

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, November 8, 2018

Time: 9:00 a.m.

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

Present: Ken Ota, Vice Chairperson, Public Member  
Robert Eggleston, Public Member  
Alan Inaba, Land Surveyor Member, Secretary  
Brian Fujiwara, Architect Member  
Ron Iwamoto, Structural Engineer Member  
Kevin Katayama, Mechanical Engineer Member  
Joel Kurokawa, Landscape Architect Member  
Benedict Lee, Landscape Architect Member  
Richard Suzuki, Civil Engineer Member  
Marc Ventura, Architect Member  
Shari Wong, Esq., Deputy Attorney General ("DAG")  
Sandra Matsushima, Executive Officer ("EO")  
LaJoy Lindsey, Secretary

Excused: Demetrio Constantino, Public Member  
Roberto Yumol, Chairperson, Architect Member

Guests: None

Call to Order: There being a quorum present, the meeting was called to order at 9:06 a.m. by Vice Chair Ota.

Agenda: Additions and Revisions: None.

Approval of Minutes: Mr. Inaba moved, Mr. Kurokawa seconded and it was unanimously carried to approve both the October 4, 2018, regular session and executive session minutes.

Board Member  
Disaster/  
Emergency  
Preparedness

The Board viewed the Avoid/Deny/Defend training video developed by Advance Law Enforcement Rapid Response Training (ALERRT): The intuitive, easy-to-remember three step plan for survival in the event of an active shooter event or other public acts of violence.

Chapter 91 HRS  
Adjudicatory  
Matters:

At 9:20 a.m. Mr. Katayama moved, Mr. Inaba seconded, and unanimously carried to enter into recess under Chapter 91, HRS, adjudicatory matters.

5a. In the Matter of the Professional Engineer's License of Dilip M. Khatri; ENG 2017-10-L; – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

It was moved by Mr. Ventura, seconded by Mr. Inaba, and unanimously carried to accept the above Settlement Agreement.

At 9:24 a.m., the Board came out of recess under Chapter 91, HRS, adjudicatory matters and returned to its regular order of business.

Mr. Iwamoto questioned if when reviewing an application, by endorsement for example, where they actually check the box "Have you ever had your license suspended or revoked?" The applicant sent a write up that his license wasn't actually revoked or suspended, he was reprimanded. Applicant had presented himself as doing actual professional structural work, but he wasn't licensed at that time. He said that during the process of being reprimanded he was actually licensed. Mr. Iwamoto deferred it.

Mr. Iwamoto's question was, if someone has their license revoked or suspended somewhere (else) and they pay their fines, do we consider them as having a clean slate or do we have to take that into consideration when endorsing them? EO Matsushima mentioned that some "yes" answers are just DUI and not directly related to the profession. Some are actually plan stamping or related to the profession. Mr. Iwamoto asked if the infraction was severe enough, has there ever been a standard where the Board would actually just deny the application.

EO Matsushima replied that you could deny it. Mr. Iwamoto then asked "Where do we draw the line?" The DAG commented that if the offense was egregious, you could agree with the home state to license with certain conditions, or you can think we in Hawaii have higher standards so we will deny. They could ask for a hearing. Both parties would tell their sides of the story and it goes back to the Board for a final decision, they could then appeal the Board's final decision. So, they are afforded due process. It varies on a case-by-case basis.

Mr. Iwamoto questioned if there was a legal barrier and at what point can they deny the application. He's concerned about getting the Board into a

legal dispute. DAG advised that the Board has its rules and statutes that are cited in the denial letter. Mr. Iwamoto wondered if there was a precedence.

EO Matsushima mentioned that usually if they're applying via endorsement, they're required to be currently licensed in at least one other state and meets that statute. So it's really hard to deny them, because technically they met the standards here. There was one instance in which an architect that did not have a license (as it was revoked) wanted to apply via endorsement, but was unable to. He was told that he may be able to apply via exam. He chose not to pursue it.

