

BOARD OF ELECTRICIANS AND PLUMBERS
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: Tuesday, April 10, 2018

Time: 10:30 a.m.

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

Present: Peter Akamu, Industry Member, Chairperson
Matt Brady, Industry Member, Vice Chairperson
Randall Kaya, Public Member
Randal Hiraki, Industry Member
Phillip Lucero, Industry Member
Vernon Ta'a, Public Member
Krishna Jayaram, Deputy Attorney General
Charlene Tamanaha, Executive Officer
Olga Reppun, Secretary

Excused: None

Guests: Ryan Takahashi - Hawaii Electricians Market Enhancement
Program ("HEMEP")
Joy Kimura, Hawaii Laborers Employers Cooperation & Education
Trust ("LECET")
Al Itamoto, Electrical Contractors Association
Ty Whim, HPCR
Mike Pacheco, IBEW 1186
Samuel H. Biddle, PJ 9940
Leyton Torda, IBEW 1186, Examining Board

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

Call to Order: There being a quorum present, Chairperson Akamu called the
meeting to order at 10:34 a.m.

Approval of
the Minutes It was moved by Vice-Chair Brady, seconded by Mr. Kaya, and
unanimously carried to approve the minutes of the February 13,
2018, Board meeting as circulated.

Addition of
an Item to the
Agenda

It was moved by Mr. Kaya, seconded by Vice-Chair Brady, and unanimously carried to add to the meeting agenda request for licensure by reciprocity as a military spouse from Mr. Robert Nemeti.

Executive
Officer's Report:

- a) Rescheduling of the 6/12/2018 meeting

Ms. Tamanaha reminded Board members that the June board meeting was rescheduled for June 5th. The new meeting schedule was posted on the Board's web site.

Examinations:

- a. The Executive Officer distributed the following results of the Electricians' and Plumbers' examination:

Electricians' Exam (administered March 2018)

| | EJ | ES | EM | EJI | EJS | ESS | ESI |
|--------------------|----|----|----|-----|-----|-----|-----|
| Exams Administered | 42 | 9 | 1 | 3 | 4 | 0 | 0 |
| Successful | 27 | 2 | 0 | 2 | 0 | 0 | 0 |
| Unsuccessful | 15 | 7 | 1 | 1 | 4 | 0 | 0 |

Plumbers' Exam (administered January 2018)

| | PJ | PM |
|--------------------|----|----|
| Exams Administered | 20 | 1 |
| Successful | 13 | 0 |
| Unsuccessful | 7 | 1 |

Applications:

It was moved by Mr. Kaya, seconded by Mr. Hiraki, and unanimously carried to approve/defer the following applications as noted.

- a. ELECTRICIANS
1. Journey Worker Electrician ("EJ") – Approved
CACHUELA, Vincent
CORNELL, Seth
DENNIS, Erik
ESTEBAN, Travis
KIBBY, Ralph
MARTIN, Grayson
NAKAMOTO, Richlen
NASCENZI, Nathan
NAWATANI, Kyle
O'DONNELL, Sean
ORDONO, Cecil
OYAMA, Alec

PURDY, Synjin
SANBORN, Nicholas
SATORI, Samuel
VALENTINE, Jason
VAUGHN, Jeremy
WILLIAMS, Jay

2. Journey Worker Industrial Electrician ("EJI") - Approved
WAIOLAMA, Ricky
3. Journey Worker Specialty Electrician ("EJS") -
Approved
IGLESIA, Reginald
KEE CHONG, Rodney
RAMOS, Jeffrey
ROMERO, Walter
SALAZAR JR, William
SHUMAKER, Oliver
4. Supervising Electrician ("ES") – Approved
NONE
5. Supervising Industrial Electrician ("ESI")
NONE
6. Supervising Specialty Electrician ("ESS")
NONE
7. Maintenance Electrician ("EM") - Approved
NAGAISHI, Alexander

b. PLUMBERS

1. Journey Worker Plumber ("PJ") – Approved
FLORES, Lord
GOMES, Jordan
RODRIGUES, Alexander
SALAUSA, Matthew
2. Master Plumber ("PM")
GAGNON, Nelson

c. DEFERRED APPLICATIONS

BLOOM, Jake (EJ)
CABATO, Jonavan (EJ)
DE VERA, Chase (EJ)
FAIRBURN, Nickolas (EJ)

GUILLERMO, Nelson (EJ)
LAU, Kwai (EJ)
KORAN, Jason (PJ)

d. RATIFICATIONS

It was moved by Mr. Hiraki, seconded by Mr. Ta'a, and unanimously carried to ratify the following individuals for examination:

QUITEVIS, Kalei (EJ)
BAKER, Aaron (PJ)

e. REQUEST FOR LICENSURE BY RECIPROCITY AS A MILITARY SPOUSE FROM MR. ROBERT NEMETI.

