

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, January 19, 2017
- 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
Joyce Noe, Vice Chairperson, Architect Member
Ron Iwamoto, Secretary, Structural Engineer Member
Demetrio Constantino, Public Member
Alan Inaba, Land Surveyor Member
Kevin Katayama, Mechanical Engineer Member
Benedict Lee, Landscape Architect Member
Clayton Pang, Electrical 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: Ken Ota, Public Member
- Guests: Chris Jelenewicz, P.E., FSFPE, Technical Director,
Society of Fire Protection Engineers ("SFPE")
Samuel Dannaway, P.E., CSP, FSFPE, LEED AP
- Call to Order: There being a quorum present, the meeting was called to order at 9:08 a.m. by Chair Kurokawa.
- Agenda: Additions and Revisions: It was moved by Mr. Constantino, seconded by Mr. Katayama, and unanimously carried to add the following to the agenda:
- Under New Business, add f. Description of Stamp.
 - Add Public Comment after Executive Officer's Report.

Approval of
Minutes:

It was moved by Mr. Constantino, seconded by Mr. Suzuki, and unanimously carried to approve the December 8, 2016 Board meeting minutes and Executive Session minutes.

Chapter 91, HRS,
Adjudicatory
Matters:

At 9:09 a.m., Chair Kurokawa recessed the Board's meeting to discuss the following adjudicatory matter pursuant to Chapter 91, HRS:

(Although the Board previously approved the Settlement Agreements for Richard M. Avelar, Alan W. Lankford, Alan E. Money, and David W. Steward at its December 8, 2016 meeting, the Board again deliberated on these Settlement Agreements at today's meeting.)

a. 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. Suzuki, seconded by Mr. Iwamoto, and unanimously carried to reapprove the above settlement agreement from last month's meeting with a majority vote of its members.

b. 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. Katayama, and unanimously carried to reapprove the above settlement agreement from last month's meeting with a majority vote of its members.

c. 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. Katayama, and unanimously carried to reapprove the above settlement agreement from last month's meeting with a majority vote of its members.

d. 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. Ventura, seconded by Mr. Constantino, and unanimously carried to reapprove the above settlement agreement from last month's meeting with a majority vote of its members.

- e. In the Matter of the Architect's License of Calvin J. Coatsworth – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

It was moved by Mr. Iwamoto, seconded by Ms. Noe, and unanimously carried to approve the above settlement agreement.

- f. In the Matter of the Professional Engineer's License of William H. Laurence – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

It was moved by Mr. Pang, seconded by Mr. Inaba, and unanimously carried to approve the above settlement agreement.

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

It was moved by Mr. Constantino, seconded by Mr. Suzuki, and unanimously carried to approve the above settlement agreement.

- h. In the Matter of the Architect's License of Kyle S. Taft – 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 approve the above settlement agreement.

- i. In the Matter of the Professional Engineer's License of Zeyn B. Uzman – 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 approve the above settlement agreement.

- j. In the Matter of the Architect's License of Val A. Yanagihara – Settlement Agreement After Filing of Petition for Disciplinary Action and Board's Final Order

It was moved by Mr. Suzuki, seconded by Mr. Ventura, and unanimously carried to approve the above settlement agreement.

k. In the Matter of the Professional Engineer's License of Judith Hayducsko – Amended Findings of Fact, Conclusions of Law, and Recommended Order

It was moved by Mr. Suzuki, seconded by Mr. Iwamoto, and unanimously carried to accept the above Amended Findings of Fact, Conclusions of Law, and Recommended Order as the Board's Final Order.

At 9:21 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. Suzuki, seconded by Mr. Iwamoto, and unanimously carried to approve the following:

APPROVED CIVIL ENGINEER BY ENDORSEMENT

- DAVIS, Paul
- DOOLEY, William

b. Professional Engineer Committee Recommendations

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

APPROVE CIVIL ENGINEER BY ENDORSEMENT

- BODELL, Jason
- CARY, Steven
- MILLER, Brendan
- ROGERS, Matthew
- RUPPERT, Jeffrey
- WARNER, James

APPROVE ELECTRICAL ENGINEER BY ENDORSEMENT

- BOTHOF, John
- BURNS, Landon
- EADS, Michael
- HOQUE, Imran
- LOREDO, Javier
- NIELSEN, Chris
- SHAW, Chad
- TEWALT, Sean

APPROVE MECHANICAL ENGINEER BY ENDORSEMENT

- BHARTIYA, Himanshu
- HROMADA, William
- McCULLOUGH, James
- ROMANS, Jeffery
- YANG, Jun

APPROVE STRUCTURAL ENGINEER BY ENDORSEMENT

- GANESH PRASAD, Gautham
- GHANNAM, Fares
- LEDENT, Philippe
- MOODY, Tyler
- RANDALL, Josh
- ROCHE, Scott
- VAUGHAN, Amanda

