

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, August 14, 2014

Time: 9:00 a.m.

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

Present: Jay Manzano, Chair, Public Member  
Dan Hirota, Vice Chair, Land Surveyor Member  
Joel Kurokawa, Secretary, Landscape Architect Member  
Demetrio Constantino, Public Member  
Kevin Katayama, Mechanical Engineer Member  
Clayton Pang, Electrical 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: Craig Murayama, Architect Member  
Paul Murray, Land Surveyor Member  
Raymond Skelton, Vice Chair, Public Member  
Richard Suzuki, Civil Engineer Member

Guest: May Ferrer, Executive Officer

Call to Order: There being a quorum present, Chair Manzano called the meeting to order at 9:30 a.m.

Agenda: Additions and Revisions: None.

Approval of Minutes: It was moved by Mr. Yumol, seconded by Mr. Hirota, and unanimously carried to approve the July 17, 2014 Board meeting minutes.

Chapter 91, HRS,  
Adjudicatory  
Matters:

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

- a. In the Matter of the Professional Engineer's License of Arwin D. Priest – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

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

- b. In the Matter of the Professional Engineer's License of Roy A. Hunt – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

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

- c. In the Matter of the Architect's License of Russell H. Ito – 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.

- d. In the Matter of the Professional Engineer's License of Kerry L. Madigan – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

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

At 9:40 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. Katayama, and unanimously carried to ratify the following:

APPROVED CIVIL ENGINEER BY ENDORSEMENT

- BASTIAN, Scott

APPROVED ENGINEER BY EXAM (PE)

- CERIA, Riley (EE)
- CHONG, Jason (EE)
- ERIKSON, Aaron (SE)
- HALL, Christopher (CE)
- ISHISAKA, Renee (CE)
- KONGSIL, Piyalerg (CE)
- LUSHER, Colin (ME)
- WIGGS, Jessica Rae (CE)
- WOOD, Nicholas (CE)

APPROVED ARCHITECT BY ENDORSEMENT

- MOLSBERRY, Matthew

b. Professional Engineer Committee Recommendations

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

APPROVE CIVIL ENGINEER BY ENDORSEMENT

- CHISHOLM, David
- DeSIMONE, Anthony
- KAMMAN, Rachel
- LASCOLA, Matthew
- MERRILL, Garth
- ROBISON, Edward
- STARKEY, Matthew
- SYMONDS, Anne
- ZALLA, Joseph

APPROVE ELECTRICAL ENGINEER BY ENDORSEMENT

- MIZUTA, Patrick
- O'LEARY, Adam
- ROBISON, Mark
- ROHLER, Robert
- SPARKS, Tyler

APPROVE MECHANICAL ENGINEER BY ENDORSEMENT

- CHAMPLIN, Scott
- JOHNSON, Bertrand III
- KOBBS, Nathaniel
- MORRIS, Thomas
- ROBISON, Mark
- SHANNON, Patrick
- WONG, Larry

APPROVE STRUCTURAL ENGINEER BY ENDORSEMENT

- CHAPMAN, Joseph
- CHISHOLM, David
- FALKEN, Eric
- KELLER, Brandon
- MESSIER, Jeffrey
- STAUFFER, Craig
- ZAREI, Ahmad

APPROVE ENGINEER BY EXAM (PE)

- AOKI, James (SE)
- CUELLAR, Kriselda (SE)
- GE, Ming (SE)
- JACKSON, Ronald (SE)
- MACARAYA, Policarpo (EE)
- MITSUYUKI, Steven (SE)
- MOTHERSHED, Emily (CE)
- NAKANO, Alicia (CE)
- REYES, Joel (SE)
- SOHN, Mingi (CE)
- TOEVS, Natalie (CE)
- UEDA, Shaun (CE)
- VILA, Melody (CE)
- YONESHIGE, Mindy (CE)

APPROVE ENGINEER BY EXAM (FE)

- VILA, Melody

DEFER CIVIL ENGINEER BY ENDORSEMENT

- LAVALLEE, Kenneth
- SHICK, Jonathan

DEFER ELECTRICAL ENGINEER BY ENDORSEMENT

- CHUNG, Kyoo Suk
- SCHWEIGERT, Mark
- TRAVERS, William

DEFER MECHANICAL ENGINEER BY ENDORSEMENT

- HEALY, William
- MERRILL, Lynn

DEFER STRUCTURAL ENGINEER BY ENDORSEMENT

- MYKET, Allan
- SHICK, Jonathan
- WOODS, Leonard

DEFER ENGINEER BY EXAM (PE)

