

**ELEVATOR MECHANICS LICENSING BOARD**  
Professional and Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii

MINUTES OF MEETING

Date: Monday, September 14, 2017

Time: 1:00 p.m.

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

Present: Lawrence T. Morinaga, Industry Member, Chairperson  
James Wilburn, Jr., Industry Member, Vice Chairperson  
Jammie Garcia-Paahana, Industry Member  
Ronald H. Nakamine, Department of Labor and Industrial Relations  
("DLIR") Designee  
Steve Tsunemoto, Industry Member

Constance Cabral, Executive Officer  
Kedin Kleinhans, Executive Officer  
Daniel K. Jacob, Esq., Deputy Attorney General ("DAG")  
Ronni-Ann Bumgarner, Secretary

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Hawaii Revised Statutes ("HRS") section 92-7(b).

Call to Order: There being a quorum present, the meeting was called to order at 1:03 p.m. by Chairperson Morinaga.

Approval of Minutes: It was moved by Ms. Garcia-Paahana, seconded by Vice Chairperson Wilburn, and unanimously carried to approve the Board meeting minutes of the August 7, 2017 meeting as circulated.

Legislation: H.B. No. 1381, Relating to Elevator Mechanics (and subsequent drafts)

This bill expands or clarifies various aspects of statutes regarding elevator mechanic licensing and apprentice registration.

The Board discussed H.B. No. 1381, and how Executive Officer Cabral and Mr. Yamane of the International Union of Elevator Constructors ("IUEC") met with the DLIR regarding H.B. No. 1381 H.D. 1 regarding temporary permits, to which Mr. Yamane agreed to remove the provision in H.B. No. 1381 H.D. 1.

Executive Officer Cabral mentioned the safety concerns former DAG Tam had if apprentices could apply for temporary permits. The Board agreed at its previous meeting that there were safety mechanisms in place.

Elevator Mechanics Licensing Board  
Minutes of the September 14, 2017 Meeting

Mr. Tsunemoto asked, "If the legislature were to pass H.B. No. 1381 H.D. 2, S.D. 1, which does not address temporary permits, does it mean the Board would not be able to draft rules saying an apprentice would be able to be able to obtain a temporary permit as drafted in H.B. No. 1381 H.D. 1?" Executive Officer Cabral stated if the Board wants the language from H.B. No. 1381, H.D. 1, which allows the Board to issue temporary permits to apprentices, they would have to go through legislation.

Executive Officer Cabral added that if the Board wanted to add the provision of temporary permits from H.D. 1, the Board would need to ask the legislature to put the "temporary permit" provision language in the bill.

Executive Officer Cabral wanted to know if other states require apprentices to register with the Department of Labor, as she has concerns of only allowing a specific group to register. Mr. Tsunemoto replied that mainland apprentices register with the U.S. Department of Labor. DAG Jacob stated he will find out more about this topic.

Executive Session:

At 1:37 p.m., it was moved Vice Chairperson Wilburn, seconded Ms. Garcia-Paahana, and unanimously carried (by roll call with Chairperson Morinaga, Vice Chairperson Wilburn, Ms. Garcia-Paahana, Mr. Nakamine, and Mr. Tsunemoto voting aye) for the Board to move into Executive Session 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)(4).

At 2:06 p.m., it was moved by Vice Chairperson Wilburn, seconded by Ms. Garcia-Paahana, (Chairperson Morinaga, Vice Chairperson Wilburn, Ms. Garcia-Paahana, Mr. Nakamine, and Mr. Tsunemoto voting aye) and unanimously carried for the Board to move out of Executive Session.

Rules Revisions:

The Board will be considering rules revisions relating to apprentices, continuing education and training programs. It will also be exploring subjects covered in formal training programs.

Executive Officer Cabral mentioned that the Board had previously agreed to remove any references in the rules to apprentices and to remove apprenticeships if the Board removed the registration. Chairperson Morinaga stated that it depends on if the Board removes the registration requirement.

Vice Chairperson Wilburn stated that he thinks it should be there, but just be further defined. The Board discussed the need to keep track of apprentice registrations so the Board knows how much time the apprentice has put in. Executive Officer Cabral stated that the purpose for regulation is for public safety.

DAG Jacob stated for the next meeting he and the new DAG will look at all the versions of the bill and present it to the Board.

Elevator Mechanics Licensing Board  
Minutes of the September 14, 2017 Meeting

Mr. Tsunemoto asked if HRS § 436B-4 gives the Board authority to require continuing education. DAG Jacob stated he would have to research the matter and report back to the board at the next meeting.

Vice Chairperson Wilburn asked if there was a listing of temporary permits currently issued. Executive Officer Kleinhans stated that he could get the information.

Review of Exam Contract:

The Board reviewed its exam contract with Prometric. The Board has concerns with applicants being able to review the exam for questions they answered incorrectly.

DAG Jacob suggested if the Board wants to discuss further issues with Mr. Yamane, they can create a Permitted Interactive Group, which consists of less than quorum of the Board. This group can report back to the Board at the next meeting.

Next Meeting:

Thursday, October 6, 2017  
1:00 p.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building, 1<sup>st</sup> Floor  
335 Merchant Street  
Honolulu, Hawaii 96813

Adjournment:

There being no further business to discuss, the meeting was adjourned at 3:35 p.m.

Taken and recorded by,

/s/ Ronni-Ann Bumgarner

Ronni-Ann Bumgarner, Secretary

Reviewed and approved by:

/s/ Kedin Kleinhans

Kedin Kleinhans, Executive Officer

KK:rb

9/21/17

- Minutes approved as is.
- Minutes approved with changes; see minutes of \_\_\_\_\_.