APPROVE ENGINEER BY EXAM (PE)

- AKO, Allison (CE)
- DIXON, Devin (CE)
- EUGENIO, Cheyne (ME)
- GALVEZ, Kevin (SE)
- HAWKINS, Jack (ME) (also FE)
- HOWELL, Robert (ME)
- JAVIER, Joan (EE)
- KAWAMATA, Kayla (EE)
- KOBAYASHI, Lisa (EE)
- KOBAYASHI, Regan (SE)
- KOMO, Matthew (ME)
- LEDWARD, Arlen (CE)
- MARUMOTO, Darcy (ME)
- MIZUBA, Donna (EE)
- MORRILL, Chance (CE)
- NACARIO, Brennan (CE)
- NAKAMURA, Oryn (CE)
- SAKUMOTO, Jordan (CE)
- SUZUKI, Jamie (EE) (also FE)
- YOSHIDA, Terence (CE) (also FE)
- WONG, Lorin (ME)

APPROVE ENGINEER BY EXAM (FE)

- HAWKINS, Jack (also PE Exam in ME)
- SUZUKI, Jamie (also PE Exam in EE)
- YOSHIDA, Terence (also PE Exam in CE)

DEFER CIVIL ENGINEER BY ENDORSEMENT

- LEVIN, David

DEFER ELECTRICAL ENGINEER BY ENDORSEMENT

- ENGLISH, James
- MAY, Benny

DEFER MECHANICAL ENGINEER BY ENDORSEMENT

- ANDREONI, Anthony
- STRAUSBAUGH, Jonathan
- TAYLOR, Nathan

DEFER STRUCTURAL ENGINEER BY ENDORSEMENT

- LOPEZ, Sage
- PLENERT, Joshua

DEFER ENGINEER BY EXAM (PE)

- RASABOUT, Tony (ME)
- WAT, Ka Chun (CE)

DENY STRUCTURAL ENGINEER BY ENDORSEMENT

- JACKSON, Ronald

It was moved by Mr. Pang, seconded by Mr. Constantino, 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

- CLOUGH, Gary
- RUPP, Alissa
- STEENO, Thomas
- STEPHEN, Tory
- TRACY, Jean

APPROVE ARCHITECT BY EXAM

- AHLERS, Rebecca
- BROOKS, Massey
- KILKUSKIE, Alayna
- SHAW, Andrew
- SUNNLAND, Tai

It was moved by Mr. Pang, 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

- CUMMINS, Meyer (PS and state-constructed)
- HASHIMOTO, Neil (PS and state-constructed)

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

e. Professional Landscape Architect Committee Recommendations

None.

Old Business:

a. Rules Committee Report

At their December 8, 2016 meeting, the Committee was informed that a meeting with Mr. Tam to review his recommendations could not be scheduled so another meeting will be scheduled in order to prepare another draft.

As the Committee had previously recommended adding environmental engineering as another discipline of engineering to license, Mr. Kobashigawa distributed samples of the definition of environmental engineering for the Committee's review and discussion.

The Committee also discussed the issue of fines for violations and is inclined to have it increased. The Committee was informed that this would require legislation to increase the minimal fine amounts in the Board's statute. This matter will be referred to the Board to address if they wish to pursue legislation at this time.

It was moved by Mr. Pang, seconded by Mr. Constantino, and unanimously carried to approve the December 8, 2016 Rules Committee meeting minutes as distributed.

New Business: a. Professional Engineers Report

- Licensure Exchange

- ✓ *NCEES Law Enforcement Committee to prepare guidelines for investigation of responsible charge violations*

One of the most consistent principles that has guided NCEES and member boards is that engineering and surveying work must be done by or under the responsible charge of a licensee, which is what the application of the signature and seal on engineering and surveying documents means.

The question now is determining when has an engineer or surveyor exercised enough direct control and personal supervision to rise to the level of being in responsible charge for a project? As electronic technology improves our ability to communicate over long distances and the practice of these two professions evolves, the definition of responsible charge will continue to change.

When the engineer or surveyor does not meet all of these conditions, he or she may be guilty of violating a law for signing and sealing documents that were prepared by an unlicensed individual not under their responsible charge commonly known as "plan stamping".

The NCEES Law Enforcement Committee is currently preparing guidelines for boards investigating plan stamping. These guidelines will address plan stamping cases involving in-state licenses and cases with a national component using out-of-state licensees. The guidelines for national cases will include means for cooperation between member boards and address individual and form mobility issues.