Applications:

- a. Ratifications
- b. Professional Engineer Committee Recommendations

Mr. Suzuki presented the PROFESSIONAL ENGINEER COMMITTEE REPORT and recommended action as follows:

APPROVE CIVIL ENGINEER BY ENDORSEMENT

- BAGGIANI, Daniel
- BARTLE, Brian
- CHASE, Bridget
- CHERRY, Stephen
- COYNE, Jeffrey
- GUZEK, Paul
- HOOK, Ryan
- JENSEN, Craig
- MATASOVIC, Neven
- RIEBE, Michael
- SETTEPANI, Fabrizio
- VIANI, Steven

APPROVE ELECTRICAL ENGINEER BY ENDORSEMENT

- CHINN, Michael
- LOOS, Eric
- OROSCO, Michael
- VANDERMEULEN, Aaron

APPROVE MECHANICAL ENGINEER BY ENDORSEMENT

- ARMSTRONG, Ryan
- GARNIER, Daryl

- GRIFFITH, Michael
- HERRICK, Dawne
- JOHNSON, Jeremiah
- JONES, Richard
- NICA, Marius

APPROVE STRUCTURAL ENGINEER BY ENDORSEMENT

- BROWN, Diana
- CARY, Sean
- ELLINGSON, Garret
- FAZ, Jose
- GARCIA, Ramon
- HINKLEY, Kevin
- LIND, Derrick
- RILEY, Ian
- THOMPSON, Jacob
- VARNEY, Nancy
- WILLIAMS, Mark

APPROVE ENGINEER BY EXAM (PE)

- SENECA, Chayson (CE)
- TANNER, Christopher (CE)
- WILBUR, Nathanael (EE)
- WONG, Zachary

APPROVE ENGINEER BY EXAM (FE)

- NONE

DEFER CIVIL ENGINEER BY ENDORSEMENT

- DRINKWATER, Michael
- JAHN, Tyler
- LANDOWSKI, Justin
- MAPEL, Brian
- MARX, Gerald
- MURRAY, Austin
- NIGRO, Robert
- RUEBLING, James

DEFER ENGINEER BY EXAM (PE)

- BORRAYO, Adriana (CE)
- GERSH, Gabrielle (CE)
- WALTZ, Eli (EE)

DEFER ENGINEER BY EXAM (FE)

- *NONE*

DEFER ELECTRICAL ENGINEER BY ENDORSEMENT

- BAKKEN, John
- CONNORS, David
- JONES, Richard

DEFER MECHANICAL ENGINEER BY ENDORSEMENT

- BERTOLDO-ZWICKY, Kathryn
- BRENNAN, Walter
- HUNSBERGER, Jr., E. Russell
- SHAMRELL, David

DEFER STRUCTURAL ENGINEER BY ENDORSEMENT

- DAVIDSON, Eric
- FRANCH, Kenneth
- HASSE, Christopher
- MILLER, Kevin

DENY CIVIL ENGINEER BY ENDORSEMENT

- DONOVAN, Andrew

DENY ELECTRICAL ENGINEER BY ENDORSEMENT

- *NONE*

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

c. Professional Architect Committee Recommendations

Mr. Fujiwara presented the PROFESSIONAL ARCHITECT COMMITTEE REPORT and recommended action as follows:

APPROVE ARCHITECT BY ENDORSEMENT

- BENT, Stephen
- CRANE, Laura
- DERSE, Karoline
- KARSKY, Bryan
- MIGNERON, Christopher
- MIKLICH, Thomas
- SCHOEN, Michael
- SHIN, Jae
- THEODORE, Peter
- YAEGER, Carl
- ZANGHI, Fortunato

APPROVE ARCHITECT BY EXAM

- GODWIN, Jessica
- KOTANI, Rick
- MOK, Margaret

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

d. Professional Land Surveyor Committee Recommendations

There was no report.

