

BOARD OF PROFESSIONAL ENGINEERS, ARCHITECTS,
SURVEYORS AND LANDSCAPE ARCHITECTS
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Section 92-7(b), Hawaii Revised Statutes.

- Date: Thursday, September 11, 2014
- Time: 9:00 a.m.
- Place: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813
- Present: Dan Hirota, Vice Chair, Land Surveyor Member
Demetrio Constantino, Public Member
Craig Murayama, Architect Member
Clayton Pang, Electrical Engineer Member
Richard Suzuki, Civil Engineer Member
Roberto Yumol, Architect Member
Rodney J. Tam, Deputy Attorney General
James Kobashigawa, Executive Officer
Sandra Matsushima, Executive Officer
Terry Akasaka-Toyama, Secretary
- Excused: Kevin Katayama, Mechanical Engineer Member
Joel Kurokawa, Secretary, Landscape Architect Member
Jay Manzano, Chair, Public Member
Paul Murray, Land Surveyor Member
- Call to Order: There being a quorum present, Vice Chair Hirota called the meeting to order at 9:20 a.m.
- Agenda: Additions and Revisions: None.
- Approval of Minutes: It was moved by Mr. Yumol, seconded by Mr. Suzuki, and unanimously carried to approve the August 14, 2014 Board meeting minutes.

Chapter 91, HRS,
Adjudicatory
Matters:

At 9:31 a.m., Vice Chair Hirota recessed the Board's meeting to discuss the following adjudicatory matter pursuant to Chapter 91, HRS:

- a. In the Matter of the Architect's License of Henry T. Wu – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

It was moved by Mr. Pang, seconded by Mr. Constantino, and unanimously carried to accept the above Settlement Agreement.

At 9:25 a.m., the Board came out of Chapter 91, HRS, and returned to its regular order of business.

Applications:

- a. Ratifications

It was moved by Mr. Pang, seconded by Mr. Constantino, and unanimously carried to ratify the following:

APPROVED ENGINEER BY EXAM (PE)

- GATDULA, Riza (SE)

- b. Professional Engineer Committee Recommendations

Mr. Suzuki presented the PROFESSIONAL ENGINEER COMMITTEE REPORT and recommended action as follows:

APPROVE CIVIL ENGINEER BY ENDORSEMENT

- HALLET, Sean
- HAMM, Daniel
- LASECKI, Matthew
- LAVALLEE, Kenneth
- LEVEEN, Brad
- REALL, Branden
- WOODWORTH, Thomas

APPROVE ELECTRICAL ENGINEER BY ENDORSEMENT

- BURGARDT, Carrie
- CAMPBELL, Eric
- CHUNG, Kyoo Suk
- DUMKE, Michael

- HARMON, William
- JOHNSON, Eric
- KINTON, Paul
- MUTCHER, Douglas
- RUFF, Michael
- SCHWEIGERT, Mark

APPROVE MECHANICAL ENGINEER BY ENDORSEMENT

- CORPUZ, Florendo Jr.
- FOTE, Scott
- HEALY, William
- KELLY, Jay
- KIRBY, Nathaniel
- LEMMO, Steven
- LUNDQUIST, Christopher
- MARZLEY, Brandon
- SCHALLER, Jeffrey
- WILLOUGHBY, Timothy

APPROVE STRUCTURAL ENGINEER BY
ENDORSEMENT

- AUSTIN, Richard
- DESAI, Prakash
- HOFF, Michelle
- MYKET, Allan
- ROBERTS, Sara

APPROVE ENGINEER BY EXAM (PE)

- DONKLE, Alexander (EE)
- ROSS, Jeffrey (CE)
- SHICK, Jonathan (SE)
- SNYDER, Erik (SE)

DEFER CIVIL ENGINEER BY ENDORSEMENT

- YATES, Thomas

DEFER ELECTRICAL ENGINEER BY ENDORSEMENT

- PALMER, Jason

DEFER ENGINEER BY EXAM (PE)

- GODENZI, Lance

DEFER ENGINEER BY EXAM (FE)

- GODENZI, Lance

It was moved by Mr. Yumol, seconded by Mr. Pang, and unanimously carried to accept the PROFESSIONAL ENGINEER COMMITTEE REPORT.

c. Professional Architect Committee Recommendations

Mr. Yumol presented the PROFESSIONAL ARCHITECT COMMITTEE REPORT and recommended action as follows:

APPROVE ARCHITECT BY ENDORSEMENT

- BALLASH, Duncan
- BEZUE, Stan
- FULLMER, Theodore
- GOOD, Nathan
- NIELSEN, Bryan
- POTRATZ, Preston
- RODEBAUGH, Aaron
- TORO, Guy
- WRIGHT, Michael

APPROVE ARCHITECT BY EXAM

- LUN, Sherry
- SHEINFELD-RODRIGUEZ, Daniel
- SUMIDA, Kristi

It was moved by Mr. Suzuki, seconded by Mr. Pang, and unanimously carried to accept the PROFESSIONAL ARCHITECT COMMITTEE REPORT.

d. Professional Land Surveyor Committee Recommendations

None.

e. Professional Landscape Architect Committee Recommendations

None.

