

Professional and Vocational Licensing Division
Regulated Industries Complaints Office
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF PUBLIC HEARING

Date: Wednesday, July 6, 2016

Time: 10:00 a.m.

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

Present: Celia C. Suzuki, Licensing Administrator, Professional
and Vocational Licensing Division ("PVL")
Daria A. Loy-Goto, Complaints & Enforcement Officer,
Regulated Industries Complaints Office ("RICO")
Daniel Jacob, Esq., Deputy Attorney General
Patti Kodama, Secretary
Alice Worthy, Secretary

Guests: None.

Call to Order: The public hearing was called to order at 10:05 a.m. by
Ms. Suzuki.

Introduction of
Staff Members: Ms. Suzuki introduced herself, Ms. Loy-Goto, Deputy Attorney
General Jacob, and staff.

Purpose: Ms. Suzuki stated that the purpose of this public hearing was to
afford all interested persons an opportunity to present testimony,
orally, and/or in writing, on the proposed rule amendments to
Hawaii Administrative Rules ("HAR") chapter 16-53, pertaining
to fees.

Notice of
Public Hearing: Ms. Loy-Goto read the Notice of Public Hearing in its entirety,
which was published in five newspapers of general circulation, The
Star-Advertiser, Hawaii Tribune-Herald, West Hawaii Today, The
Maui News, and The Garden Island on Monday, June 6, 2016.

Ms. Suzuki briefly described the procedure that would be
followed at the public hearing, as follows:

1. If any individual wished to present oral testimony, he or she
must sign up on the *Oral Testimony Sign-up Sheet*, and
indicated where the sign-up sheet was located;

2. If any individual had written testimony to submit but did not intend to present oral testimony, that written testimony should be submitted to Ms. Suzuki;
3. If any individual had already submitted written testimony for consideration, Ms. Suzuki asks that he or she limit oral comments to additional points that are not included in the written testimony. Providing a written transcript of the oral comments before leaving the public hearing would be appreciated;
4. Oral testifiers would be called upon in the order of sign-up; each would need to state his/her name and address, and the name of the person, group, or organization that is being represented, if applicable;
5. Since the purpose of the public hearing is to hear the views and arguments of all interested persons, DCCA will not be discussing any of the written or oral testimony during the hearing or answering any questions which might be raised by the testimony; and
6. DCCA intends to make its decision on the proposed amendments to the administrative rules.

Testimony:

The following individuals provided oral testimony at the hearing:

1. Moana Anderson

Ms. Anderson testified on behalf of the Hawaii Association of Realtors ("HAR"). Ms. Anderson informed DCCA staff that the HAR is 9,000 members strong. A survey was sent to the members and they received a large response back. The HAR does not object to the individual fee increase, but objects to the automatic fee increase of 16% every seven years, and feels that it is an unreasonable burden to bear and doesn't seem justifiable. Ms. Anderson stated that the HAR would like some justification for any automatic increases proposed in the future.

2. Blake Oshiro

Mr. Oshiro testified on behalf of the American Resort Development Association ("ARDA"). ARDA opposes the automatic fee increase of 16% and any fee increase and DCCA will need to provide necessary accountability.

Mr. Oshiro stated that the Time Share industry does not support the increase and that the licensing section for Time Share is small and the application process is slow.

Mr. Oshiro also stated that ARDA will continue to object to any increase until such time that tangible benefits are demonstrated and would like assurance that the fees will be used to improve the licensing process.

3. Ms. Suzuki stated that written comments had been received via email between June 24, 2016 and June 28, 2016 from the following:

Hawaii Association of Realtors

- Agrees with the proposed fee increase.
- Opposes automatic fee increases of 16% every seven years.

Mr. Tim Lyons – Representing the following industries:

The Subcontractors Association of Hawaii
The Hawaii Flooring Association
The Roofing Contractors Association of Hawaii
The Tile and Marble Contractors Assn. of Hawaii
The Hawaii Wall and Ceiling Industry Assn.
The Plumbing and Mechanical Contractors Assn. of Hawaii
The Electrical Contractors Assn. of Hawaii
The Painting and Decorating Contractors Assn.
The Sheetmetal Contractors Assn. of Hawaii
The Pacific Insulation Contractors Association
The Hawaii Pest Control Association
The Hawaii Business League

- Little objection to the various fees increases.
- Strong objection to the automatic fee increase.

Accu – Pest & Termite Control Services, LLC

- Does not oppose the proposed fee increases.
- Does not think that a 16% increase or any increase should be automatic.

American Resort Development Association ("ARDA") –
Hawaii

- Opposes the automatic fee increase and any fee increase as there are no assurances that such increases will result in improved or enhanced services.
- Objects to the consolidation of certain fees and increases to other fees proposed in HAR section 16-53-40.3 if the industry will not see tangible results and improvements to the Time Share Administration office.

State Termite and Pest Control, Inc.

- No objection to fee increase.
- Objects to the automatic fee increases and feels such increases should be justified.

Procedure After
Hearing:

Ms. Suzuki asked if there was anyone else who wished to present testimony at this time. Hearing no response, Ms. Suzuki announced that a final decision on the proposed amendments to the rules will be made in the near future. Ms. Suzuki thanked everyone for attending and participating in the public hearing.

Ms. Suzuki stated that everyone will be notified by email as to the final outcome of the public hearing after it has gone through the post public hearing process.

Adjournment:

There being no further business to discuss, the public hearing was adjourned at 10:20 a.m. by Ms. Suzuki.

Taken and recorded by:

/s/ Patti Kodama

Patti Kodama, Secretary

Reviewed and approved by:

/s/ Celia C. Suzuki

Celia C. Suzuki
Licensing Administrator

CCS:pk

07/26/2016

[X] Minutes approved as is.

[] Minutes approved with changes.