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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

October 15, 2010

Honorable Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
2601 North Third Street
Harrisburg, PA 17120

Re: Regulation #16-43 (IRRC #2764)
Department of State
Bureau of Professional and Occupational Affairs
Schedule of Civil Penalties - Engineers, Land Surveyors and Geologists

Dear Commissioner Merenda:

The Independent Regulatory Review Commission disapproved your regulation on October 7, 2010. Our order is enclosed and will be available on our website at www.irrc.state.pa.us.

Within 40 days of receipt of our order, Section 7(a) of the Regulatory Review Act requires you to select one of the following options: (1) proceed with promulgation under Section 7(b); (2) proceed with promulgation under Section 7(c); or (3) withdraw the regulation. If you do not take any action within this period, the regulation is deemed withdrawn.

If you or your staff have any questions, please contact Kim Kaufman, our Executive Director, at 783-5506.

Sincerely,

George D. Bedwick
Acting Chairman

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Enclosure

cc: Honorable Robert M. Tomlinson, Chair, Senate Consumer Protection and Professional
Licensure Committee

Honorable Lisa M. Boscola, Chair, Senate Consumer Protection and Professional Licensure
Committee

Honorable Michael P. McGeehan, Chair, House Professional Licensure Committee

Honorable Julie Harhart, Minority Chairman, House Professional Licensure Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
DISAPPROVAL ORDER**

Commissioners Voting:

Public Meeting Held October 7, 2010

Regulation No. 16-43 (#2764)

Department of State

Bureau of Professional and Occupational
Affairs

George D. Bedwick, Acting Chairman

S. David Fineman, Esq., by Phone

Silvan B. Lutkewitte, III

Schedule of Civil Penalties - Engineers, Land
Surveyors and Geologists

On April 22, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of State (Department). This rulemaking amends 49 Pa. Code Chapter 43b. The proposed regulation was published in the May 2, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 3, 2010.

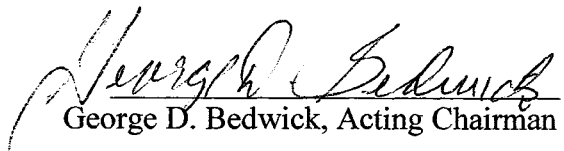
This final regulation would establish a civil penalty schedule for violations of the continuing education requirements of the State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board). This regulation is the companion piece to Regulation #16A-4710 (IRRC #2762) from the Board entitled: "Continuing Education."

Thomas A. Blackburn, Regulatory Unit Counsel for the Department of State, appeared at the public meeting on October 7, 2010. Attorney Blackburn represented that he was authorized to request, on behalf of the Department, that the Commission disapprove this final-form regulation, given that the companion Regulation #16A-4710 (IRRC #2762) had been disapproved at the same public meeting. Without support from the promulgating Department, this regulation does not meet the reasonableness criterion set forth in the Regulatory Review Act and is not in the public interest. 71 P.S. § 745.5b(b)(3).

BY ORDER OF THE COMMISSION:

This regulation is disapproved.




George D. Bedwick, Acting Chairman