

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, December 8, 2016

Time: 9:00 a.m.

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

Present: Joel Kurokawa, Chairperson, Landscape Architect Member
Ron Iwamoto, Secretary, Structural Engineer Member
Demetrio Constantino, Public Member
Alan Inaba, Land Surveyor Member
Kevin Katayama, Mechanical Engineer Member
Richard Suzuki, Civil Engineer Member
Marc Ventura, Architect Member
Rodney J. Tam, Esq., Deputy Attorney General
James Kobashigawa, Executive Officer
Sandra Matsushima, Executive Officer
Terry Akasaka-Toyama, Secretary

Excused: Benedict Lee, Landscape Architect Member
Joyce Noe, Vice Chairperson, Architect Member
Ken Ota, Public Member
Clayton Pang, Electrical Engineer Member

Guest: William Dooley, engineer applicant

Call to Order: There being a quorum present, the meeting was called to order at 9:12 a.m. by Chair Kurokawa.

Agenda: Additions
and Revisions: None.

Approval of
Minutes: It was moved by Mr. Suzuki, seconded by Mr. Iwamoto, and unanimously carried to approve the November 10, 2016 meeting minutes and Executive Session minutes.

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

Applications:

b. Professional Engineer Committee Recommendations

CIVIL ENGINEER BY ENDORSEMENT

- DOOLEY, William

Mr. Dooley appeared before the Board and gave a brief statement on his background and work experience. He is licensed in Texas and New Mexico and has worked 25 years in the transportation industry.

Mr. Suzuki indicated that the experience documented appears to be more in the structural discipline as a lot of the work that he did had been dealing with bridges.

Mr. Dooley replied that although most of his experience is structural, he will only be practicing civil engineering while in Hawaii as there are others who will be handling the structural work.

Mr. Dooley was asked to explain his civil engineering experience, which he proceeded to explain to the Board.

Executive Session: At 9:21 a.m., it was moved by Mr. Constantino, seconded by Mr. Iwamoto, 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).

Mr. Dooley was excused from the meeting room.

At 9:28 a.m., Mr. Dooley re-entered the meeting room.

At 9:33 a.m., Mr. Dooley was again excused from the meeting room.

At 9:52 a.m., it was moved by Mr. Inaba, seconded by Mr. Ventura, and unanimously carried to move out of executive session.

Mr. Dooley re-entered the meeting room.

By consensus of the Board, Mr. Dooley's application will be deferred as the Board cannot accept his supervised experience as his supervisor was located and licensed in California during the time of supervision. Mr. Dooley has the option to have his supervisor complete the Verification of Experience in Responsible Charge form instead or to see if he is also licensed in Texas and if so, to have him resubmit the Verification of Supervision form this time indicating his Texas license.

At 9:58 a.m., Mr. Dooley was excused from the meeting room.

Chapter 91, HRS,
Adjudicatory
Matters:

At 9:59 a.m., Chair Kurokawa 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 David W. Steward – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

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

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

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

- c. In the Matter of the Architect's License of Richard M. Avelar – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

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

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

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

At 10:05 a.m., the Board came out of Chapter 91, HRS, and returned to its regular order of business.

Applications:
(Continued)

a. Ratifications

None.

b. Professional Engineer Committee Recommendations

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

APPROVE CHEMICAL ENGINEER BY ENDORSEMENT

- GALARDI, Kenneth
- STEIMAN, Howard

APPROVE CIVIL ENGINEER BY ENDORSEMENT

- HERSHEY, Daniel
- LOCKAMY, Brenton
- TSE, John
- WOOD, Kent

APPROVE ELECTRICAL ENGINEER BY ENDORSEMENT

- BHARTIYA, Himanshu
- DUFF, Melissa
- RETTICH, Kevin
- ROBINSON, Angela

APPROVE MECHANICAL ENGINEER BY ENDORSEMENT

- COREAS, Luis
- KOELLIKER, Daniel
- LUBRANO, Aaron
- McFARLAND, John
- RHOADES, Randall

