

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, November 13, 2014

Time: 9:00 a.m.

Place: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Present: Jay Manzano, Chairperson, Public Member
Dan Hirota, Vice Chairperson, Land Surveyor Member
Joel Kurokawa, Secretary, Landscape Architect Member
Demetrio Constantino, Public Member
Kevin Katayama, Mechanical Engineer Member
Craig Murayama, Architect Member
Paul Murray, Land Surveyor Member
Roberto Yumol, Architect Member
Rodney J. Tam, Deputy Attorney General
James Kobashigawa, Executive Officer
Sandra Matsushima, Executive Officer
Terry Akasaka-Toyama, Secretary

Excused: Ron Iwamoto, Structural Engineer Member
Clayton Pang, Electrical Engineer Member
Richard Suzuki, Civil Engineer Member

Call to Order: There being a quorum present, Chairperson Manzano called the meeting to order at 9:09 a.m.

Agenda: Additions and Revisions: None.

Approval of Minutes: It was moved by Mr. Yumol, seconded by Mr. Constantino, and unanimously carried to approve the October 9, 2014 Board meeting minutes as circulated.

Chapter 91, HRS,
Adjudicatory
Matters:

At 9:11 a.m., Chairperson Manzano 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 Michele L. D'Amico – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

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

- b. In the Matter of the Architect's License of Radim Blazej – First Amended Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

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

At 9:14 a.m., the Board came out of Chapter 91, HRS, and returned to its regular order of business.

Applications:

- a. Ratifications

None.

- b. Professional Engineer Committee Recommendations

Correspondence:

- a. Letter from Fidel T. Eviota, II

Executive Session:

At 9:19 a.m., it was moved by Mr. Hirota, seconded by Mr. Constantino, and unanimously carried to move into executive session pursuant to HRS section 92-5 to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section HRS section 26-9 or both, and to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities, as provided in HRS section 92-5(a)(1) and (4).

At 9:45 a.m., it was moved by Mr. Constantino, seconded by Mr. Hirota, and unanimously carried to move out of executive session.

Correspondence: a. Letter from Fidel T. Eviota, II

Mr. Eviota was previously licensed in Hawaii in 1991 where the Board waived both the FE and PE exams after having accepted his engineering exam from the Philippines. Subsequently, disciplinary action was taken against Mr. Eviota, he voluntarily surrendered his license, and agreed to reapply as a new applicant. He is now reapplying for licensure and is requesting that the FE and PE exam requirement be waived for him again.

It was moved by Mr. Constantino, seconded by Mr. Kurokawa, and unanimously carried to deny the request for a waiver of the FE and PE exams because he must now meet the current licensing requirements (which only allow the Board to accept the NCEES FE exam and PE exam or a similar state-produced licensing examination), and to approve him to take both the FE and PE exams:

DENY WAIVER OF FE AND PE EXAMS & APPROVE TO TAKE THE FE AND PE EXAMS

- EVIOTA, Fidel II (CE)

b. Professional Engineer Committee Recommendations

It was moved by Mr. Kurokawa, seconded by Mr. Hirota, and unanimously carried to defer the following application:

DEFER CIVIL ENGINEER BY ENDORSEMENT

- AGRAAN, Felix

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

APPROVE CIVIL ENGINEER BY ENDORSEMENT

- ESMAILY-RADVAR, Shahrokh
- GONDA, James
- HUBBARD, Erin
- MULVOY, John
- NAKASHIMA, Nicole

- ROUSH, Martin
- WARD, Dustin
- WILKINSON, Hewitt

APPROVE ELECTRICAL ENGINEER BY ENDORSEMENT

- BURGETT, Michael
- HAUCK, Carl
- PALMER, Jason
- WAGNER, Michael
- WAY, Paul

APPROVE MECHANICAL ENGINEER BY ENDORSEMENT

- BATES, Rodney
- BENDER, Jeffrey
- CHEN, Yen-Shi
- HICKS, Guy
- MARSEILLE, Thomas
- MORGAN, Michael
- ROOT, Gordon Jr.
- WILSON, John
- YOO, Sam

APPROVE STRUCTURAL ENGINEER BY ENDORSEMENT

- BRADFORD, Andrew
- GERGES, Rafik
- KOROLYK, Kenneth Jr.
- SOPPE, Travis
- YOUNG, David

APPROVE ENGINEER BY EXAM (PE)

- HATASHIMA, James (CE)
- SATO, Kelvin (CE)

DEFER CIVIL ENGINEER BY ENDORSEMENT

- BARON, Paul
- DAHM, Harold
- FOLEY, James
- JENKINS, Robert
- JONES, Jonathan

- KEIL, David
- KOROLYK, Kenneth Jr.

