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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: 10:35 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street
CoPA HUB, Eaton Conference Room
Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

May 6, 2024

Pennsylvania State
Navigation Commission
May 6, 2024

COMMISSION MEMBERS:

K. Kalonji Johnson, Chairperson, Deputy Secretary for
Regulatory Programs
Bevin Ann Buchheister, Esquire, Department of
Environmental Protection Designee, Deputy
Secretary, Office of Water Programs
Altoro Hall, Senior Director of Manufacturing,
Industrial Real Estate, and Retention, Philadelphia
Department of Commerce - Absent
Michael D'Agostino, Esquire, Delaware Seat,
Governor's Appointee Delaware County
William Keller III, Philadelphia Seat, Governor's
Appointee Philadelphia County
Sean Schafer, Esquire, Bucks County Seat, Governor's
Appointee Bucks County
Eric C. James, Mayor's Appointee
James Roche, Mayor's Appointee
Matthew Sullivan, Delaware Seat, Governor's Appointee
Delaware County

COMMISSION PERSONNEL:

Jason E. McMurry, Esquire, Commission Counsel
J. Karl Geschwindt, Esquire, Commission Prosecution
Liaison
Sparkle Thompson, Commission Administrator
Amanda Li, Quality Assurance Analyst
Carlton Smith, Deputy Chief Counsel, Prosecution
Division
Amanda Richards, Fiscal Chief, Bureau of Finance and
Operations, Department of State

ALSO PRESENT:

David K. Cuff, President, Pilots' Association for the
Bay and River Delaware
Jerry Medd, Apprentice Program Director, Pilots'
Association for the Bay and River Delaware
Sophia Mahoney, Sargent's Court Reporting Service,
Inc.

1 ***

2 Pennsylvania State
3 Navigation Commission

4 May 6, 2024

5 ***

6 The regularly scheduled meeting of the
7 Pennsylvania State Navigation Commission was held on
8 Monday, May 6, 2024. K. Kalonji Johnson,
9 Chairperson, Deputy Secretary for Regulatory
10 Programs, officially called the meeting to order at
11 10:35 a.m.

12 Eric C. James, Mayor's Appointee, was not present
13 at the commencement of the meeting due to technical
14 difficulties.

15 ***

16 Introduction of Commission Members/Introduction of
17 Attendees

18 [Chair Johnson requested an introduction of
19 Commission members and attendees. A quorum of
20 Commission members was present.]

21 ***

22 Approval of Minutes

23 CHAIR JOHNSON:

24 Do I have a motion for the approval of
25 the November 21, 2023 minutes?

1 MR. ROCHE:

2 I'd like to make a motion to approve
3 the minutes.

4 CHAIR JOHNSON:

5 Do I have a second?

6 MR. SULLIVAN:

7 I'll second that.

8 CHAIR JOHNSON:

9 All in favor?

10 [The motion carried unanimously.]

11 ***

12 [Eric C. James, Mayor's Appointee, noted being denied
13 access to the meeting at 10:38 a.m.]

14 ***

15 [Eric C. James, Mayor's Appointee, entered the
16 meeting at 10:46 a.m.]

17 ***

18 Appointment - Bureau of Finance and Operations

19 Annual Budget Presentation

20 [Amanda Richards, Fiscal Supervisor, Bureau of
21 Finance and Procurement, Department of State,
22 referred to the licensee population over the last six
23 years and the section outlining the license classes.
24 She pointed to the average biennial licensee
25 population every two years, noting the Commission

1 does not have much fluctuation in their licensees and
2 reported a decrease of 2.6% to be normal.

3 Ms. Buchheister asked whether the decrease of the
4 first-class pilots was due to retirements. Ms.
5 Richards noted it was and reported on two retirees in
6 2023.

7 Ms. Richards addressed revenue coming into the
8 Commission on a biennial basis and reported a
9 biennial revenue of \$29,610, noting 98.6% comes from
10 renewals.

11 Ms. Richards stated expenses can hit the
12 Commission through timesheet-based charges, direct
13 costs, and licensee population. She noted costs are
14 broken down into administrative and legal costs. She
15 referred to expenses for FY21-22, FY22-23, and FY23-
16 24 as of the April 11, 2024. She reported on the
17 budget for FY23-24 based on projections.

