

BOARD OF ELECTRICIANS AND PLUMBERS
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: Friday, April 22, 2016

Time: 10:30 a.m.

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

Present: Peter Akamu, Industry Member, Chairperson
Matt Brady, Industry Member, Vice Chairperson
Randal Hiraki, Industry Member
Phillip Lucero, Industry Member
Vernon Ta'a, Public Member

Rodney J. Tam, Deputy Attorney General
Christine Rutkowski, Executive Officer
Christine Hironaka, Secretary

Excused: Randall Kaya, Public Member

Guests: Peter H.M. Lee – Hawaii Laborers Employers Cooperation & Education
Trust (“LECET”)
Shannon Alivado – General Contractors Association (“GCA”)
Kika Bukoski – HiRM

Agenda: 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”).

Call to Order: There being a quorum present, Chairperson Akamu called the meeting to order at 10:45 a.m.

Additions/
Revisions to
the Agenda:

It was moved by Vice Chairperson Brady, seconded by Mr. Hiraki and unanimously carried to revise the agenda as follows:

ADDITIONS:

4. Chapter 91, HRS Adjudicatory Matters
 - c) In the Matter of the Plumbers License of WILLIAM V. FERGUSON, JR., ENP 2012-32-L

*SETTLEMENT AGREEMENT AFTER FILING OF
PETITION FOR DISCIPLINARY ACTION AND BOARD'S
FINAL ORDER.*

*PETITION FOR DISCIPLINARY ACTION AGAINST
PLUMBERS LICENSE; DEMAND FOR DISCLOSURE*

7. Applications

a. Electricians

Journey Worker Electrician (EJ)

LOPEZ, James
MCCRACKEN, Shane
MILLER, Martin

Journey Worker Specialty Electrician (EJS)

FACIOL, Jonathan
FUKUHARA, Travis

b. Plumbers

Journey Worker Plumber (PJ)

MCCLEARY, Jesse-Lee

DELETION:

Journey Worker Electrician (EJ)

FACIOL, Jonathan

Approval of
the Minutes:

It was moved by Vice Chairperson Brady, seconded by Mr. Lucero and unanimously carried to approve the Board minutes and executive session minutes of the December 8, 2015 Board Meeting as circulated. It was moved by Vice Chairperson Brady, seconded by Mr. Hiraki and unanimously carried to approve the Board minutes and executive session minutes of the February 16, 2016 Board Meeting as circulated.

Chairperson Akamu announced he was taking the agenda out of order and will be addressing adjudicatory matters at the end of the agenda.

Executive Officer's
Report:

The Executive Officer reported that Governor Ige did not appoint anyone to fill the public member vacancy.

Examinations: a. The Executive Officer distributed the following results of the Electricians' and Plumbers' examination:

Electricians' Exam (administered March 2016)

	<u>EJ</u>	<u>ES</u>	<u>EJI</u>	<u>ESI</u>	<u>EJS</u>	<u>ESS</u>	<u>EM</u>
Exams Administered	18	4	0	0	3	0	1
Successful	14	1	0	0	1	0	0
Unsuccessful	4	3	0	0	2	0	1

Plumbers' Exam (administered March 2016)

	<u>PJ</u>	<u>PM</u>
Exams Administered	18	0
Successful	7	0
Unsuccessful	11	0

Applications: It was moved by Vice Chairperson Brady, seconded by Mr. Hiraki and unanimously carried to approve/defer the following applications:

a. ELECTRICIANS

1. Journey Worker Electrician ("EJ") – Approved
ALTMAN, Darick
BACLICH, Laurie
DOYLE, David
FETTERLY, Tyrel
GUERRA III, Abraham
JOHIRO, Grant
KASHIWAGI, Kurt
MCDONALD, Thomas
MILLER, Martin
NOBLE, Edwin
PAPA, Raffy
PARK, Jong Man
SUGIMURA, Shiler
TOCZKO JR, Wilfred
YAMASHITA, Chaz
YUEN, Keoki
2. Supervising Electrician ("ES") – Approved
ATKINS, Michael
CARTER, Ruben
SUVERKROPP, Arthur
3. Journey Worker Industrial Electrician ("EJI") – None.
4. Supervising Industrial Electrician ("ESI") – None.