DEFER ELECTRICAL ENGINEER BY ENDORSEMENT

- HENSON, Stacy
- LAWRENCE, Daniel

DEFER MECHANICAL ENGINEER BY ENDORSEMENT

- BIADA, Benjamin
- HENSON, Stacy

DEFER STRUCTURAL ENGINEER BY ENDORSEMENT

- FOLEY, James
- KANAAN, Majdi
- SCHEHL, Donald
- STEINERT, Nicholas

DENY REQUEST FOR WAIVER OF FE EXAM

- SATO, Kelvin (CE)

It was moved by Mr. Constantino, seconded by Mr. Kurokawa, 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

- ALDERMAN, Stuart
- ENOKI, Todd
- HERNAEZ, Timoteo
- HOLL, Steven
- RUARK, Daniel
- VINCENT, Heidi

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

d. Professional Land Surveyor Committee Recommendations

None.

e. Professional Landscape Architect Committee Recommendations

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

APPROVE LANDSCAPE ARCHITECT BY ENDORSEMENT

- APPEL, Jennifer (state-constructed exam)

It was moved by Mr. Hirota, seconded by Mr. Katayama, and unanimously carried to accept the PROFESSIONAL LANDSCAPE ARCHITECT COMMITTEE REPORT.

Old Business:

a. Rules Committee Report

The Committee again reviewed and discussed the draft prepared by Mr. Yumol regarding the definition of "supervise", "supervision", "supervision of design", or "under the supervision of" as it applies to a successor licensee. Mr. Yumol reported that he met with Mr. Tim Hiu of the Honolulu Building and Permitting Department and Mr. Hiu indicated they handle successor licensee situations the same way as specified in the draft.

The Committee approved the draft with a non-substantive change and recommended sending it to the full Board for consideration.

Moreover, Mr. Yumol prepared a Rules Committee Action Plan for the Committee's review. The Action Plan included assignments for the members of the Committee and staff. The Action Plan will be discussed at the next meeting.

Also, the Committee approved the minutes of the Rules Committee Meeting on September 11, 2014.

It was moved by Mr. Yumol, seconded by Mr. Constantino, and unanimously carried to approve the minutes of the October 9, 2014 Rules Committee meeting with the following amendment:

On page 1, third paragraph, delete "and time frames".

Mr. Yumol reported that the Rules Committee will be working to push through the changes already approved on and requested approval from the Board on the proposed amended language regarding "supervise", "supervision", "supervision of design", or "under the supervision of" in Hawaii Administrative Rules section 16-115-2:

"Supervise", "supervision", "supervision of design", or "under the supervision of" means that a licensed engineer, architect, surveyor, or landscape architect, as the case may be, shall:

(1) Exercise direct control and oversee the subject activity through physical presence or through the use of communication devices; provided the licensee has both direct control and detailed professional knowledge of the work being supervised; or

~~[(2) Substantially redraft, redraw, redesign, or recalculate the plans, specifications, and other related documents; and be responsible for all work within the licensee's discipline performed on plans, specifications, and other related documents.]~~

(2) In circumstances where a licensee in responsible charge of the work is unavailable to complete the work in instances such as death, incapacity, termination of employment or relocation, a successor licensee may take responsible charge by performing all professional services, including design criteria, recalculations, code research and compliance, and any other necessary and appropriate changes, in order to complete the project.

In case original documents have already been signed and sealed at the time of assumption of responsible charge of the project by the successor licensee, the successor licensee shall have control of and responsibility for the work product and the signed and sealed originals of all documents. The burden is on the successor licensee to show such compliance.

The successor licensee, when required by agencies and other authorities having jurisdiction over the project, shall stamp and seal documents subsequently developed and produced under the successor licensee's supervision and responsible charge.

