

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

MINUTES OF MEETING

Date: Tuesday, November 14, 2017

Time: 1:00 p.m.

Place: King Kalakaua Conference Room
King Kalakaua Building, 1st 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
Krishna F. Jayaram, Esq., Deputy Attorney General ("DAG")

Guests: Marc Yamane, International Union of Elevator Constructors ("IUEC")
Randy Storr, IUEC
Vance Ayres, IUEC
Mario Vicchillio, IUEC
Kevin Sullivan, Elevator Industry Work Preservation Fund ("EIWPF")
Mike Halpin, EIWPF
Geno Godinet, Access Lifts of Hawaii
Tony Abvani, Access Lifts of Hawaii

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 1:07 p.m. by Chairperson Morinaga.

International Union Elevator Constructors' Presentation: Mr. Yamane clarified that there was no presentation and members of the IUEC and EIWPF were present to answer any of the Board's questions. He mentioned that there were concerns at the last meeting regarding creating a level playing field and Continuing Education ("CE").

Mr. Storr stated CE exists in 32 different states and are offered through several different providers, such as National Elevator Industry Educational Program ("NEIEP"), Professional Approved Continuing Education ("PACE"), and National Association of Elevator Safety Authorities ("NAESA"), however the PACE classes, which are based in California, have winded down to 4 classes per year.

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Mr. Tsunemoto asked if PACE is winding down in California, how are they replacing it?

Mr. Storr replied that NEIEP took over the classes.

Mr. Tsunemoto asked if the NEIEP training program is available for union and non-union mechanics.

Mr. Storr replied that the NEIEP training program is open to union mechanics only.

Chairperson Morinaga asked if the CE class fees are the same between union and non-union mechanics.

Mr. Storr stated that the program is \$90.00 per student and is available to non-union students at no additional cost. He explained that once the Board approves class providers, the providers will send their curriculum for Board review.

Mr. Yamane stated that NAESA offers CE courses, but they are located on the US Mainland.

Chairperson Morinaga stated that their program will suffice the CE requirement for union and non-union elevator mechanics.

The Board thanked the members of the IUEC and EIWPF for being present to answer questions.

Approval of Minutes:

It was moved by Vice Chairperson Wilburn, seconded by Steve Tsunemoto, and unanimously carried to approve the Board meeting minutes of the October 6, 2017 meeting as circulated.

2018 Board Meeting Schedule:

Board members reviewed the Board meeting schedule for 2018.

Vice Chairperson Wilburn requested to change the start times for meetings to 1:00 p.m.

Executive Officer's Report:

Executive Officer Kleinhans reported that there are no current temporary holders.

Executive Officer Kleinhans asked the Board if they would like to notify Prometric not to let applicants review incorrect answers now, or until after the upcoming legislative session.

Mr. Tsunemoto asked what is more effective: Letting applicants review their incorrect answers or not?

Ms. Garcia-Paahana stated that the Board should wait until we can agree on testimony for H.B. 1381.

Chairperson Morinaga requested the Executive Officer to obtain the Pass/Fail rate of the exam.

Vice Chairperson Wilburn also requested to obtain notifications when applicants fail the exam. He added that if applicants hold a temporary permit and fail the exam, their temporary permit is revoked.

Executive Officer Kleinhans stated that he will get the information.

Licensing:

a. Applications

(i) Aaron Orzolick
Temporary Permit

Board members reviewed Mr. Orzolick's Temporary Permit application.

It was moved by Ms. Garcia-Paahana, seconded by Mr. Tsunemoto, and unanimously carried to approve Aaron Orzolick's application for Temporary Permit.

New Business:

a. 2018 RICO Elevator Mechanics Advisory Committee and Addendum

Chairperson Morinaga noticed that one of the members on the advisory committee is a current Board member. In addition, another member on the advisory committee is retired.

It was moved by Vice Chairperson Wilburn, seconded by Ms. Garcia-Paahana, and unanimously carried to defer approval of the 2018 RICO Elevator Mechanics Advisory Committee and Addendum until it is updated by RICO.

At 1:37 p.m., Mr. Nakamine arrived at the meeting.

Mr. Godinet of Access Lifts of Hawaii questioned if RICO has the authority regarding unlicensed activity. He added that he sent photographs to RICO, but nothing has been done.