Old Business:

a. Rules Committee Report

Mr. Yumol summarized the minutes of the August 14, 2014 Rules Committee meeting.

The Committee continued discussions on the draft language prepared by Mr. Kurokawa regarding the definition of "supervise", "supervision", "supervision of design", or "under the supervision of".

A question was raised as to requiring a successor licensee to re-stamp all original documents in cases where plans have been approved and permitted when the original licensee is no longer available to do the observation of construction. Discussion also involved deleting the phrase "predecessor's work product" and making the language more general when specifying "a successor licensee shall take responsible charge and shall have control of and responsibility by signing and sealing originals of all documents".

Also discussed were deleting (2) from the current definition; and amending the draft language to specify that "a successor licensee shall take responsible charge and shall have control of and responsibility for the remainder of the project".

After lengthy discussion, it was decided that Mr. Kurokawa and Mr. Yumol will prepare another draft for the Committee's consideration.

It was moved by Mr. Constantino, seconded by Mr. Pang, and unanimously carried to approve the minutes of the August 14, 2014 Rules Committee meeting.

New Business:

a. Professional Engineer's Report

- NCEES Matters

- ✓ Mr. Suzuki suggested that the Rules Committee look into changing the experience requirement for licensure and to not accept experience earned while candidates are still in school.

- ✓ Statistics on the NCEES License and Exam Verification System
 - Just under 35,000 verifications have been completed through the system.
 - 53 Boards are currently participating.
 - 18,670 verifications have been completed for the NCEES Records Program.
 - 16,026 verifications have been completed from Board to Board.
- Report on 2014 NCEES Annual Meeting

The following are highlights from the meeting:

- ✓ All language from the NCEES Model Laws and Model Rules that referred to "Model Law Engineer 2020 and Model Law Structural Engineer 2020" were removed and to request that the President charge a committee to draft an NCEES position statement that reflects the organization's support for additional education requirements for initial engineering licensure;
- ✓ The prerequisite that four (4) years of progressive engineering experience be earned before a licensure candidate can take the final licensing exam, which is the Principles and Practice of Engineering ("PE") exam was removed from the Model Law. It should be noted that each jurisdiction may decide whether to remove the prerequisite aspect of the experience requirement from its statutes or policies;
- ✓ The site for the 2018 Western Zone Meeting was tentatively selected for Guam with Hawaii hosting the meeting in 2019 subject to the NCEES Board of Directors ("BOD") approval. However, due to logistical problems raised by the BOD, the selection committee reconsidered their recommendation. As a result, it was decided to have the 2018 meeting held in Hawaii with Guam co-hosting the meeting. This proposal will be resubmitted to the NCEES BOD for approval; and

- ✓ In addition, delegates and guests participated in an outreach educational program as NCEES hosted hands-on activities at the Seattle Pacific Science Center to promote the engineering and surveying professions.

b. Architect's Report

- NCARB Matters
 - ✓ The architect members discussed the proposed changes to the Intern Develop Program ("IDP"), the Broadly Experience Architect Program ("BEA"), and the Broadly Experience Foreign Architect Program ("BEFA"). Changes to the IDP relate to the hours required to complete the program and the categories and areas in which interns need to document their experience; changes to BEA and BEFA relate to eligibility requirements and review processes to complete the program for NCARB certification.
 - ✓ On October 1, 2014, the Architect Registration Examination ("ARE") retest policy will change from the current six-month wait period to a 60-day wait period, with candidates being limited to attempting the same division no more than three times in any 12-month period. On October 1, any eligibility that has not already been used to schedule an exam will have its start date recalculated based on the 60-day policy.
- The 2014 Member Board Chairs/Member Board Executive Conference Meeting is scheduled for October 31 – November 1, 2014 in Indianapolis, IN.

c. Surveyor's Report

- NCEES Matters

(See Engineer's Report)
- The Oregon State Board of Examiners for Engineering and Land Surveying inquired how other Boards are dealing with the hydrographic surveying industry and practice. Does this practice require licensure in engineering, surveying or both?