✓ *NCEES Begins Computer-Based Testing for PS Exam*

The PS (Principles and Practice of Surveying) Exam was the first professional exam to move to computer-based testing ("CBT"). The CBT PS exam introduced a new testing component: alternative item types ("AIT") that are items other than traditional multiple-choice questions with one correct answer. They could include multiple choice options, point and click, drag and drop or fill-in-the-blank.

On a separate note, the 2017 NCEES Western Zone Meeting scheduled for May 18-20, 2017 in Denver, CO, will be attended by Mr. Inaba, Mr. Katayama, Mr. Suzuki, and Ms. Matsushima. It was suggested that the attendees meet with the Hawaii Visitors and Convention Bureau and the Hawaii Tourism Authority to obtain materials to do a presentation at the meeting to promote the 2018 Western Zone Meeting that will be held in Hawaii.

It was also pointed out that the chemical PE exam will be converting to CBT and the last offered "paper and pencil" format will be the April 2017 exam administration. It will continue to be offered only during the April exam administration.

b. Architects Report

- 2017 NCARB Regional Summit (March 10-11, 2017)

This meeting will be held in Jersey City, NJ and will be attended by Ms. Noe, Mr. Ventura, and Mr. Kobashigawa. The summit has been organized in an effort to allow all 54 Member Boards an opportunity to participate in grassroots discussion to provide informed input regarding Council policies, programs, task forces, and initiatives as they relate to the regulation of the architectural profession and the protection of the health, safety, and welfare of all citizens.

- Newsletter for NCARB Certificate Holders

NCARB started a bi-monthly newsletter for Certificate Holders which included articles on Launching of ARE 5.0, 2017 AIA Architecture Firm Award, 2016 American Architecture Prize, AIA Innovation Award, 2016 AIA Dallas Built Design Awards, and Architecture Schools Help Students Get Licensure Sooner.

- NCARB Update (December 2016)

- ✓ Fostering Collaboration was front and center during the Annual Committee Summit that encouraged cross-committee interaction between volunteers, as well as dialogue with the Think Tank. A new initiative is also underway in that all six NCARB regions will host a teleconference briefing by each regional director and chair to inform their membership about the high level conversations that will be discussed at the NCARB Board Meeting by NCARB's Board of Directors.
- ✓ Facilitating Licensure continues to advance based on high levels of the Architect Registration Examination ("ARE") registrations and the Architectural Experience Program ("AXP") reporting. A number of academic programs participating in the Integrated Path to Architectural Licensure ("IPAL") completed their first semester in the initiative; a new Request for Proposals from all NAAB-accredited programs will be issued after January 1, 2017.
- ✓ NCARB's Model Law Task Force is in the early stages of determining how the Model Law might be better positioned to reflect contemporary practice and be more responsive to the needs of our Member Boards.
- ✓ Two new mini-monographs: Improving Building Performance Part VI and Architectural Acoustics Illustrated Part I were released.

- Mutual Recognition Arrangement Between United States, Australia, and New Zealand

A new Mutual Recognition Arrangement ("MRA") between the architectural licensing authorities of the U.S., Australia, and New Zealand enables U.S. architects to earn reciprocal licenses abroad, effective January 1, 2017. To date, 29 U.S. licensing boards have accepted the arrangement. This arrangement will enable U.S. architects with 6,000 hours of post-licensure experience to become licensed in Australia and New Zealand through the NCARB Certificate.

- NCARB Webinar Regarding IPAL

On December 15, 2016, NCARB conducted a webinar via the Architect Licensing Advisors Community relating to the IPAL program. Currently, there are 17 schools and 21 programs providing exceptional students an opportunity to obtain licensure upon graduation by concurrently offering education, AXP, and exam. 14 states have amended its statutes to allow licensure via the IPAL process.

- NCARB Visit to Board Meeting (April 17, 2017)

Tying in their trip to Guam, staff from NCARB will be attending the Board's April meeting and meeting with AIA Honolulu.

- NCARB Statement Regarding Recent "American Board of Architecture" Announcement

An announcement issued by the recently created American Board of Architects ("ABA") claims that it is "writing new licensing exams and reforming state board [sic] of examiners to ensure qualified, unbiased public representation in law making bodies." The ABA announcement claims a need to "expel corruption and make the licensing process fair."

NCARB is welcoming any feedback, new ideas, critiques of existing programs, and opportunities to dialogue with the public as they work to continuously improve their toolkit supplied to U.S. jurisdictions.

c. Surveyors Report

In relation to the "plan stamping" article in the NCEES *Licensure Exchange*, Mr. Inaba reported on an issue that's happening on the Big Island. A licensed surveyor who is located out-of-state is stamping plans, but may not be overseeing the work done in Hawaii and is using unlicensed people to do the work.

The topic of direct control via communication devices was discussed, but may not apply in this situation as the workers in Hawaii are unlicensed.