APPROVE STRUCTURAL ENGINEER BY ENDORSEMENT

- COOPER, Martin
- FERRINI, Nancy
- GARLAND, Troy
- LIU, Peter

APPROVE ENGINEER BY EXAM (PE)

- PICHAY, Johnny (CE)

DEFER CIVIL ENGINEER BY ENDORSEMENT

- DAVIS, Paul
- KUEHNE, Ronald
- WYATT, Alison

DEFER MECHANICAL ENGINEER BY ENDORSEMENT

- BHARTIYA, Himanshu
- EDWARDS, Rockwood

DEFER STRUCTURAL ENGINEER BY ENDORSEMENT

- McCORMICK, Paul

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

c. Professional Architect Committee Recommendations

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

APPROVE ARCHITECT BY ENDORSEMENT

- BALDINGER, Ilan
- BUONO, Joshua
- GALLANT, Lisa
- GUNNING, Jeffrey
- NEAGLEY, David
- POLYCHRONES, Kinsey
- WETZEL, Michael

DENY ARCHITECT BY ENDORSEMENT

- KING, David

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

d. Professional Land Surveyor Committee Recommendations

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

APPROVE LAND SURVEYOR BY EXAM

- BRAY, Kenneth (PS and state-constructed)
- GUERIN, Christopher (FS, PS and state-constructed)

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

e. Professional Landscape Architect Committee Recommendations

None.

f. Appearance of David King, Applicant

Mr. King did not appear at the meeting.

Old Business:

a. Rules Committee Report

At their November 10, 2016 meeting, the Committee reviewed and discussed the latest draft of the proposed rules amendments, which implemented the recommendations of Deputy Attorney General Rodney Tam.

Mr. Yumol and Ms. Sakata submitted additional recommendations. Non-substantive changes to sections 16-115-2 and 16-115-59 recommended by Mr. Yumol were approved. Non-substantive changes to sections 16-115-2, definition of "fire protection engineering", and 16-115-10.5 recommended by Ms. Sakata were also approved.

The Committee also discussed whether independent experience gained while also going to school would be credited. The Committee recommends that experience gained independent of a degree requirement, such as an internship program, be credited. However, if the experience is a requirement for a

degree program, that experience would not be credited. The exception would be for those in an accredited architectural program and earning AXP experience credits.

Subsequently, Deputy Attorney General Tam presented the Committee with additional non-substantive changes to the latest draft. Mr. Yumol, Ms. Matsushima and Mr. Kobashigawa will review Mr. Tam's recommendations and prepare another draft for the next meeting.

On a separate topic, Mr. Kobashigawa reminded the Board that back in November 2015 the Rules Committee suggested adding environmental engineering as an additional discipline, but the Board did not vote on the matter.

It was moved by Mr. Suzuki, seconded by Mr. Constantino, and unanimously carried to add environmental engineering as an additional discipline for licensure.

At this month's Committee meeting, they discussed increasing the amount of a fine per violation, but to do this would require a change in the statute.

By consensus of the Board, it was agreed that the fine for violations should be increased, but to do it at a later time.

It was moved by Mr. Katayama, seconded by Mr. Constantino, and unanimously carried to approve the November 10, 2016 Rules Committee meeting minutes as distributed.

New Business:

a. Professional Engineers Report

- NCEES Board Presidents' Assembly

Mr. Katayama and Mr. Kobashigawa will be attending this meeting as the Board's delegates scheduled for February 4, 2017 in Atlanta, GA.