18 Ms. Richards addressed revenue and expenses
19 together on a biennial basis. She reported on the
20 starting balance for FY21-22 and FY22-23, biennial
21 revenue, and expenses, noting the net balance. She
22 noted the increased balance with adding to their
23 starting balance.

24 Ms. Richards referred to the next four projected
25 biennial periods, noting revenue is surpassing

1 expenses and leaving the Commission with a very
2 healthy balance into the next four renewal cycles.

3 Chair Johnson thanked Ms. Richards for the
4 presentation.]

5 CHAIR JOHNSON:

6 I will next call for a motion to
7 approve the budget as presented.

8 MR. SCHAFFER:

9 So moved.

10 CHAIR JOHNSON:

11 I have a motion. Do I have a second?

12 MR. D'AGOSTINO:

13 Second.

14 CHAIR JOHNSON:

15 All in favor? All against?

16 [The motion carried unanimously.]

17 ***

18 Report from the Prosecutorial Division - Annual
19 Prosecution Division Presentation

20 [Carlton Smith, Esquire, Deputy Chief Counsel,
21 Prosecution Division, informed Commission members
22 that he assumed his role in March 2023 when Carolyn
23 DeLaurentis was promoted to the Executive Deputy
24 Chief Counsel position.

25 Mr. Smith agreed with Ms. Richards, noting

1 licensees tend to stay the same and reported 39
2 licensees in January 2022.

3 Mr. Smith reported 22,000 complaints were
4 received through the Department of State in 2022
5 across all boards, noting it may be the highest it
6 has been in several years.

7 Mr. Smith presented the Prosecution Division's
8 Annual Report for the State Navigation Commission.
9 He reported 5 cases were opened in 2022, and 2 open
10 cases and 5 closed cases the report was run. He
11 noted the gold standard is to close a case under 365
12 days, but it would depend on the complexity of the
13 case. He mentioned the average age to close a case
14 in 2022 was 191 with a possible improvement in 2023.

15 Mr. Smith stated the Commission had no discipline
16 in 2022 but did have warning letters and cases
17 closed, because prosecution was not warranted. He
18 noted prosecution considers the seriousness of the
19 violation, licensee disciplinary history, and
20 strength of the evidence when issuing warning
21 letters.

22 Mr. Smith addressed prosecution not warranted,
23 noting prosecution looks at the strength of the
24 evidence, seriousness of the violation, and
25 disciplinary history, along with the opinion of an

1 expert.

2 Chair Johnson noted not seeing any designation of
3 fines or costs. He asked Mr. Smith to speak to the
4 unique nature of the Commission as opposed to other
5 boards and commissions as to why there are no
6 administrative fines or penalties that would be seen
7 in other boards.

8 Chair Johnson commented that there have been some
9 investigative costs and some very complex
10 investigations happening.

11 Mr. Smith explained there would not typically be
12 costs associated with closing a case without
13 discipline, because there would not be investigatory
14 costs associated with a warning letter or designating
15 a case as prosecution not warranted. He stated other
16 boards fine up to approximately \$10,000 and would
17 imagine the Commission has statutory authority to
18 fine, which a consent agreement could be pursued and
19 brought before the Commission to settle a matter.

20 Mr. Smith reported processing about 19,000
21 complaints in 2023 for all boards, which is down by a
22 few thousand but still relatively high. He reported
23 37 active licensees as of January 2023. He noted 1
24 case was opened in 2023, and 3 were closed. He
25 stated the average age to close a case was reduced to

1 102 in 2023 and around 160 in 2022. He noted a few
2 cases that were designated prosecution not warranted
3 and 1 incompetence case, which could be negligence or
4 misconduct.

5 Chair Johnson thanked Mr. Smith for the
6 comprehensive level of work and the professionalism
7 of the prosecutorial division.]

8 ***

9 Report from Commission Counsel

10 [Jason E. McMurry, Esquire, Commission Counsel,
11 provided an annual review of recusal guidelines. He
12 explained that recusal is mandatory when a Commission
13 member has a prosecutorial role in the matter or a
14 direct personal financial interest in the outcome of
15 the matter.

16 Mr. McMurry noted it is strongly suggested to
17 recuse if a Commission member has a personal
18 affection for someone directly involved but simply
19 knowing a person is not necessarily enough. He noted
20 it is also strongly suggested to recuse if they have
21 knowledge from outside of a case and cannot set it
22 aside in order to make a fair and unbiased
23 determination.