- GATDULA, Riza (SE)

DENY STRUCTURAL ENGINEER BY ENDORSEMENT

- JACKSON, Ronald

It was moved by Mr. Hirota, 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

- BARGMANN, Jay
- DUNN, Jonathan
- EFSTATHIOU, George
- GLASS, William
- JANSEN, Wiepke
- JARVIS, Glen
- LOCHTE, Stephen
- ORLICH, Laura
- RAMM, Charles

It was moved by Mr. Pang, seconded by Mr. Katayama, 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 July 17, 2014 Rules Committee meeting.

For the meeting, Mr. Kurokawa prepared a draft of "supervise", "supervision", "supervision of design", or "under the supervision of" for the Committee's review and discussion.

After lengthy discussion, the Committee recommended adding paragraph (3) to the definition as follows:

"(3) In circumstances where a licensee in responsible charge of the work is no longer able to complete the work, a successor licensee shall take responsible charge and shall have control of and responsibility for a predecessor's work product by signing and sealing originals of all documents."

At today's meeting, the Committee continued to discuss the same definitions, which will be reported at the next meeting.

It was moved by Mr. Yumol, seconded by Mr. Hirota, and unanimously carried to approve the minutes of the July 17, 2014 Rules Committee meeting.

b. Discussion on NCEES 2014 Annual Meeting Resolutions and Motions

Mr. Katayama reported that the motions that will be heard at the Annual Meeting are mostly housekeeping; however, there is a motion that the Board will not support. The motion

recommends that initial surveyor licensure applicants possess a four-year bachelor of science degree from an ABET accredited school or a board-approved substantially equivalent program reason being that there are not many schools with programs geared towards surveying.

Oklahoma and Vermont have submitted motions that all language from the NCEES Model Law and Model Rules that refers to Model Law Engineer 2020 or Model Law Structural Engineer 2020 be removed and that a committee or task force look into the education standards for engineer licensure and to continue discussions with ABET, ASEE and other interested parties with the goal to improve education standards to better prepare engineers to enter the profession.

New Business:      a.      Professional Engineer's Report

- Mr. Katayama, Mr. Suzuki, Mr. Murayama and Mr. Kobashigawa will be attending the NCEES Annual Meeting in Seattle, Washington from August 20-23, 2014.
- Mr. Kobashigawa reported on a case that the U.S. Supreme Court has agreed to decide on an appeal from the U.S. Court of Appeals for the Fourth Circuit involving the regulatory authority of the Federal Trade Commission over licensing decisions made by the North Carolina Board of Dental Examiners. The specific issue that the Court has agreed to decide on is as follows:

*Whether, for purposes of the state-action exemption from federal antitrust law, an official state regulatory board created by state law may properly be treated as a "private" actor simply because, pursuant to state law, a majority of the board's members are also market participants who are elected to their official positions by other market participants.*

The core proposition at issue here is whether state licensing boards should be able to make decisions regarding issues assigned to them under state law without fearing that they will be second-guessed or subjected to liability under the federal antitrust laws. In contravention of this proposition, the Fourth Circuit's decision allowed the Federal Trade Commission ("FTC") to substitute its judgment for that of the

state board in an area that was within the board's area of regulatory responsibility. That holding could significantly increase the risk that state boards will be subjected to antitrust lawsuits, which can be costly and enormously disruptive even when a party prevails. It could also discourage knowledgeable practitioners from agreeing to serve on state boards, if they perceive that their decisions might subject them to antitrust liability.

Associations representing state boards in the legal and medical professions submitted briefs as amicus curiae ("friends of the court") in support of the petition for discretionary review that was filed in the Supreme Court by the North Carolina Board of Dental Examiners.

Mr. Kobashigawa indicated that it's different in Hawaii because board members are appointed by the Governor and are confirmed by the Senate and not by a professional organization/association as for the North Carolina Board of Dental Examiners.

b. Architect's Report

- NCARB Webinar on Proposed Changes to IDP, BEA or BEFA

Harry Falconer, Director of Internship + Education, and Derek Haese, Assistant Director of Member Board Relations, will have a series of "open mic" webinars in which they will answer any and all questions Member Boards may have related to the proposed changes to the intern development program ("IDP"), the broadly experienced architect program ("BEA") and the broadly experienced foreign architect program ("BEFA").

