

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, October 12, 2017

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: Ron Iwamoto, Chairperson, Structural Engineer Member  
Roberto Yumol, Vice Chairperson, Architect Member  
Demetrio Constantino, Secretary, Public Member  
Robert Eggleston, Public Member  
Dan Hirota, Land Surveyor Member  
Alan Inaba, Land Surveyor Member  
Kevin Katayama, Mechanical Engineer Member  
Joel Kurokawa, Landscape Architect Member  
Benedict Lee, Landscape Architect Member  
Joyce Noe, Architect Member  
Ken Ota, Public Member  
Richard Suzuki, Civil Engineer Member  
Marc Ventura, Architect Member  
Krishna Jayaram, Esq., Deputy Attorney General  
James Kobashigawa, Executive Officer  
Sandra Matsushima, Executive Officer  
Terry Akasaka-Toyama, Secretary

Guest: Lei Fukumura, Esq., Special Deputy Attorney General

Call to Order: There being a quorum present, the meeting was called to order at 9:09 a.m. by Chair Iwamoto.

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

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

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

After discussion, it was moved by Mr. Ventura, seconded by Mr. Kurokawa, and unanimously carried to accept the above settlement agreement.

At 9:15 a.m., the Board came out of Chapter 91, HRS, and returned to its regular order of business.

Agenda: Additions and Revisions:

It was moved by Mr. Yumol, seconded by Mr. Inaba, and unanimously carried to correct the agenda as follows:

- Under *New Business*, a. Professional Engineers Report, NCEES Exam Dates: October 27 & 28, [2018] 2017, Neal S. Blasidell Center
- Under *Executive Officer's Report*, b. Results of [August] September 2017 Landscape Architect – Hawaii Plant Materials Exam

(bracketed material to be deleted while underlined material to be added)

Approval of Minutes:

It was moved by Mr. Inaba, seconded by Mr. Hirota, and unanimously carried to approve the September 14, 2017 Board meeting minutes with the following corrections:

On page 1, September 14, 2017 meeting was on a Thursday instead of Monday, and on page 14, the October 12, 2017 meeting is on a Thursday instead of a Monday.

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

- DICK, Jeffrey
- FOURNIER, Ronald Jr.
- HADDOCK, Daniel
- JONES, Christopher
- MOORE, Harry

- NANCE, Mark
- NEWSOM, Thomas
- YOUNG, Duke

APPROVE ELECTRICAL ENGINEER BY ENDORSEMENT

- HILLS, James
- HULTQUIST, Joseph
- KNOBLOCH, Donald
- KUSOVAC, Leonard
- WUJEK, John

APPROVE MECHANICAL ENGINEER BY ENDORSEMENT

- IKE, Ayodele
- LAI PAN, Johnny
- SO, Leon
- TOUZA, Felix

APPROVE STRUCTURAL ENGINEER BY ENDORSEMENT

- BALLS, Nolan
- LEWIS, Brian
- MILLER, Logan
- MORRIS, Jordan

APPROVE ENGINEER BY EXAM (PE)

- EL-SWAIFY, Gabriel (CE)
- HINOCHI-ISHIMINE, Cory-Alan (ME)
- POWELL, Raye (CE)

DEFER CIVIL ENGINEER BY ENDORSEMENT

- HANDEL, Kathleen
- KOUPAL, Grady
- MENDONCA, Sandra
- ROACH, Michael
- WITTLIN, Jonathan
- WUBNEH, Amanuel

DEFER MECHANICAL ENGINEER BY ENDORSEMENT

- YUKSEK, Errol

DEFER STRUCTURAL ENGINEER BY ENDORSEMENT

- ROYER, Timothy

DENY CIVIL ENGINEER BY ENDORSEMENT

- BEDAIR, Hatem
- KOESTER, Carl
- POWERS, James

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

c. Professional Architect Committee Recommendations

Ms. Noe presented the PROFESSIONAL ARCHITECT COMMITTEE REPORT and recommended action as follows:

APPROVE ARCHITECT BY ENDORSEMENT

- CARNEY, Paul
- LAY, Richard
- LEE, Scott
- SYLVA, Deborah

APPROVE ARCHITECT BY EXAM

- LIN, Shih Jen

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

APPROVE LAND SURVEYOR BY ENDORSEMENT

- BELL, Robert Jr. (state-constructed exam)
- FISH, Timothy (state-constructed exam)

It was moved by Mr. Suzuki, seconded by Mr. Katayama, 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 its September 14, 2017 meeting, Mr. Yumol provided the Committee with a condensed proposed definition of environmental engineering. The Committee also discussed the subject content of the NCEES Principles and Practice of Engineering ("PE") exam in environmental engineering as well as the definition of environmental engineering from Alaska's statutes and Arizona's Administrative Code.

After lengthy discussion, the Committee decided to draft a definition based on the subject content of the PE exam in environmental engineering.

Moreover, by consensus, the Committee approved the Minutes of the Rules Committee Meeting on August 10, 2017.

At today's meeting, the Rules Committee reviewed, discussed, and agreed upon the following definition of environmental engineering:

"Environmental engineering means that branch of engineering which embraces studies or activities relating to wastewater, storm water, potable water, and water resources; air quality systems and pollution control; municipal and industrial solid waste, hazardous waste, medical, radioactive and other waste; site assessment and remediation; and environmental health and safety assessment."

After discussion, it was moved by Mr. Suzuki, seconded by Mr. Lee, and unanimously carried to approve the above definition of environmental engineering to be incorporated into the Board's proposed rules amendments.

It was moved by Ms. Noe, seconded by Mr. Inaba, and unanimously carried to approve the minutes of the Rules Committee meeting on September 14, 2017.

New Business:

a. Professional Engineers Report

- Matters Related to the National Council of Examiners for Engineering and Surveying ("NCEES")

- ✓ 2018 NCEES Western Zone Meeting

Ms. Matsushima reported on the following:

- \* Mr. Suzuki, Mr. Katayama, Mr. Kobashigawa and herself visited the Pacific Aviation Museum and the Battleship Missouri as a possible venue for the Western Zone reception. It was decided that the Battleship Missouri would be a better option for everyone.
  - \* She is currently working with the vendors as well as the Joint Base Catering which will be providing heavy pupus and a bar. Busses to shuttle attendees will be provided by Roberts Hawaii. In addition, Panda Travel will be putting together a tour for the spouses of attendees during the meeting.
  - \* The budget for this event has been approved by NCEES and she will be requesting for assistance from the Professional and Vocational Licensing Division Administrator for a couple of staff to help with this event and to request funding to pay for the registration fee for all board members or at least the engineer/land surveyor members not covered by NCEES.
- ✓ NCEES Exam Dates: October 27 & 28, 2017, Neal S. Blaisdell Center

Mr. Kobashigawa reported that the location for the upcoming NCEES exams will be held at the Neal S. Blaisdell Center instead of the Hawaii Convention Center.

b. Architects Report

- Matters Related to the National Council of Architectural Registration Boards ("NCARB")

- ✓ NCARB Fast Facts

- \* The U.S. House of Representatives Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law held a hearing on Occupational Licensing: Regulation and Competition. Prior to the hearing, NCARB signed a joint statement with other associations and organizations representing state professional licensing boards. Through the statement, the group urged the subcommittee to consider the unique role of state licensing boards in the system of state government, as well as their mission to protect the public from harm. State licensing boards encourage trust between the public and the profession by enforcing standards of practice. This ensures that qualified professionals act for the benefit of the consumer rather than at the consumer's expense. The work of state licensing boards protects the public health, safety, and welfare while facilitating and encouraging practice by qualified individuals. The decision in the North Carolina State Board of Dental Examiners v. Federal Trade Commission case required licensing boards comprised mostly of active market participants to be "actively supervised" by a state entity to receive immunity from federal antitrust law. A more attractive approach than creating immunity for state boards is creating a means to shield these boards and their staff from damage awards, which could be done by removing treble damages from the available solutions for actions brought against state regulatory boards.
- \* Due to the work of the New York and Florida state boards a violator, Paul J. Newman, was found guilty on six counts and sentenced to two and one-third to seven years in prison. Mr. Newman built a career as an award-winning architect in New York, but had not taken the steps to become licensed. Using a license number he found online and a fake rubber stamp, he completed projects and collected fees from 2010-2015. His fraud was eventually caught from a complaint filed to the Florida board for failing to complete work.
- \* As of September 2017, there were over 36,500 candidates in NCARB's system with ARE 4.0 eligibilities.

