

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 RULES COMMITTEE 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 ("HRS").

Date: Tuesday, February 9, 2016

Time: 8:30 a.m.

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

Present: Roberto Yumol, Rules Committee Chair
Dan Hirota, Surveyor Member
Joel Kurokawa, Landscape Architect Member
Clayton Pang, Engineer Member
Carol Sakata
Rodney J. Tam, Esq., Deputy Attorney General
James Kobashigawa, Executive Officer
Sandra Matsushima, Executive Officer
Terry Akasaka-Toyama, Secretary

Excused: Demetrio Constantino, Public Member

Call to Order: The meeting was called to order at 9:08 a.m. by Chair Yumol.

Discussion on Amendments To Chapter 16-115, HAR, & Chapter 464, HRS: The Committee proceeded to go through the Deputy Attorney General's comments on the proposed rules amendments page by page in case anyone had comments or concerns with the recommendation/suggestion.

There were several issues that the Committee could either not agree upon, needed input from the Board or required additional research.

One issue was to change all references from "design drawings" to "design documents" to be more inclusive of other documents than just drawings. After discussion, by consensus of the Committee, it was agreed to bring this matter to the Board for their input.

In the proposed rules amendment under the definition of supervision, additional language was added to include for a successor licensee in situations when a licensee in responsible charge is not able to complete the work. Mr. Tam feels this language should be included in a separate section within the subchapter and will work with Mr. Kobashigawa on the details.

With regards to new language in section 16-115-10.5 for examination misconduct, Mr. Tam suggested adopting language similar to what the Board of Public Accountancy utilizes in their rules as it is more comprehensive.

Also discussed was the new language that was added to section 16-115-10 (Misconduct in the practice). It references performing services outside of the licensee's scope of competency, but Mr. Tam suggested changing "competency" to "practice" as "competency" is too vague and would be difficult to determine. Mr. Kobashigawa indicated the reason why "competency" was utilized over "practice" was to ensure that licensees do not perform services outside of their competency. However, Mr. Tam reasoned as an example, the Board does not specify specialties within a discipline for engineer licensure. Disciplines such as civil, electrical, and mechanical encompass several specialties within the discipline, but the license does not limit them from practicing only in one particular area. Discussion then moved to where a code of conduct or ethics would be prevalent. This matter was tabled for further research on standards of practice or codes of conduct.

The Board also discussed stamping and signing of plans and whether an original set still needed to be required when most plans are prepared, signed, and stamped electronically.

Next Meeting: The next Rules Committee meeting is scheduled for:

Thursday, March 17, 2016
8:30 a.m.
King Kalakaua Building
King Kalakaua Conference Room, 1st Floor

Adjournment: The meeting was adjourned at 11:44 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

JK:tat
2/26/16

[X] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____.