- The 2014 Member Board Chairs/Member Board Executive Conference Meeting is scheduled for October 31 – November 1, 2014 in Indianapolis, IN.
- NCARB announced that the wait time to retest for divisions of the A.R.E. exam will be decreased from six months to 60 days, effective October 1, 2014. This will allow candidates who have failed a division to retake it up to three times in a running year.



- As a reminder, any division of the A.R.E. passed before January 1, 2006 has expired on July 1, 2014 if the candidate has not passed all divisions by then.

c. Surveyor's Report

- Redefining the Surveyor of the Future

An article in the June 2014 issue of the "Licensure Exchange" reported that over the past several years there have been a drastic reduction in the number of candidates taking both the Fundamentals of Surveying ("FS") and Principles and Practice of Surveying ("PS") exams. Last year the number of FS examinees was down over 11 percent from the previous year and PS examinees were down almost 5 percent.

The demand for conventional surveying services has decreased as the result of a weak economy over the past several years as well as the new technological advancements that have altered the traditional role of the surveyor. Statistically, the average age of a professional surveyor today is somewhere between 57 and 60.

President-Elect David Widmer, P.L.S. intends to create a task force to consider the future of the surveying and how NCEES can help reverse this trend and encourage more young people to enter this profession.

d. Landscape Architect's Report

- CLARB Webcast on July 23, 2014

CLARB's finances were discussed at this webcast. Also discussed was the fact that there wasn't much participation/attendance at the Mid-Year Meetings, but since utilizing the webcast format, there has been much more participation.

- Region 5 Webcast on August 20, 2014

A Western Region Pre-Annual Meeting webcast will be held on this day where Mr. Kurokawa will be presenting a brief report on Hawaii landscape architect licensure/regulatory status and issues. Included in the Western Region is Alaska, Arizona, British Columbia, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

- 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.

- The Ohio Landscape Architects Board was selected to partner with CLARB on the development of an approach and replicable model to regulate welfare that can be implemented broadly by membership. The goal is to increase the relevancy of boards and licensure through enhanced regulation that recognizes the full scope of landscape architectural practice and positions boards as stewards of a broader public responsibility. Through the pilot program, the intent is to increase awareness of the impact that landscape architects have on protection of public well-being around the globe.

Correspondence: a. E-mail to Architect Registration Boards from Ms. Julia B. Hustwit

Ms. Hustwit wrote a letter addressed to all architect licensing boards as well as NCARB regarding her plea and situation. She is a graduate from Carnegie Mellon University with a Bachelor of Humanities & Arts in Architecture & Environmental Policy and the University of Pittsburg with a Master of International Development in Development Planning & Environmental Sustainability. She's also studied at the London School of Economics & Political Science in London, UK and Syracuse University in Washington, D.C. Her education spans architectural design, green building, environmental policy, affordable housing, community development, slum reclamation, infrastructure planning, and post-disaster reconstruction.

With her vast education in architecture, she is having difficulty becoming licensed as she does not have a NAAB (National Architectural Accrediting Board) accredited degree.

After discussion, by consensus of the Board, Ms. Hustwit will be informed that Hawaii has an alternate pathway to which she can apply for an architect license.

Executive  
Officer's Report:

a. July 2014 Landscape Architect – Hawaii Plant Materials State Exam Results

Number of Candidates: 1  
Number Passed: 1

b. Licensee Statistics as of July 22, 2014

	<u>Total</u>	<u># located out-of-state</u>
Architects	2263	1260
Landscape Architects	150	58
Land Surveyors	208	30
Professional Engineers	6342	3159

Next Meeting: Thursday, September 11, 2014  
9:00 a.m.  
King Kalakaua Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

Adjournment: The meeting was adjourned at 10:18 a.m.

Taken and recorded by:

/s/ Terry Akasaka-Toyama

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Terry Akasaka-Toyama  
Secretary

Reviewed and approved by:

/s/ James Kobashigawa

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James Kobashigawa  
Executive Officer

8/22/14

[X] Minutes approved as is.

[ ] Minutes approved with changes; see minutes \_\_\_\_\_.