- \* Approximately 25,000 candidates with an NCARB Record have not passed or scheduled any ARE 4.0 divisions.
- \* Approximately 11,700 candidates have not tested since before 2013 and do not have an NCARB Record.
- ✓ NCARB Update (August 2017)
  - \* NCARB partnered with CLARB and will be announcing their upcoming orientation for new Member Board Members and Member Board Executives who have served in their current board role for one year or less which will take place February 8-10, 2018 in Washington, DC.
  - \* The 2017 Licensing Advisors Summit brought together 273 attendees in Chicago. 89 schools, 37 American Institute of Architecture Student chapters, 39 states, and 10 Member Boards were represented. The next summit is planned for July 2019.
- ✓ National Architect Newsletter (September – October 2017)
  - \* With ARE 4.0 retiring on June 30, 2018, NCARB has an ARE transition calculator available for NCARB Record holders which can be used to strategically plan test taking. In the calculator view, candidates can explore which 5.0 divisions they will receive credit for based on their current or selected 4.0 progress or they can click the 5.0 division button to see the list of 4.0 divisions they'll need to take to receive credit.

Candidates need to keep in mind that the rolling clock still counts. Any expiration dates for 4.0 divisions carry over into 5.0. If a 4.0 division expires before they've completed the exam, they will lose credit for any 5.0 divisions it counted toward. Candidates also need to wait 60 days before retaking a failed division and a division can be taken up to three times within a 12-month period. However, if a candidate fails a division three times between now and when ARE 4.0 retires, they will be unable to take it again.



- \* NCARB's latest mini-monographs on seismic mitigation and subsurface conditions are free for certificate holders.
- ✓ Board Review of Member Feedback Regarding NCARB Certificate and Registration Processes

At the June Annual Business Meeting, NCARB posed three questions to members during five workshop sessions: 1) What if NCARB expanded our Direct Registration option as an enhanced service to Member Boards?; 2) What if NCARB created exam eligibilities directly for licensure candidates without connection to a Member Board?; and 3) What if NCARB issued the Certificate for initial licensure at completion of education, experience, and examination?

1) Direct Registration

Member Board Members indicated that the existing Direct Registration program has proven to be popular with Member Boards who take advantage of this service as a means of reducing the increasing burden from reductions in both funding and resources. However, the title "Direct Registration" was determined to be a misleading term fueling confusion about the service. Currently 28 Member Boards use this service with another three in the process of using it. The NCARB Board has directed staff to rebrand the program and enhance promotion to Member Boards who are not currently using this program.

2) Option for Exam Eligibility Without Jurisdictional Affiliation

Member feedback was decidedly mixed. While some member perceived this service as a more modern approach to the licensure process and another opportunity to reduce the burden on Member Board staff, many others voiced concerns that need to be addressed including conflicts with statutes/laws, perceived loss or delay of revenue, and potential impact on administrative and disciplinary authority by Member Boards.

The NCARB Board has directed staff to conduct additional research including case studies that outline how a Member Board may opt-in to the program, how customers would be informed as to Member Boards requiring an affiliation decision pre-examination, and the possible ramifications to customers and other Member Boards should such an option be implemented.

3) Option to Reposition the NCARB Certificate as an Eligibility Certificate Pre-Licensure

After discussions and based on several observations, the NCARB Board determined not to pursue this course of action. Any further consideration of pre-licensure credentialing would have to utilize a different terminology/title than the "NCARB Certificate" due to current meaning, significant branding, and value perception.