The non-professional service, such as drafting, need not be redone by the successor licensee, but must clearly and accurately reflect the successor licensee's professional work."

(~~strikethrough material to be deleted while underscore material to be added.~~)

After discussion, it was moved by Mr. Katayama, seconded by Mr. Murray, and unanimously carried to approve the above language be included in the Board's proposed rules regarding "supervise", "supervision", "supervision of design", or "under the supervision of".

New Business: a. Professional Engineer's Report

Mr. Kobashigawa reported on the following:

- NCEES's 2015 Board Presidents' Assembly is scheduled for February 7, 2015 in Atlanta, GA with funding available for one board member and a member board administrator.
- Upcoming changes for the April 2015 NCEES exams and supporting materials:
 - ✓ The civil PE exam will have new specifications with new design standards for the civil construction, geotechnical, structural, and transportation modules, which are posted on NCEES' website.

- ✓ The 16-hour structural exam will have revised design standards which are posted on NCEES' website.
- ✓ The renamed agricultural and biological engineering PE exam will have new specifications, which are posted on NCEES' website. This exam will be administered every spring thereafter.

The spring exams will be administered on April 17 and 18, 2015 with the PS and PE exams as well as the vertical forces component of the SE exam administered on April 17 and the lateral forces component of the SE exam administered on April 18.

b. Architect's Report

- 2014 NCARB Member Board Chairs/Member Board Executives Conference

Mr. Kobashigawa and Mr. Yumol attended the Member Board Chairs/Member Board Executives Conference Meeting in Indianapolis, IN.

The current proposals regarding changes to the Intern Development Program ("IDP"), Broadly Experienced Architect ("BEA"), and Broadly Experienced Foreign Architect ("BEFA") were discussed. However, it appears that there needs to be more discussion regarding these matters before the next Annual Meeting.

During the Region VI meeting, it was announced that a there will be a new website launched in March 2015 with a video site where impressive projects completed in each State within Region VI can be viewed.

c. Surveyor's Report

None.

d. Landscape Architect's Report

Mr. Kurokawa reported on the following:

- The next CLARB Annual Meeting is scheduled for September 16-19, 2015 in New Orleans.

- This year's Annual Meeting had their highest attendance to date with 115 people attending representing 41 member boards.
- He participated in this month's "In The Know" webcast which discussed meeting the experience requirements. For some jurisdictions it can be a challenge to gain the required experience for licensure under the direct supervision of a licensed landscape architect. Alternative pathways to meet the experience requirement were discussed as well as how other jurisdictions handle this issue.

Correspondence:
(continued)

b. E-mail from Eric Zielke

Mr. Zielke inquired whether the Board has a flow chart similar to that of the Texas Board of Professional Engineers that explains if an engineer license is required based upon the type of project and work involved.

Hawaii's laws are not as complicated as Texas' as generally anyone who performs engineering work in Hawaii is required to be licensed. The Board will take this matter under advisement.

Executive
Officer's Report:

a. Board/Commission Orientation

The Professional and Vocational Licensing Division will be having a Board/Commission Orientation for new board/commission members. Topics to be discussed are ethics in government, Sunshine Law, contested case hearings, administrative procedures, handling complaints, etc. Mr. Iwamoto, Mr. Hirota, Mr. Kurokawa, and Mr. Kayatama will be attending.

b. DCCA Disciplinary Actions

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

c. Job Vacancy for Oregon Board of Architectural Examiners

The Oregon Board of Architectural Examiners is seeking candidates for their Chief Executive Officer position.

d. 2015 Board Meeting Schedule

January 15, 2015
February 12, 2015
March 4, 2015
April 9, 2015
May 7, 2015
June 10, 2015
July 16, 2015
August 13, 2015
September 10, 2015
October 8, 2015
November 12, 2015
December 10, 2015

Next Meeting: Thursday, December 11, 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 10:24 a.m.

Taken and recorded by:

/s/ Terry K. Akasaka-Toyama

Terry Akasaka-Toyama
Secretary

Reviewed and approved by:

/s/ James Kobashigawa

James Kobashigawa
Executive Officer

11/25/14

Minutes approved as is.

Minutes approved with changes; see minutes _____.