APPROVE LAND SURVEYOR BY ENDORSEMENT

- *NONE*

DEFERRED LAND SURVEYOR BY ENDORSEMENT

- *NONE*

APPROVE LAND SURVEYOR BY EXAM

- *NONE*

e. Professional Landscape Architect Committee Recommendations

- *NONE*

LANDSCAPE ARCHITECT BY EXAM

- *NONE*

APPROVE LANDSCAPE ARCHITECT BY ENDORSEMENT

- *NONE*

Old Business:

a. Rules Committee Report –

- Rules Committee Meeting Minutes from October 4, 2018.

Mr. Iwamoto moved, Mr. Kurokawa seconded and unanimously carried to accept the rules committee meeting minutes.

- Discussion on the NCARB Model Rules of Conduct 2018-2019.

EO Matsushima deferred discussion until November's meeting, as Chair Yumol was not present.

- Discussion on rules amendment for licensure of Fire Protection Engineers and Environmental Engineers

EO Matsushima e-mailed the engineer committee the draft language for adding the disciplines of fire protection engineers and environmental engineers for licensure. A draft of the rules amendment for the entire chapter was in discussion a couple of years ago, but the draft has been delayed. Currently, there's a push to carve out the rules amendment language from the draft only for the addition of environmental and fire protection engineers to recognize that discipline for licensure. EO Matsushima added that there is some language in the proposed draft regarding grandfathering. She asked that the Board (primarily the Engineers) review the draft language and the Board could further discuss and possibly approve at next month's meeting. There's a 27-step rules amendment process, so it's rather lengthy. If we only carve out this area for the addition of these disciplines, the rules amendment process should go smoothly. The bad news is that the entire rules package is on the back burner right now, as Mr. Kobashigawa was working on it, but he's no longer serving the Board. EO Matsushima will need to take it on. The delay was caused when draft #8 was circulated and Dep AG, Mr. Tam, started his review of that draft. By the time the Board was up to Draft #11, Mr. Tam returned his draft which was draft #8. Since then, Mr. Kobashigawa has been trying to coincide the sections back together.

EO Matsushima would like for this Board to review the proposed language for environmental and fire protection engineers only. Once approved, the Board can begin the lengthy rules amendment process only for this proposal.

Mr. Suzuki stated that he has reviewed the language for environmental engineers and had no comment. However, he suggests that the architect committee review the proposed language on fire protection engineers as it mentions the use of fire retardant materials. He's aware of a job being stopped as this was not considered. It doesn't affect the civil or structural engineers.

Mr. Ventura asked if that was in the definition. Mr. Ventura commented on how it could become an issue.

EO Matsushima asked Mr. Suzuki if he remembered where he got that language from. Mr. Suzuki was unsure.

Mr. Katayama asked about the other disciplines, in regards to requiring them to take another examination. The language grandfathered in the fire protection engineers. EO Matsushima said the Board could amend it because this is the language that we're proposing to have the Board approve.

EO Matsushima asked if the Board was in agreement with the proposed language for the environmental engineers as well. There were two definitions proposed, and she asked Mr. Suzuki which one he preferred. He'll advise her next month.

Mr. Ventura sought clarification. If you are a civil, electrical or mechanical engineer, you can perform work within the scope of a fire protection engineer according to the language. EO Matsushima mentioned architects may as well. As for environmental, only civil engineers may be eligible.

After a discussion, the Board will re-visit this matter next month.

New Business:

- a. Professional Engineers Report
  - Matters Related to the National Council of Examiners for Engineering and Surveying ("NCEES")
    - NCEES Examination Administration – October 26-27, 2018 at the Hawaii Convention Center.



EO Matsushima served as an observer. She shared that there were 90 candidates and 3 were turned away for being late. Many were there very early before 6:00am. One of the candidates was late and even though the proctor hadn't gone up to give the instructions, he was not permitted to take the exam. There was a very diverse group of people. The following day was Mechanical and Structural. She did not have the results. The proctors were all elderly retired school teachers. NCEES should consider recruiting and training new people.

- 2019 Board Member Administrators' Meeting and Board Presidents' Assembly – February 8-9, 2019, Atlanta, GA;

EO Matsushima sent out the information. Mr. Suzuki is interested in attending.