Ms. Tamanaha reminded the Board members that Mr. Nemeti's application was previously approved by the Board for examination at its 2/13/2018 meeting. At the time of this request, Mr. Nemeti was registered to take an exam, but it is not known if he actually took the exam or not.

Ms. Tamanaha stated that Mr. Nemeti was requesting licensure by reciprocity as a military spouse pursuant to Chapter 436B – 14.7.

Ms. Tamanaha reminded the Board that it has previously accepted military experience of applicants pursuant to Chapter 436B-14.8, however, it has not discussed licensure by endorsement pursuant to Chapter 436B – 14.7.

According to the Statute, the Board has to determine whether or not licensing requirements of the State where the applicant holds a license are equivalent or exceed those established by this licensing board.

Mr. Nemeti has not provided proof of holding a PJ license, but submitted documentation that shows that the State of Missouri allows its local municipalities to decide whether a master or a journeyman plumber's license is required. According to Missouri State Law, a municipality with less than 15,000 people shall not have any licensing requirements for contractors performing special trades or construction. The application materials only contain proof of Mr. Nemeti's business license.

Ms. Tamanaha went on to say that, based on the submitted information, the Board will have to determine whether or not those licensing requirements are equivalent or exceed licensing requirements in Hawaii.

Executive Session:

At 10:54 a.m., it was moved by Mr. Kaya, seconded by Mr. Hiraki, and unanimously carried to move into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with Hawaii Revised Statutes (“HRS”) section 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 section 92-5(a)(4).

Mr. Kaya left the meeting at 11:02.

At 11:02, it was moved by Vice-Chair Brady, seconded by Mr. Lucero, and unanimously carried to return to the Board order of business.

It was moved by Mr. Hiraki, seconded by Vice-Chair Brady, and unanimously carried to reaffirm the Board’s 2/13/2018 approval of Mr. Robert Nemeti’s application for examination and to deny his request for licensure by endorsement or reciprocity as a military spouse. The Board determined that the materials Mr. Nemeti submitted failed to demonstrate that he holds a journey worker plumber license or that the licensure requirements in Missouri are equivalent or exceed those established in Hawaii.

2018 Legislative Session

Executive Officer Tamanaha provided an update regarding current status of the following bills:

- a) **H.B. No. 1878 RELATING TO ELECTRICIANS**
Clarifies that employees performing high voltage electrical work for electrical contractors licensed under Chapter 444, Hawaii Revised Statutes, are exempt from Chapter 448E, Hawaii Revised Statutes under certain conditions.

Ms. Tamanaha informed the Board members that the bill was deferred indefinitely.

- b) **H.B. No. 1880, H.D. 3, S.D. 2 RELATING TO ELECTRICAL CONTRACTORS.**
Extends the sunset date of Act 65, SLH 2013, which provides a limited exemption to the licensing requirements for certain individuals in situations when a public utility must retain qualified individuals to work with high voltage (six hundred volts or higher) who are not licensed in the

State but are otherwise deemed qualified by the public utility. Requires the board of electricians and plumbers to submit reports to the legislature regarding high voltage electrical contractor

Ms. Tamanaha provided an update regarding bill H.B. 1880, H.D. 3, S.D.2. She informed the Board members that the Committee on Commerce, Consumer Protection, and Health has heard the concerns that the Departments of Labor and Industrial Relations and Business, Economic Development, and Tourism do not collect and do not have the current capacity to provide the specific information requested by this measure. The Committee concluded that amendments to this measure are therefore necessary.