- The NCEES deadline to register for the April 2017 Exam Administration of the Principles and Practice of Engineering ("PE") and Structural Exams is February 23, 2017 at 3:00 p.m. EST. The deadline to file an application with the Board is January 10, 2017.

b. Architects Report

- Freedom by Design Program
- Destination Architect

These matters were deferred to the next meeting as Ms. Noe was not present at the meeting.

c. Surveyors Report

None

d. Landscape Architects Report

- CLARB E-News
 - ✓ The December 2016 "In the Know" webcast will look at critical societal, regulatory and professional trends poised to impact licensure and boards over the next three years. These observations, presented as an "environmental scan" which is a formal or informal summary of relevant trends whose purpose is to understand current and potential changes taking place in the external environment, will be a key input to the CLARB Board of Directors' strategy review at its December meeting and will inform adjustments to the organization's short-term plans. Also during the webcast they will focus on five "shifts" that are likely to occur over the next 12-36 months and their impacts on regulatory boards as it may be prudent to consider them in strategic planning.
 - ✓ Registration for the April 2017 administration of the L.A.R.E. opens on December 27, 2016.
 - ✓ Over 7,000 professionals worldwide participated in the Task Analysis survey earlier in 2016. Based upon the results, beginning with the April 2017 L.A.R.E. administration, the exam blueprint will be updated to provide greater detail within each section and align the exam with current practice. Other updates to the L.A.R.E. that will also go into effect at the April 2017 administration will have no impact on candidates who have already successfully completed sections of the exam.

- Colorado Sunset Report

In October 2016, Colorado's Office of Policy, Research and Regulatory Reform ("COPRRR") within the Department of Regulatory Agencies ("DORA") completed its scheduled sunset and sunrise reviews of state government programs. Colorado's Landscape Architects Professional Licensing Act was evaluated and the sunset review report included two significant recommendations on how regulation of the profession will continue. COPRRR's review determined regulation and licensure of landscape architects should continue until 2028, when it will be subject to review again. Unfortunately, COPRRR recommended to sunset the State Board of Landscape Architects because it "rarely imposes discipline on practitioners, and when it does, landscape architects are disciplined for practicing without a valid license." It was determined that because of the type of discipline imposed, a subject matter expert would not be required and a recommendation was made to have oversight of the profession assumed by the Director of the Division of Professions and Occupations. The sunset review must still be confirmed by the Colorado General Assembly, where COPRRR will present an oral testimony on behalf of its recommendations, before taking effect.

- Nomination for CLARB Leadership Positions

Nominations are open for positions on the Board of Directors and Committee on Nominations. The Committee on Nominations encourages nominations of any eligible individual who has distinguished themselves as a potential leader and who an ambassador for the CLARB Community.

- FARB Licensing Community Repository

The Federation of Association Regulatory Boards ("FARB") has created a licensing community repository to track and monitor policy developments that impact occupational regulation. FARB is especially interested in receiving information that crosses professions such as the FTC decision or legislation in a jurisdiction to consolidate independent boards into an umbrella agency. They will organize the information based on categories and provide ongoing updates to its members, including CLARB, and CLARB will share these updates with their member boards.

Correspondence: a. E-mail from Fred Reyes Relating to CPR Certification

Mr. Reyes is a licensed civil engineer and inquired whether he could stamp a CPR certification for house plan renovations after verifying that the actual renovation floor plans match what was submitted to the County, verify square footage and ensure conformance with current Building Code.

After discussion, by consensus of the Board, this matter will be deferred and Mr. Reyes will be requested to submit detailed information as to what he would be doing for this CPR certification as it currently appears to fall more under the scope of practice of an architect.

b. E-mail from Brian Burke Relating to Design of Bridge

Mr. Burke is a licensed civil engineer who requested confirmation from the Board that as a civil engineer he cannot design a bridge structure on private land and that it must be designed by a structural engineer.

After discussion, it was moved by Mr. Suzuki, seconded by Mr. Iwamoto, and unanimously carried that yes, a bridge structure needs to be designed by a structural engineer.

Executive
Officer's Report:

a. DCCA Disciplinary Action through October 2016

This report was circulated to the members for their information.

b. RICO Open House for Board Chairs and Vice Chairs

RICO (Regulated Industries Complaints Office) will be hosting an open house for Board Chairs and Vice Chairs, or representative, on January 12 and 27, 2017. They will explain who RICO is and what they do as well as possibly meet with RICO's supervisors and tour their offices.

Next Meeting: Thursday, January 19, 2017
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 10:39 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

1/3/17

[X] Minutes approved as is.

[] Minutes approved with changes; see minutes _____.