

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, February 13, 2014

Time: 9:00 a.m.

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

Present: Howard Lau, Chair, Structural Engineer Member
Dan Hirota, Secretary, Land Surveyor Member
Demetrio Constantino, Public Member
Kevin Katayama, Mechanical Engineer Member
Joel Kurokawa, Landscape Architect Member
Jay Manzano, 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: Norman Hong, Architect Member
Paul Murray, Land Surveyor Member
Raymond Skelton, Vice Chair, Public Member

Guests: Daria Loy-Goto, Complaints & Enforcement Officer,
Regulated Industries Complaints Office
Carlito Marquez, applicant

Call to Order: There being a quorum present, Chair Lau called the meeting to order at 9:20 a.m.

Agenda: Additions and Revisions: It was moved by Mr. Suzuki, seconded by Mr. Murray, and unanimously carried to the following:

- Add to the agenda under New Business, add i. Report on NCEES Member Board Administrators Meeting.
- Accept the revised Addendum to the Agenda.

Approval of Minutes: It was moved by Mr. Suzuki, seconded by Mr. Yumol, and unanimously carried to approve the Board meeting and Executive Session minutes of the January 16, 2014 meeting as distributed.

Applications: a. Ratifications

None.

b. Professional Engineer Committee Recommendations

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

APPROVE CIVIL ENGINEER BY ENDORSEMENT

- CHOI, Bryan
- LIU, Cynthia
- MARVEL, Samuel
- STEVENS, Thomas
- VITALE, Charles

APPROVE ELECTRICAL ENGINEER BY ENDORSEMENT

- JENKINS, Joshua
- SAMUEL, Everod

APPROVE MECHANICAL ENGINEER BY ENDORSEMENT

- BOULWARE, Earl (Also EE by endorsement)
- MIHLBAUER, John Jr.

APPROVE STRUCTURAL ENGINEER BY ENDORSEMENT

- DAVIDSON, Justin

APPROVE ENGINEER BY EXAM (PE)

- CHIHARA, Audrey (CE)
- CLEMENTE, Marjorie (EE)
- CLOSAS, Dave (CE)
- DALMACIO, Reynaldo Jr. (ME)
- DOI, Sara (CE)
- GRAY, Marshall (CE)
- HARPER, Jonathan (ME)
- HERMAN, Jessica (EE)
- HIRANO, Jenelle (EE)
- INOUE, Megan (CE)
- KADY, Kevin (ME)
- MEREDITH, Aaron (CE)
- NAKAMURA, James (CE)
- PASCUAL, Beverly (CE)
- REZABEK, Colleen (SE)
- SAKAI, Marc (EE)
- SCHIFF, Claire (CE)
- SHINYAMA, Kyle (CE)
- SULLIVAN, James (ME)

APPROVE ENGINEER BY EXAM (FE)

- FIGUEIRA, John
- SOON, Stephanie

DEFER CIVIL ENGINEER BY ENDORSEMENT

- CONDER, Robert
- REZABEK, Colleen

DEFER ELECTRICAL ENGINEER BY ENDORSEMENT

- BOULWARE, Earl
- CASTRO, Jaime

DEFER MECHANICAL ENGINEER BY ENDORSEMENT

- BOYD, Gordon

DEFER ENGINEER BY EXAM (PE)

- DOAN, Stephanie (CE)
- FOUSE, Jiaping (CE)
- HARPER, Jonathan (ME)
- MARQUEZ, Carlito (SE)
- TANIGAWA, Kellie (CE)
- WANG, Xudong (ME)

It was moved by Mr. Katayama, 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

- ANDERSON, Robert
- ELENES, Carlos
- HEIFETZ, Daniel
- LAPE, John III
- WINSLOW, Suzanne
- WONG, Ina

APPROVE ARCHITECT BY EXAM

- GARCIA, Ella

DEFER ARCHITECT BY EXAM

- HENDERSON, Chad
- LEE, Shao Yu

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

d. Professional Land Surveyor Committee Recommendations

Mr. Hirota presented the PROFESSIONAL LAND SURVEYOR COMMITTEE REPORT and recommended action as follows:

APPROVE LAND SURVEYOR BY ENDORSEMENT

- HOFFMANN, Michael (state-constructed)

APPROVE LAND SURVEYOR BY EXAM

- HULETT, Jae (FS)

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

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

- McCLINTOCK, Keith (state-constructed exam)
- SAMPSON, Stephen (state-constructed exam)

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

Old Business: a. April 2013 NCEES Exams

Executive Session: At 9:26 a.m., it was moved by Mr. Suzuki, seconded by Mr. Pang, and unanimously carried to move into executive session pursuant to HRS §92-5 to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section HRS §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 §92-5(a)(1) and (4).

At 9:30 a.m., it was moved by Mr. Yumol, seconded by Mr. Suzuki, and unanimously carried to move out of executive session.

This matter was deferred as Mr. Benjamin Lee was not present at the meeting.

The following agenda item was moved as the next order of business:

New Business: f. Open Discussion with the Regulated Industries Complaints Office ("RICO")

Ms. Loy-Goto gave a brief explanation of what RICO does and recent changes that they are involved with, such as changes relating to an owner builder exemption. She further continued to explain the process of how RICO's attorneys arrive at and base their sanctions for settlement agreements.

Ms. Loy-Goto also explained that, depending on the situation, RICO may utilize the assistance of various agencies, such as the Honolulu Police Department or the Attorney General's Office, on cases involving identify theft or forgery, etc.

The following agenda item was moved as the next order of business:

Chapter 91, HRS, Adjudicatory Matters:

At 9:50 a.m., Chair Lau recessed the Board's meeting to discuss the following adjudicatory matter pursuant to Chapter 91, HRS:

In the Matter of the Professional Engineer's License of Clifford R. Paul – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

It was moved by Mr. Suzuki, seconded by Mr. Yumol, and unanimously carried to accept this Settlement Agreement.

At 10:10 a.m., the Board came out of Chapter 91, HRS, and returned to its regular order of business.

The following agenda item was moved as the next order of business:

New Business: e. Appearance of Carlito Marquez
(continued)

Executive Session: At 10:10 a.m., it was moved by Mr. Suzuki, seconded by Mr. Pang, and unanimously carried to move into executive session pursuant to HRS §92-5 to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section HRS §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 §92-5(a)(1) and (4).

At 10:53 a.m., it was moved by Mr. Suzuki, seconded by Mr. Yumol, and unanimously carried to move out of executive session.

Mr. Marquez provided information on his experience in order to qualify for the PE exam. After discussion, Mr. Marquez stated he would provide additional information for the Board.

The Board returned to its regular order of business.

New Business:

a. Professional Engineers Report

Mr. Kobashigawa reported on the following:

- NCEES will be having a Central/Western Zone Joint Interim meeting on May 15-17, 2014 in Lincoln, Nebraska. Mr. Lau will be attending as the Board's delegate.
- The engineering boards in North Carolina, Kentucky, and Texas signed memorandums of understanding (MOUs) with the Japan PE/FE Examiners Council (JPEC) in December 2013. The MOUs allow those who have successfully completed NCEES licensing exams in Japan to seek licensure as a professional engineer in these three states.

b. Architects Report

- NCARB's Member Board Executives Workshop and Regional Summit is scheduled for March 6-8, 2014 in San Antonio, Texas. Mr. Murayama, Mr. Yumol, and Mr. Kobashigawa will be attending as the Board's delegates.
- NCARB launched "*NCARB Blog*", a social hub where emerging professionals, educators, and practitioners can come together to explore industry trends. Updated weekly, the blog is a resource for the latest news about licensure, innovations in education, cutting-edge technology, and more. In addition to updates about NCARB's programs and initiatives, the blog will feature guest posts from industry experts and emerging professionals. Through the online community, readers will have access to exclusive videos, photo galleries, and tips they won't find anywhere else.

c. Surveyors Report

Schedule of NCEES' Annual Meetings:

August 20-23, 2014 in Seattle, WA
August 19-22, 2015 in Williamsburg, VA
August 24-27, 2016 in Indianapolis, IN

d. Landscape Architects Report

Mr. Kurokawa reported on the following:

- He participated in a joint "In the Know" webcast with the American Society of Landscape Architects ("ASLA") to discuss current state regulations, including emerging trends such as use of fingerprinting, easing of licensure requirements for military personnel and spouses, deregulation and sunseting.
- He also participated in a Region 5 teleconference meeting where they shared news, events, issues, and challenges each state board is facing. Participants were asked about practice overlap issues with civil engineer work such as site grading and layout. CLARB questioned whether civil engineer fees were being impacted by landscape architect's providing services traditionally provided for by civil engineers. Mr. Kurokawa also discussed this issue with Mr. Lau and Mr. Suzuki for their input.
- He's asked ASLA Hawaii Chapter ExCom to form an adhoc committee to review the State exam and update if necessary.
- CLARB's Annual meeting is scheduled for September 25-27, 2014 in Reston, Virginia.

g. Legislative Matters

For the Board's information, Mr. Kobashigawa reported on H.B. 2047, Relating to Procurement. This bill prohibits governmental procurement contracts of any amount that are exclusively for the services of contractors, engineers, architects, surveyors, or landscape architects, from requiring

the person to defend the governmental body against liability not arising from the contractor's own negligence or fault. The bill also provides that the contractor may still be required to indemnify and hold harmless the governmental body from claims arising out of or resulting from the negligent, reckless, or wrongful acts, errors, or omissions of the contractor.

h. Statistics on January 2014 Landscape Architect – Hawaii Plant Materials State Exam

Number of Candidates:	2
Number Passed:	2

i. Report on NCEES Member Board Administrators ("MBA") Meeting

Mr. Kobashigawa recently returned from attending this meeting and made the following report:

- The Law Enforcement Committee reported that some states are not participating in the *Enforcement Exchange* where they would check to see if an applicant has had any prior disciplinary action.
- The Foreign Experience Task Force reported that NCEES is looking to develop a database, as long as it is cost effective, where it would include a list of foreign licensing boards, contact information, what types of exam is required, any disciplinary action, etc.
- The Education Committee is looking to establish a continuing education ("CE") registry where NCEES would approve providers and keep track of CE credits.
- Score results for the new computer-based testing ("CBT") are released every Wednesday for the previous weeks testing. Besides their testing centers, Pearson Vue also has a program where they are able to upgrade other facilities to offer exams while still utilizing the exam security standards that are established by NCEES.
- NCEES is discussing whether to remove the bachelor plus 30 requirement from the Model Law as no state is moving to implement this requirement.

- The Ohio Board has a requirement that applicants will have to retake the PE exam if they passed it before completing their four (4) years of lawful experience.
- The Texas Board will be requiring all new applicants as well as every licensee at their next renewal to get FBI fingerprinting.
- If an evaluation of a candidates foreign degree shows that they are short a certain course(s), some States allow that person to make up the missing course(s) instead of requiring additional years of experience.

Correspondence: a. Letter from Peter Styx, AIA LEEP AP

Mr. Styx of URS Corporation ("URS") stated that URS is providing additional professional services to the Honolulu Authority for Rapid Transportation ("HART") on the Honolulu Rail Transit Project which are based on documents that were stamped and signed by HDR, Inc. ("HDR"); and under HDR's contract with HART, the documents are owned by HART as an instrument of service. As the documents are owned by HART and there is no contractual relationship between URS and HDR, URS has not notified HDR of the contract and scope of services between URS and HART. It is URS' opinion that this process allows for HDR's documents to remain intact with the professional responsibility remaining with HDR, while allowing changes required by HART for which URS has a professional obligation to meet.

URS is seeking confirmation that the above process meets the obligations of the Board's laws and rules and that the Board does not take exception to this process.

After discussion, and by consensus of the Board, the above situation is not a Board matter; however, URS should consider that their design not impact HDR's design.

Next Meeting: Thursday, March 13, 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 11:40 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

2/21/14

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes 3/13/14.