It was suggested that the Board could look into having a requirement like Guam that requires licensees with an office in-State to have a local licensee present.

d. Landscape Architects Report

- CLARB 2017 Elections

Nominations for CLARB President-Elect, Vice President, Treasurer, Region 1 Director, Region 3 Director, Region 5 Director, and two positions as a Committee on Nominations Member were accepted until January 13, 2107.

- Member Board E-News (December 2016)

Over the past two years, the New York State Board for Landscape Architecture and the New York Education Department's Office of the Professions researched and developed a set of practice guidelines for registered and licensed landscape architects in their state. The practice guidelines are intended to give licensed landscape architects useful information on good and recommended practices in the profession and are offered as a supplement reflecting current common practice areas and concerns. By knowing and understanding what is recommended, licensees will be able to minimize and eliminate practices that may lead to complaints.

These guidelines address 23 areas of practice broken down into three general categories: seal and signature; practice; and client relations. Each guideline describes a potentially problematic practice area and includes situations where landscape architects may face professional misconduct laws, rules and regulations.

- CLARB Webinar – Environmental Scan

This webinar looked at critical societal, regulatory and professional trends poised to impact licensure and board 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 CLARB's Board of Directors' strategy review and will inform adjustments to the organization's short-term plans.

- e. Discussion on Board's Pamphlet – Professional Services for Construction Projects and Land Surveys

As a result of an inquiry, Mr. Kobashigawa informed the Board that the Board's pamphlet, "Professional Services for Construction Projects and Land Surveys" appears to have incorrect information. Under civil engineer, "bridges" is included in their scope of work.

At today's Rules Committee meeting, the Committee recommended that the pamphlet be corrected to place "bridges" under the scope of work of a structural engineer. The Committee also suggested that fire protection engineer be added to the other regulated engineering professions when the rules are amended.

By consensus of the Board, it was agreed to correct the pamphlet and place "bridges" under the scope of work for a structural engineer instead of a civil engineer and to add fire protection engineer when the rules have been amended.

- f. Description of Stamp

Mr. Kobashigawa informed the Board about an inquiry regarding conflicting information relating to the description of a seal or stamp and the example of an acceptable seal or stamp in section 16-115-8(a), HAR. The description specifies a comma be placed between the words "Hawaii" and "U.S.A.", whereas the example does not have a comma.

After discussion, by consensus of the Board, the rules should be amended by deleting the comma between "Hawaii" and "U.S.A." and the periods after the branch abbreviations in the descriptions to reflect what is shown in the examples of acceptable seal or stamp.

Correspondence: a. E-mail from Eric Ryan

Mr. Ryan inquired when providing engineering consulting deliverables (reports) to a private company or an insurance carrier (not a public official for approval), does his engineering deliverables (evaluation reports) need to be signed/sealed?

By consensus of the Board, sealing a deliverable is not required to a private company or insurance carrier unless they ask for the document to be sealed. It was also inferred that by signing your name with "P.E." also connotes that the engineer would be taking responsibility for the document.

b. E-mail from Lloyd Sodetani

Mr. Sodetani is a condominium consultant for the Real Estate Commission requested confirmation that surveyors are not able to complete the inspections and certify the conditions for "conversions" that require certification as to the remaining life and soundness of a structure.

After discussion, by consensus of the Board, an architect and a structural engineer can certify the remaining life and soundness of a structure and mechanical engineer and electrical engineer consultants can be retained for the mechanical and electrical aspects. Land surveyors cannot certify on the above.

Executive Officer's Report:

a. Statistics on October 2016 Principles and Practice of Engineering ("PE") Exams

	<u>CE</u>	<u>ECE</u>	<u>ECP</u>	<u>ME</u>
Number of Candidates:	49	2	20	12
Number Passed:	23	1	10	6

b. Statistics on October 2016 Principles and Practice of Engineering ("PE") Structural Exams

	<u>Lateral Forces</u>	<u>Vertical Forces</u>
Number of Candidates:	3	2
Number Passed:	3	2

c. Statistics on October 2016 Professional Land Surveyor State Exam

Number of Candidates:	3
Number Passed:	2

d. DCCA Disciplinary Action through November 2016

This report was circulated to the members for their information.

Public Comment: Mr. Jelenewicz and Mr. Dannaway appeared before the Board to give an update regarding fire protection engineering. Mr. Jelenewicz reported that for the fire protection PE exam, it's projected to be computerized by 2020. He also reported that currently, the smaller PE exams are maintained by their respective associations/societies. NCEES will be taking over the financial portion of the exam from the association/society. When the exam switches to computer based testing, the exam will still be offered once a year so the item bank of questions does not need to be increased.

Next Meeting: Thursday, February 9, 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 11:03 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

1/31/17

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes 2/9/17.