The Committee amended this measure by:

(1) Specifying that the Board of Electricians and Plumbers, rather than the Departments of Labor and Industrial Relations and Business, Economic Development, and Tourism, shall submit reports to the Legislature;

(2) Clarifying the contents of the reports to be submitted to the Legislature by the Board of Electricians and Plumbers;

(3) Changing its effective date to June 29, 2018

Ms. Tamanaha explained that the S.D. 2 version changed the reporting requirements from the Department of Labor to the Board. The Board has not had a chance to weigh in on these amendments because there will be no further hearing. Even if this bill goes to conference, no testimony is accepted. She asked that the Board take a position for the record.

Section 3 of the S.D. 2 version states:

The board of electricians and plumbers shall submit reports to the legislature no later than twenty days prior to the convening of the regular sessions of 2019, 2020, 2021, 2022, and 2023. The reports shall include but not be limited to the following: (1) Any programs in the State that offer vocational training for licensed electricians to perform high voltage electrical work; (2) Availability of continuing education, training, or both, necessary for licensed electricians to acquire or keep current those skills

related to performing high voltage work; (3) The number of licensed electricians in the State qualified to perform high voltage electrical work; and (4) Opportunities for growth in the high voltage work subspecialty.

Ms. Tamanaha stated that she was concerned that the Board does not have the ability to submit such reports. Currently there are no programs outside of public utilities which train electricians to perform high-voltage work, except for IBEW, which does not have any students enrolled at the moment. There is no available CE either. Since the Board of Electricians and Plumbers does not license electricians to perform specifically high-voltage work, there is no way to for the Board to collect information required by this bill.

Ms. Tamanaha continued to say that while the Board will not be able to submit testimony, she did inform the legislators via email that the Board has not had a chance to review the changes in the S.D. 2 and relayed concerns that the Board would not be able to comply with the requirements.

Chair Akamu stated that the Board should withdraw its support of the bill if it were to proceed in its current version.

Ms. Tamanaha responded that the Board could take this position, but there would be no more opportunity to submit testimony, because there are no more hearings scheduled. If the bill goes to conference, then the Director's Office might be able to submit comments, with the Board's new position included. The industry would still be able to submit concerns and comments to the legislators, but the Board will not be able to submit testimony.

Chair Akamu suggested that the Board state its support of the original intent of the bill to extend the Sunset date of Act 65 and opposition for the additional requirement for the Board of Electricians and Plumbers to submit reports to the legislature.

Mr. Ryan Takahashi, HEMEP, asked for permission to submit comments to the Board regarding the bill.

Mr. Takahashi asked the Board to reconsider its original support of the extension due to the problems with the

language of the bill. One of the terms that the bill uses is “high voltage”, which does not only apply to the work performed by a public utility. On the contrary, there is clear separation between utilities and high voltage work. Licensed journeymen electricians are qualified to do work that is above 600V. The concern that HEMEP has is that the exemption for all “high voltage” work could include a contractor that Hawaiian Electric hires to perform work that falls under the jurisdiction of the Board of Electricians and Plumbers.

Ms. Tamanaha pointed out that, even if the Board were to change its position at this point, there are no more opportunities to submit testimony.

Al Itamoto, Electrical Contractors Association, made the following remark to the Board: Mr. Itamoto stated that IBEW did, in fact, have an on-going cable splicing (which is considered high-voltage work) training program.

Mr. Takahashi pointed out that there is high-voltage work (600V and higher) out there that is covered by the NEC. HEMEP’s concern is that the language of the bill did not clearly state that the exemption should cover high voltage work regulated by the public utilities commission, and not all high voltage work which is contracted out by HECO. Mr. Takahashi stated that Hawaiian Electric currently contracts out about 60% of the high voltage work.

Leyton Torda, IBEW 1186, Examining Board, stated he has personally seen negative consequences of out-of-state contractors coming in to do work for HECO.

Chair Akamu and Mr. Hiraki stated that the Board understood the concern regarding jurisdiction over high-voltage work and problems with the current language of the bill regarding the exemption.

Ms. Tamanaha added that the reason that the exemption became necessary five years ago was because HECO started contracting work out instead of using its own employees who are exempt from HRS 448E.

Ms. Tamanaha advised IBEW and HEMEP to raise their opposition with the chairs of the committee and reiterated that the Board would have no opportunity to submit testimony at this stage of the legislative session.