Executive Officer Kleinhans stated that this topic was not on the agenda and the Board is unable to discuss the issue.

Executive Officer Cabral added that the Board is not responsible for unlicensed activity.

Legislation:

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

Executive Officer Cabral reminded the Board that they had submitted testimony in support of removing apprentice registration.

Mr. Yamane stated that the IUEC opposes not having apprentices register with the Board. He added that part of the training process involves completing an approved apprenticeship program. Every apprentice has a certificate of apprenticeship to show proof of completion.

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Chairperson Morinaga stated that the Board will move on to discuss temporary permits.

Mr. Yamane stated that he met with Senator Baker and Senator Johansen regarding issue temporary permits to 4th year apprentices and they are onboard.

Executive Officer Cabral reminded the Board that their main concern is to protect the public.

Chairperson Morinaga stated that if the job involves something that a 4th year apprentice should not perform; the employer will give the job to a more qualified mechanic.

Mr. Yamane stated that there is so much work in Hawaii and not enough mechanics. We need to provide the manpower however, we cannot just hire anybody. At least with issuing temporary permits to apprentices in training programs, we can provide educated mechanics.

Mr. Yamane added that there are unlicensed people working on jobs that need mechanics with temporary permits.

Mr. Tsunemoto asked if the Board should consider keeping leeway.

Members of the IUEC and EIWPF left the meeting.

Ms. Garcia-Paahana stated that regarding scope of work, the Board should support language in H.D. 2.

Vice Chairperson Wilburn agreed on the language in H.D. 2, however does not support remote operation.

Chairperson Morinaga agreed to support the language in H.D. 2 regarding scope of work and conveyances.

Mr. Tsunemoto added that the language should state "... shall be performed by the elevator mechanic on-site who is licensed by the Board."

Executive
Session:

At 3:02 p.m., it was moved Mr. Tsunemoto, seconded by Vice Chairperson Wilburn, and unanimously carried 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, in accordance with Hawaii Revised Statutes ("HRS") § 92-5(a)(4).

At 3:31 p.m., it was moved by Vice Chairperson Wilburn, seconded by Ms. Garcia-Paahana, and unanimously carried for the Board to move out of Executive Session.

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Mr. Godinet wanted to express his thoughts on the legislation and RICO.

Mr. Godinet stated that the current licensing scheme is difficult for his business since his business only works on ADA accessibility lifts. His apprentices are unable to pass the exam however, they are certified through the various lift manufacturers. Mr. Godinet added that he is working with the National Association of Elevator Contractors (“NAEC”) for formal training program certification.

Mr. Godinet reiterated that there is unlicensed activity happening on accessibility lift repairs, but RICO keeps turning down his complaints.

Executive Officer Cabral reiterated that the Board does not have jurisdiction on unlicensed activity.

Mr. Nakamoto added that the DLIR has no jurisdiction on private residences.

Vice Chairperson Wilburn stated that complaints to RICO take volume, however RICO is the policing authority.

Mr. Abvani of Access Lifts of Hawaii added that despite the reports of unlicensed activity, they are still trying to get their technicians certified.

Licensing:

Vice Chairperson Wilburn expressed concerns on the previous approval of Mr. Aaron Orzolick’s Temporary Permit application. He requested a motion to revisit the Temporary Permit application for Aaron Orzolick.

It was moved by Mr. Tsunemoto, seconded by Vice Chairperson Tsunemoto, and unanimously carried to revisit the Temporary Permit application for Aaron Orzolick.

Executive Session:

At 3:56 p.m., it was moved Vice Chairperson Wilburn, seconded by Mr. Tsunemoto, and unanimously carried for the Board to move into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with HRS § 92-5(a)(1) and to consult with the Board’s attorney on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities, in accordance with HRS § 92-5(a)(4).

At 4:10 p.m., it was moved by Vice Chairperson Wilburn, seconded by Ms. Garcia-Paahana, and unanimously carried for the Board to move out of Executive Session.

Next Meeting:

Thursday, October 6, 2017
1:00 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building, 1st 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/Kedin Kleinhans

Kedin Kleinhans, Executive Officer

KK

12/14/17

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes of January 16, 2018.