24 Mr. McMurry addressed discretionary recusal,
25 where a Commission member should recuse themselves if

1 they cannot decide on a subject fairly without
2 prejudice. He encouraged Commission members to
3 contact him in advance if they are uncertain as to
4 whether to recuse.]

5

6 Report from the Probable Cause Screening Committee -
7 No Report

8

9 Report from the Diversity for the Apprentice Program
10 Committee - No Report

11

12 Report of Commission Administrator

13 [Sparkle Thompson, Commission Administrator, informed
14 Commission members that the renewal period went well,
15 noting 100% of pilots renewed before the renewal
16 period ended.

17 Ms. Thompson reported about six or seven pilots
18 encountered minor issues with the system that were
19 very easily fixed.]

20

21 Report of Commission Chair

22 [K. Kalonji Johnson, Chairperson, Deputy Secretary
23 for Regulatory Programs, informed Commission members
24 of the process to modernize the Pennsylvania
25 Licensing System (PALS) application. He mentioned

1 the new vendor will likely be announced within the
2 next 60 days. He stated the plan is to work through
3 the end of 2024 and rollout the new licensing system
4 in the first quarter of 2025.

5 Chair Johnson explained that any pilots ready to
6 renew at that time will be renewing into a new
7 system. He noted that ample resources and education
8 and outreach will be provided to all licensees
9 regardless of board or commission. He mentioned that
10 pilots will be receiving promotional and educational
11 materials in the near future to assist with their
12 transition into the new Vega Cloud system.]

13 ***

14 Public Comment

15 [David K. Cuff, President, Pilots' Association for
16 the Bay and River Delaware, thanked the Commission
17 for the renewal process going so well and gave a
18 shout-out to Ms. Thompson for getting all squared
19 away.

20 Jerry Medd, Apprentice Program Director, Pilots'
21 Association for the Bay and River Delaware, informed
22 Commission members that each apprentice completed and
23 passed the exams on October 30, 2023; January 22,
24 2024; and April 15, 2024. He noted the next exam is
25 scheduled for July 8, 2024, on the Chesapeake &

1 Delaware (C&D) Canal and take Rules of the Road
2 Examinations every quarter. He noted the apprentices
3 will be attending a seminar on July 8, 2024, on
4 anchoring anchorages.

5 Captain Medd mentioned that apprentices also
6 attended the Maritime Institute of Technology and
7 Graduate Studies and took a course on automatic radar
8 plotting aids (ARPA). He reported all apprentices
9 were on track and provided Ms. Thompson with activity
10 reports.]

11 ***

12 Adjournment

13 CHAIR JOHNSON:

14 Motion to adjourn?

15 MR. ROCHE:

16 I'll make that motion to adjourn.

17 CHAIR JOHNSON:

18 Could I have a second?

19 MS. BUCHHEISTER:

20 I'll make a second.

21 CHAIR JOHNSON:

22 All in favor? The meeting is now
23 adjourned.

24 ***

25 [There being no further business, the Pennsylvania

1 State Navigation Commission Meeting adjourned at
2 11:21 a.m.]

3 ***

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5
6 CERTIFICATE

7
8 I hereby certify that the foregoing summary
9 minutes of the Pennsylvania State Navigation
10 Commission meeting, was reduced to writing by me or
11 under my supervision, and that the minutes accurately
12 summarize the substance of the Pennsylvania State
13 Navigation Commission meeting.

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17 Sophia Mahoney,

18 Minute Clerk

19 Sargent's Court Reporting

20 Service, Inc.

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PENNSYLVANIA STATE
NAVIGATION COMMISSION
REFERENCE INDEX

May 6, 2024

	TIME	AGENDA
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10	10:35	Official Call to Order
11		
12	10:35	Introduction of Commission Members and
13		Attendees
14		
15	10:36	Approval of Minutes
16		
17	10:46	Appointment - Bureau of Finance and
18		Operations Annual Budget Presentation
19		
20	10:54	Report of Prosecutorial Division -
21		Carlton Smith, Deputy Chief Counsel,
22		Annual Prosecution Division Report
23		
24	11:07	Report of Commission Counsel
25		
26	11:15	Report of Commission Administrator
27		
28	11:15	Report of Commission Chair
29		
30	11:19	Public Comment
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32	11:21	Adjournment
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