Ms. Tamanaha also informed the Board members that there are contactors in the State who are licensed to do high-voltage work, with C-62 and C-63 license classifications. These contractors provide additional training to the EJs they employ, but there is no high voltage license under the Board of Electricians and Plumbers.

Chair Akamu and Executive Officer Tamanaha inquired if the Board would like to vote on its position regarding this bill.

It was moved by Vice-Chair Brady, seconded by Mr. Hiraki, and unanimously carried to oppose the bill in its current version (H.B. No. 1880, H.D. 3, S.D. 1, S.D. 2.) regarding the submission of reports to the legislature by the Board.

It was moved by Mr. Lucero, seconded by Mr. Hiraki, and unanimously carried to oppose the extension of Act 65, SLH 2013, as currently stated in H.B. No. 1880, H.D. 3, S.D. 2., because the language of the bill does not differentiate high voltage work (above 600V) that EJs are trained and licensed to perform.

- c) **S.B. No. 2937 RELATING TO ELECTRICAL CONTRACTORS. (Companion H.B. No 2549)**
Provides an exemption to the licensing requirements for certain qualified individuals in situations when high voltage (six hundred volts or higher) electrical work is performed while employed by a Hawaii licensed electrical contractor.

Ms. Tamanaha informed the Board members that the bill was deferred indefinitely.

- d) **S.B. No. 2297 H.D.2 RELATING TO ELECTRICAL CONTRACTORS.**
Extends the sunset date of Act 65, SLH 2013, which provides a limited exemption to the licensing requirements for certain individuals in situations when an electric utility must retain qualified individuals to work with high voltage (six hundred volts or higher) who are not licensed in the State but are otherwise deemed qualified by the electric utility.

Ms. Tamanaha explained that this is the preferred vehicle as it extends the sunset date, but does not require the Board to submit reports.

Similarly to H.B. 1880, H.D. 3, S.D 2, it was moved by Mr. Lucero, seconded by Mr. Hiraki, and unanimously carried to oppose the extension of Act 65, SLH 2013, as currently stated in S.B. 2297 H.D.2., because the language of the bill does not differentiate high voltage work (above 600V) that EJs are trained and licensed to perform.

e) G.M. 710

Submitting for consideration and confirmation to the Board of Electricians and Plumbers, Gubernatorial Nominee, MARC TONG, for a term to expire 06-30-2022.

Ms. Tamanaha informed the Board that the Governor's office withdrew the nomination of Mr. Tong and there were no other candidates nominated.

Mr. Lucero will remain as a holdover board member until the next legislative session.

New Business:

a) Request from Michelle Thomas, License and Compliance Manager, ADT, LLC

The Board members agreed to advise Ms. Thomas that the Board's position has been that even as a C-15 contractor they would have to employ licensed electricians, at a minimum an EJS, and are also subject to contractors' board statutes. Electrical work less than 50V has to be done/supervised by an electrician with an EJS license.

Public Comment:

None.

Chapter 91, HRS
Adjudicatory
Matters:

Chairperson Akamu called for a recess from the Board's meeting at 11:44 p.m. to discuss and deliberate on the following adjudicatory matter pursuant to HRS Chapter 91:

a) In the Matter of the Electrician's License of Arnold Z. Matsuda; ENP 2017-14-L

Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

After discussion, it was moved by Vice-Chair Brady, seconded by Mr. Hiraki, and unanimously carried to approve the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

Following the Board's review, deliberation and discussion on this matter, pursuant to HRS Chapter 91, Chairperson Akamu

announced that the Board was reconvening to the agenda at 11:55 p.m.

- Announcement:
- a. Next Applications Committee Meeting
Tuesday, June 05, 2018
9:30 a.m.
King Kalakaua Conference Room
335 Merchant Street, 1st Floor
Honolulu, HI 96813
 - b. Next Board Meeting
Tuesday, June 05, 2018
10:30 a.m.
King Kalakaua Conference Room
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Adjournment: There being no further business to discuss, the meeting adjourned at 11:56 p.m.

Reviewed and approved by:

Taken by:

/s/ C. Tamanaha
Charlene Tamanaha
Executive Officer

/s/ O. Reppun
Olga Reppun
Secretary

CT:or

05/15/18

Minutes approved as is.

Minutes approved with changes; see minutes of _____