5. Journey Worker Specialty Electrician (“EJS”) - Approved
AGPOA, Fidel
AHANA, Peter
AH QUIN, Jannaye
AHUNA, Brandon
BANAS, Christopher
FACIOL, Jonathan
FUKUHARA, Travis
GABRIS JR, Rody
HO, Ariel-Charlen
MORI, Jared
OYADOMARI, Steele
6. Supervising Specialty Electrician (“ESS”) – None.
7. Maintenance Electrician (“EM”) – None.

b. PLUMBERS

1. Journey Worker Plumber (“PJ”) – Approved
BARNETT, Justin
BRETANOS JR, James
GAISOA, Calvin
HODSON, Melvin
MORICHIKA, Randy
OLIVAREZ JR, David
THIBODEAUX, Michael
WHITE, Joshua
2. Master Plumber (“PM”) – None.

c. DEFERRED APPLICATIONS

GORLOFF, Tyler (EJ)
LIKE, Joshua (EJ)
LOPEZ, James (EJ)
MCCLEARY, Jesse-Lee (PJ)
MCCRACKEN, Shane (EJ)
NAKANISHI, Steven (PJ)
NGALU, Richard (EJ)
ZHOU, Shu Bin (PJ)

- d. DENIALS – None.
- e. RATIFICATIONS – None.
- f. RESTORATION – None.

Act 35, SLH 2010
Update Regarding
Electrical Academic
Coursework:

- a. University of Hawaii Honolulu Community College (“HCC”)
Approved Curricula. Information only.
- Independent Electrical Contractors-Rocky Mountain (IECRN) certification program
 - Navy Joint Services Official Transcript
 - Eastland-Fairfield Career & Technical Schools: Eastland Career Center
 - North Shore Community College Electrical Training program

The Executive Officer will contact HCC for the Board to request a presentation of the approval process of the various curriculum submitted by applicants applying for their electrician licenses.

Correspondence:

- a. Email inquiry regarding a journey worker electrician’s minimum license requirements for resort/hotel workers. (Deferred at the December 8, 2015 and February 16, 2016 meetings.)

The Board again reviewed the January 13, 2016 letter from James Hardway, Executive Director of Hotel and Restaurant Industry Employment & Training Trust (“HARRIET”) concerning union members who would like to eventually advance to positions that require a journey worker electrician or plumber’s license as a minimum requirement.

Vice Chairperson Brady stated that journey worker plumbers must have experience in each category unless the residential and commercial experience can be obtained outside of the hotel employment. The Board members did not discuss nor take action on this matter due to loss of quorum. Mr. Hiraki added that all electrical and plumbing work must be performed by a licensed electrician or plumber who can supervise unlicensed workers. DAG Tam stated that the original letter asked how much experience was needed for the scope of work on the experience verification form.

After further discussion, it was moved by Vice Chairperson Brady, seconded by Mr. Lucero and unanimously carried to request more information from Mr. Hardway and to extend an invitation for him to attend the next meeting.

Chapter 91, HRS
Adjudicatory
Matters:

Chairperson Akamu called for a recess from the Board's meeting at 11:20 a.m. to discuss and deliberate on the following adjudicatory matter pursuant to HRS Chapter 91.

- a) In the Matter of the Plumbers License of DEREK K. AWAYA,
Respondent ENP 2013-18-L

*SETTLEMENT AGREEMENT PRIOR TO FILING OF PETITION
FOR DISCIPLINARY ACTION AND BOARD'S FINAL ORDER.*

The Board reviewed the settlement agreement. After discussion, it was moved by Vice Chairperson Brady, seconded by Mr. Hiraki, and unanimously carried to approve the settlement agreement in which:

- (i) Respondent alleges that he was not instructed by his employer to supervise John Lopez, the unlicensed worker, and Respondent did not agree to supervise the unlicensed plumbing work.
- (ii) Respondent states that he satisfied the DUI charge, spent overnight in jail for the theft charge, and paid fines for the traffic violations. Additionally Respondent did not intend to deceive the Board, but he misunderstood the terms "annulled" and "expunged."
- (iii) Respondent agrees that this Settlement Agreement is intended to resolve the issues raised in RICO's investigation in RICO No. ENP 2013-18-L.
- (iv) Administrative Fine. Respondent agrees to pay a fine in the amount of FIVE HUNDRED AND NO/100 U.S. DOLLARS (\$500.00). Payment shall be made by cashier's check or money order made payable to "DCCA – Compliance Resolution Fund" and mailed to the Regulated Industries Complaints Office, Attn: Wendy J. Utsumi, Esq., 235 S. Beretania Street, 9th Floor, Honolulu, Hawaii 96813. Payment of the fine shall be due no later than thirty (30) days following the Board approval of this Settlement Agreement.