✓ NCARB Extended Service Regarding Disciplinary Database

NCARB has extended a service for the Disciplinary Database that will add transparency between Member Boards and provide more accurate, reliable data about adverse actions licensing boards have taken against architects and licensure candidates. NCARB will update the Disciplinary Database on the Board's behalf if they do not have sufficient resources to do so. A NCARB Customer Relations professional will contact a Board staff person after a board meeting to obtain a list of architects that have received professional conduct violations.

✓ Architect Licensing Advisors Community Webinar on October 12, 2017

Firms and candidates both benefit from supporting and motivating those on the path to licensure. This webinar will discuss how to solve common challenges including how and why firms should set up programs and incentives to motivate candidate, encourage candidates to take responsibility for their own career paths and build relationships between supervisors and candidates.

✓ NCARB International Reciprocity Agreement

It was questioned why isn't a Hawaii licensed architect qualified to apply through an international Mutual Recognition Agreement ("MRA").

Mr. Kobashigawa explained that although a licensee may qualify under the requirements for the MRA, a licensee may not qualify for a license in Hawaii. Hawaii requires its licensees to have a social security number and be a U.S. citizen, a U.S. national, or an alien authorized to work in the United States. As foreign licensees may not qualify under the above requirements, they cannot receive a license in Hawaii. That is why the Board has not signed any MRA.

✓ BOD Brief (September 2017)

- \* At the Board of Directors ("BOD") meeting held September 14-16, 2017, President Gregory L. Erny, FAIA, NCARB identified three blue-sky topics for this meeting: 1) Perspective on the Certificate; 2) Explore New Credentials; and 3) Welfare/Well-being.

During the *Perspectives on the Certificate* session the BOD were provided with member-identified opportunities and challenges for three questions that were put before the membership at a workshop during the June 2017 Annual Business Meeting. The outcome from the discussions can be seen above under "*Board Review of Member Feedback Regarding NCARB Certificate and Registration Processes.*"

During the *Explore New Credentials* session, exercises were facilitated to explore how the current regulatory environment impacts licensure and credentialing models and whether the current model protects the public and the consumer at all levels. Discussion ensued around the role of the marketplace, educating the public, professional ethics, and paraprofessional credentials in other professions. No conclusions were reached at this initial conversation.

The purpose of the Welfare/Well-being session was to begin to understand the BOD's philosophy in light of upcoming discussions related to refreshing NCARB's

Strategic Plan. Utilization of the terms "welfare" and "well-being" are happening in other organizations and the BOD discussed the meaning of each. At the conclusion of the session, it was agreed to discuss this topic further at a future BOD meeting.

- ✓ Tri-National Mutual Recognition Agreement for International Practice

The Tri-National Mutual Recognition Agreement for International Practice ("Agreement") is between NCARB, the Canadian Architectural Licensing Authorities (representing the architectural licensing boards of the 11 provinces and territories of Canada), and the Consejo Nacional de Registro de Certificación (representing the registered and certified architects of Mexico). The terms of the Agreement are closely aligned with those of the former Broadly Experienced Foreign Architect path, which served as its model.

As explained previously, the Board cannot sign the Letter of Understanding with respect to this Agreement due to the requirement of its licensees needing to have a social security number and be a U.S. citizen, a U.S. national, or an alien authorized to work in the United States

- ✓ Volunteer With Your Local American Institute of Architecture Students ("AIAS") Freedom by Design Chapter

Developed by the AIAS, the Freedom of Design volunteer-based program empowers architecture students to improve the safety and accessibility of homes, community spaces, and playgrounds through sensitive design. AIAS students who participate can also use this experience to earn credit for the Architectural Experience Program ("AXP"). Last year, the local AIAS chapter worked with Hokulani Elementary to create a new space for them to grow fruits and vegetables using aquaponics.

NCARB will again be connecting with local participating AIAS chapters and Member Board Members who can offer mentorship and support for this program.

c. Surveyors Report

No report.

d. Landscape Architects Report

- Matters Related to the Council of Landscape Architectural Registration Boards ("CLARB")
  - ✓ Availability of August 2017 Landscape Architect Registration Examination ("L.A.R.E.") results from the August administration of the L.A.R.E. were available at the end of September.

