimously.]

15 ***

16 Public Comment

17 [Andrew LaFratte, MPA, Deputy Policy Director,
18 referred to Ms. Hennessy Hemler's comment regarding
19 an influx of Act 41 applicants and asked why the
20 applications were increasing.

21 Ms. Hennessy Hemler stated it was the way the
22 applications were being reviewed. She mentioned the
23 staff now has more knowledge of how to review Act 41
24 applications and offers that pathway to an applicant
25 who may not entirely meet their requirements.

1 Naomi Anderson, Engineer-in-Training, reported
2 being one of the EITs who did not certify herself
3 upon obtaining the Fundamentals of Engineering (FE)
4 Exam and attended the meeting to learn more about Act
5 41. She mentioned that West Virginia counts all of
6 their post-graduate time regardless of whether or not
7 they were certified as an engineer in-training.

8 Ms. Anderson mentioned that seeking licensure in
9 West Virginia would allow her to include an
10 additional three years when she was working as an
11 engineer before she was a certified engineer-in-
12 training.

13 Ms. Anderson referred to the Pennsylvania Code,
14 where the Board issues to jurisdictions whose
15 standards are substantially equivalent to or exceed
16 those in Pennsylvania. She asked whether West
17 Virginia is considered equivalent or is exceeding in
18 terms of requirements.

19 Acting Commissioner Claggett commented that it
20 may not be a discussion to have in public session,
21 because the subject borders along providing an
22 advisory opinion. He suggested the Board discuss
23 that matter after the meeting.

24 Ms. Anderson referred to the requirement of
25 working with an engineer for two of the last five

1 years prior to the application. She informed Board
2 members that she took a break from working as an
3 engineer for graduate school. She noted receiving a
4 degree in forestry, although she studied hydrology.
5 She also assumed that the time was not going to count
6 toward her years, because it was not working directly
7 in engineering.

8 Acting Commissioner Claggett explained to Ms.
9 Anderson that the Board would need to consider all of
10 her questions together, because it was a
11 hypothetical.

12 Ms. Anderson explained that she had some
13 questions because she wanted to know whether it is
14 worth seeking licensure in West Virginia.

15 Ms. Anderson also asked whether the professional
16 engineer who signed off on her experience would still
17 be able to endorse that period of time if he retired.
18 Ms. Hennessy Hemler informed Ms. Anderson that they
19 can speak after the meeting, and she would provide
20 application guidelines.

21 Acting Commissioner Claggett commented that some
22 of Ms. Anderson's questions are leading the Board to
23 make changes as far as the applications, because some
24 of their applications are not clear.

25 Chair McNally thanked Ms. Anderson for attending

1 the meeting.]

2

3 Matter of Acknowledgement

4 [Joseph T. McNally, PG, President, thanked Mr.

5 Michael Brinkash for over 12 years of service to the

6 Pennsylvania State Registration Board for

7 Professional Engineers, Land Surveyors, and

8 Geologists. He informed everyone that Mr. Brinkash

9 would be moving on to be the Assistant Vice President

10 of the Northeast Zone.

11 Mr. Brinkash noted it to be a privilege and honor

12 to have served with everyone. He was presented with

13 a proclamation from the Department of State Bureau of

14 Professional and Occupational Affairs.

15 Mr. Szalankiewicz also thanked Mr. Brinkash for

16 his service.]

17

18 [Joseph T. McNally, PG, President, informed all that

19 the next scheduled Board meeting is Wednesday, May

20 29, 2024, and encouraged public participation.]

21

22 Adjournment

23 PRESIDENT MCNALLY:

24 Could I have a motion to adjourn the

25 meeting?

1 MR. HARTMAN:

2 So moved.

3 MS. PETERSON:

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 11:24 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,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

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

March 13, 2024

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10	9:00	Executive Session
11	10:59	Return to Open Session
12		
13	10:59	Official Call to Order
14		
15	11:00	Roll Call
16		
17	11:00	Introduction of Attendees
18		
19	11:04	Approval of Minutes
20		
21	11:05	Report of Prosecutorial Division
22		
23	11:07	Report of Board Counsel
24		
25	11:12	Matters for Discussion
26		
27	11:12	Applications for Review
28		
29	11:14	Miscellaneous
30		
31	11:16	Public Comment
32		
33	11:23	Matter of Acknowledgement
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35	11:24	Adjournment
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