- b) In the Matter of the Plumbers License of JOSHUA B. CRAIL,
Respondent ENP 2013-19-L

*SETTLEMENT AGREEMENT PRIOR TO FILING OF PETITION
FOR DISCIPLINARY ACTION AND BOARD'S FINAL ORDER.*

The Board reviewed the settlement agreement. After discussion, it was moved by Vice Chairperson Brady, seconded by Mr. Hiraki, and unanimously carried to approve the settlement agreement in which:

- (i) Respondent alleges that he was not instructed by his employer to supervise John Lopez, the unlicensed worker, and Respondent did not agree to supervise the unlicensed plumbing work.
 - (ii) RICO alleges that Respondent failed to disclose on his journey worker plumber license application that Respondent had been convicted of a driving under the influence on January 23, 2008.
 - (iii) Respondent states that he did not intend to deceive the Board, he thought the question about prior convictions was for felonies (not a misdemeanor), and he has not had any other convictions.
 - (iii) Respondent agrees that this Settlement Agreement is intended to resolve the issues raised in RICO's investigation in RICO No. ENP 2013-19-L.
 - (iv) Administrative Fine. Respondent agrees to pay a fine in the amount of FIVE HUNDRED AND NO/100 U.S. DOLLARS (\$500.00). Payment shall be made by cashier's check or money order made payable to "DCCA – Compliance Resolution Fund" and mailed to the Regulated Industries Complaints Office, Attn: Wendy J. Utsumi, Esq., 235 S. Beretania Street, 9th Floor, Honolulu, Hawaii 96813. Payment of the fine shall be due no later than thirty (30) days following the Board approval of this Settlement Agreement.
- c) In the matter of the Plumber's License of WILLIAM V. FERGUSON, JR., Respondent: ENP 2012-32-L

SETTLEMENT AGREEMENT AFTER FILING OF PETITION FOR DISCIPLINARY ACTION AND BOARD'S FINAL ORDER.

PETITION FOR DISCIPLINARY ACTION AGAINST PLUMBERS LICENSE; DEMAND FOR DISCLOSURE

The Board reviewed the settlement agreement. After discussion, it was moved by Vice Chairperson Brady, seconded by Mr. Hiraki, and unanimously carried to approve the settlement agreement in which:

- (i) On or about September 30, 2015, RICO filed a petition for Disciplinary Action alleging that Respondent violated, in part, the following statute(s) and/or rule(s): Hawaii Revised Statutes (“HRS”) § 436B-19(13) (disciplinary action taken in another jurisdiction); and 436B-19(15) (failure to disclose disciplinary action) (hereafter the “Petition”).
- (ii) Respondent does not admit to violating any law or rule, but acknowledges that RICO has sufficient cause to file a Petition for Disciplinary Action against Respondent’s license.
- (iii) Respondent agrees that this Settlement Agreement is intended to resolve the issues raised in RICO’s investigation in RICO Case No. ENP 2012-32-L.
- (iv) Administrative fine. Respondent agrees to pay a fine in the amount of FIVE HUNDRED AND NO/100 U.S. DOLLARS (\$500.00). Payment shall be made by cashier’s check or money order made payable to “DCCA – Compliance Resolution Fund” and mailed to the Regulated Industries Complaints Office, Attn: Denise P. Balanay, Esq., 235 S. Beretania Street, 9th Floor, Honolulu, Hawaii 96813. Payment of the fine shall be due at the time this Settlement Agreement is returned to RICO.

Following the Board’s review, deliberation and discussion on these matters, pursuant to HRS Chapter 91, Chairperson Akamu announced that the Board was reconvening to its open meeting at 11:30 a.m.

Announcement:

- a. Next Applications Committee Meeting
Tuesday June 14, 2016
9:30 a.m.
King Kalakaua Conference Room
335 Merchant Street, 1st Floor
Honolulu, HI 96813
- b. Next Board Meeting
Tuesday, June 14, 2016
10:30 a.m.
King Kalakaua Conference Room
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Chairperson Akamu informed the Board that he will not be able to attend the June 14, 2016 Board meeting.

Adjournment: There being no further business to discuss, the meeting was adjourned at 11:37 a.m.

Review and approved by:

Taken by:

/s/ Christine Rutkowski
Christine Rutkowski
Executive Officer

/s/ Christine Hironaka
Christine Hironaka
Secretary

CR:ch
5/10/16

Minutes approved as is.
 Minutes approved with changes; see minutes of _____