- The Advisory Committee on Council Activities (ACCA) Poll on Proxy Voting

EO Matsushima shared that the ACCA discussed proxy voting but the valid responses were that oftentimes things change on the floor. If you vote by proxy prior to that, you don't know what's happening on the floor when they have an amendment, so they didn't feel it was a good idea to allow proxy voting. Some said maybe for election, but others felt that even for elections people could change their minds. EO Matsushima asked the Board if they want to go along with everyone else or would they like to allow proxy voting? Mr. Suzuki replied "no" and all agreed with him, for reasons mentioned by the EO.

c. Architect's Report

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

- NCARB Leadership Summit October 12-13, 2018, St. Louis, MO – travel report

EO Matsushima and Chair Yumol were in attendance. She e-mailed their travel reports to the Board.

- ARE Exam Review and Challenge

The ARE review took place. After reviewing questions and his answers, the individual decided not to challenge his results. Mr. Iwamoto asked if that set a precedence for the future. EO Matsushima confirmed it did. It was a half-day process and very costly, but he was satisfied. He filled out some forms but voided them in the end. It was asked if this was the first. The EO confirmed that it was.

- NCARB's 100<sup>th</sup> Anniversary Centennial Book – State Histories Hawaii

NCARB is having their 100th Anniversary celebration and putting together their centennial book. Chair Yumol has done a lot of research thus far and it's really nice that we have a lot of information on our page. Prior to that, there was nothing. They requested a copy of our license.

d. Surveyors Report

- No report.

e. Landscape Architects Report

- Matters Related to the Council of Landscape Architectural Registration Boards (“CLARB”)
  - Hawaii Chapter of the American Society of Landscape Architects – Executive Committee Meeting Minutes of September 11, 2018

EO Matsushima mentioned that the local chapter has been providing us with minutes. The minutes were passed around for Board members to peruse.

- Landscape Architecture Licensure Handbook – January 2017;

CLARB sent handbooks to EO Matsushima. She shared them with Messrs. Kurokawa, Fujikawa and Lee.

Correspondence: None.

Executive Officer's  
Report:

- Update on the Architect License Renewal Continuing Education Audit for Biennial Period May 1, 2016 to April 30, 2018

The response has been very good. There were only about 12 architects who did not respond. They will receive letters and be referred to RICO.

- Disciplinary Actions through September 2018 – There were disciplinary actions for EASLA. The report was passed around.
- EASLA Board Historical Stats:

FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12
7,672	7,564	8,196	8,017	8,657	8,564
FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18
9,182	8,963	9,593	9,399	9,895	10,426

- Albuquerque Journal – Licensing Reforms Require Legislative Approval

Governor Martinez of New Mexico is introducing legislation which would allow professionals from other states to practice without a license, provided they have consumer's consent. This would not apply to the medical profession.

- Land Surveyor Exam Results

Part I FS – 2 candidates; 1- passed, 1- failed  
PS – 2 candidates; 2-failed

State- 9 candidates; 4-passed, 5-failed

- Christmas Lunch at Henry Loui's and Golf

After our December 13, 2018 meeting, interested Board members will challenge Optometry Board members to a round of golf. EO Matsushima will send an e-mail with the menu so all may pre-order to save time. Please bring a \$10.00 grab bag.

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Next Meeting:           **Thursday, December 13, 2018**  
9:00 a.m.  
King Kalakaua Meeting Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

Adjournment:           It was moved by Mr. Suzuki, seconded by Mr. Fujiwara and unanimously  
carried to adjourn the meeting at 10:06 a.m.

Taken and recorded by:

/s/ LaJoy Lindsey

\_\_\_\_\_  
LaJoy Lindsey  
Secretary

Reviewed and approved by:

/s/ Sandra Matsushima

\_\_\_\_\_  
Sandra Matsushima  
Executive Officer

12/4/18

[ x ] Minutes approved as is.

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