On a separate note, Mr. Kurokawa's report from attending CLARB's Annual Meeting was distributed to the Board. Highlights are as follows:

- ✓ Legislative activity hit an all-time high this past year. Regulated occupations face growing scrutiny from powerful organizations such as Institute for Justice, Mercatus Center, Heritage Foundation, Goldwater Institute, Citizen Advocacy Center, and the Institute for Law and Liberty.
- ✓ Bills to deregulate landscape architecture were introduced in Illinois, Michigan, Missouri, Montana, Virginia, and Washington. Bills to consolidate/reorganize landscape architect licensing board were introduced in Kentucky, Ohio, and Wisconsin. The Right to Earn a Living Act were introduced in Arizona, Arkansas, Mississippi, Nevada, and Virginia. Executive Orders for licensure review were introduced in Arizona, Idaho, Missouri, Oklahoma, and South Carolina. Fortunately due to CLARB and ASLA monitoring, none of these bills passed.
- ✓ Alaska and Colorado have a new practice act and the District of Columbia passed a licensure law for landscape architects.
- ✓ Mr. Kurokawa was elected as Director for Region 5 for the 2017-2018 CLARB Board of Directors.
- ✓ The 2018 CLARB Annual Meeting is scheduled for September 27-29, 2018 in Toronto, Canada.

e. Discussion on Certificate of Licensure

Mr. Kobashigawa reported that members of AIA approached him to request for a new design for the certificate of licensure or wall certificate that is issued to each licensee upon licensure. Due to

all of the boards/programs regulated by the Professional and Vocational Licensing Division and the voluminous number of licenses that are issued, wall certificates are printed in the same template for each board/profession.

Mr. Kobashigawa requested this matter be deferred as they are still researching the matter for possible options.

f. Consideration of Regulated Industries Complaints Office ("RICO") Board of Professional Engineers, Architects, Surveyors and Landscape Architects Advisory Committee

It was moved by Mr. Inaba, seconded by Mr. Yumol, and unanimously carried to approve those licensees on RICO's Board of Professional Engineers, Architects, Surveyors and Landscape Architects Advisory Committee, including any additional interim appointees that RICO deems necessary to aid in its investigations. The Board also requested that an additional land surveyor and an electrical engineer be added to the Committee.

g. Hawaii Community College ("HCC") Architectural, Engineering & CAD Technologies ("AEC") Degree

Ms. Gayle Cho, Professor/Program Coordinator of the AEC program at HCC, inquired whether their Associate in Applied Science ("AAS") degree curriculum would be acceptable to meet the education requirement being a "Graduate of a two-year architectural technology curriculum from a community college or technical training school approved by the Board." This AAS degree is a two-year program consisting of 66 credits.

As this is education related, Ms. Noe requested that she be able to take this matter back to her staff at the University of Hawaii School of Architecture for their input on this matter.

By consensus of the Board, this matter will be deferred.

Executive Officer's Report:

a. Department of Commerce and Consumer Affairs ("DCCA") Disciplinary Actions through August 2017

This list was circulated to the members for their information.

b. Results of September 2017 Landscape Architect – Hawaii Plant Materials State Exam

Number of Candidates: 2  
Number of Candidates Eligible: 0

- c. 2018 Board Meeting Schedule  
Thursday, January 18, 2018  
Thursday, February 8, 2018  
Thursday, March 15, 2018  
**Wednesday, April 4, 2018**  
Thursday, May 10, 2018  
Thursday, June 14, 2018  
Thursday, July 12, 2018  
Thursday, August 9, 2018  
Thursday, September 13, 2018  
Thursday, October 11, 2018  
Thursday, November 8, 2018  
Thursday, December 13, 2018

Announcement: a. Changes to PVL Staff Assignments

It was announced to the Board that effective November 1, 2017, Ms. Matsushima will be the Executive Officer for the Board and Mr. Kobashigawa will be assisting her.

Public Comment: None.

Next Meeting: Thursday, November 9, 2017  
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 10:22 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

10/27/17

Minutes approved as is.

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