They also questioned whether unlicensed individuals can conduct hydrographic surveys and whether the language found in NCEES' Model Law for the practice of surveying "...the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth..." would apply, irrespective of whether it is above or below water?

After discussion, by consensus of the Board, it appears hydrographic surveying would fall under Hawaii's definition of land surveying.

d. Landscape Architect's Report

- CLARB Matters

Mr. Kurokawa was asked to serve as a trustee for the Hawaii Chapter of ASLA on its next Board of Directors beginning in late November 2014.

- Region 5 Webcast

The Pre-Annual Meeting webcast was held on August 20, 2014. A common problem amongst many State Boards is the filling of member vacancies. Also trending with some of the other states are out-of-state landscape architects applying for licensure through reciprocity. A continuing challenge for Hawaii is that the Board only has funding for one landscape architect to attend CLARB's Annual Meeting, making it difficult for the Member Board Executive to attend. Several Eastern Region states have travel restrictions, thus are not able to attend the Annual Meeting also.

- CLARB Annual Meeting

The Annual Meeting is scheduled for September 24-27, 2014 in Reston, VA. Mr. Kurokawa will be attending as the Board's delegate.

Correspondence: a. Letter from Council on Federal Procurement of Architectural and Engineering Services ("COFPAES") to House Committee on Small Business

COFPAES has for more than 40 years been the nation's advocate for qualifications based selection for professional architecture-engineering ("A/E") and related services. Their members include the American Institute of Architects ("AIA"), the American Society of Civil Engineers ("ASCE"), the National Society of Professional Engineers ("NSPE"), the National Society of Professional Surveyors ("NSPS"), and the Management Association for Private Photogrammetric Surveyors ("MAPPS").

Mr. John Palatiello, Administrator for COFPAES, wrote to the Chairman of the House Committee on Small Business ("HCSB") inquiring on their recent hearings regarding the barriers to entrepreneurship caused by occupational licensing, as well as their request of the Office of Advocacy in the Small Business Administration to conduct a study of the economic impact of such licensing.

Licensing of A/E professionals is critical to public health, safety and welfare. All 50 states (and the territories) license design professionals. COFPAES welcomes working with the HCSB to assure that licensing of professionals in the A/E community continues to serve the public interest.

b. E-mail on Wall Street Journal Article Titled "State Licensing Boards Under Fire from Within"

The Supreme Court will be taking up an antitrust case that started with a dispute over teeth-whitening that erupted between the Federal Trade Commission ("FTC") and the North Carolina Board of Dental Examiners ("NCBDE"). The NCBDE is accused of improperly thwarting competition as it issued nearly 50 cease-and-desist letters over the past decade to beauty parlors, spas, and other small businesses that offer teeth-whitening services. The letters warned that only licensed dentists can legally provide those treatments.

Most licensing challenges start with the members of the protected industry demanding that the states shut down their competitors which then becomes an antitrust issue.

c. Letter of Resignation from Ray Skelton

Mr. Skelton resigned from the Board as he will be moving to Spokane, WA.

Executive
 Officer's Report:

a. April 2014 Principles and Practice of Engineering Exam
 Results (Chemical, Civil, Electrical and Mechanical)

	<u>CHEM</u>	<u>CIVIL</u>	<u>MECH</u>
Number of Candidates:	1	40	14
Number Passed:	1	19	8

(Electrical & Computer ("EC"))
EC: Computer Engineering

Number of Candidates:	1
Number Passed:	0

EC: Electrical & Electronics

Number of Candidates:	1
Number Passed:	0

EC: Power

Number of Candidates:	23
Number Passed:	9

b. April 2014 Principles and Practice of Engineering Exam
 Results (Structural Engineering)

	<u>Lateral Forces</u>	<u>Vertical Forces</u>
Number of Candidates:	6	6
Number Passed:	2	2

c. August 2014 Landscape Architect – Hawaii Plant Materials
 State Exam Results

Number of Candidates:	1
Number Passed:	1

d. DCCA Disciplinary Actions

A listing of DCCA Disciplinary Actions taken through July 2014 was circulated to the members for their information.

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Next Meeting: Thursday, October 9, 2014
9:00 a.m.
King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Adjournment: The meeting was adjourned at 10:10 a.m.

Taken and recorded by:

/s/ Terry Akasaka-Toyama

Terry Akasaka-Toyama
Secretary

Reviewed and approved by:

/s/ James Kobashigawa

James Kobashigawa
Executive Officer

9/25/14

Minutes approved as is.

Minutes approved with changes; see minutes _____.