

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, January 10, 2019

Time: 9:00 a.m.

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

Present: Roberto Yumol, Chairperson, Architect Member
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
Marc Ventura, Architect Member
Christopher Leong, Esq., Deputy Attorney General ("DAG")
Sandra Matsushima, Executive Officer
LaJoy Lindsey, Secretary

Excused: Demetrio Constantino, Public Member
Richard Suzuki, Civil Engineer Member

Guests: Ms. Gabrielle Gersh, Civil Engineer Applicant

Call to Order: There being a quorum present, the meeting was called to order at 9:00 a.m. by Chair Yumol.

Agenda: Additions and Revisions: None.

Approval of Minutes: The following corrections were made to December 13, 2018 minutes. One page one "Call to order" replace "Vice" and "Chair." On page 6, Old Business a. Rules Committee Report. Paragraph one, line13 following the word "involved." The next sentence should read "The civil would deal with exterior water supply, tanks, etc., electrical deals with fire alarms and mechanical deals with sprinklers." On page 9, paragraph one, line nine, "NCARB" should be changed to "CLARB". On page 9, paragraph

two, line two “Western Regional Director’s meeting” should be changed to “Western Regional Board of Directors meeting in Reston, Virginia.” Noting corrections, it was moved by Mr. Kurokawa, seconded by Mr. Ota and unanimously carried to approve the December 13, 2018, minutes.

Ms. Gersh
Introduced and
Addresses Board:

EO Matsushima provided a brief background regarding Ms. Gersh’s application. She is an applicant for civil engineer by examination and has been deferred twice by the Board because she has not met the required number of years of civil engineering experience documented by a licensed civil engineer in Hawaii. Her employer was contracted by the federal government; however, they are working on a bridge project on state - not federal - land. EO Matsushima provided Ms. Gersh the opportunity to address the Board.

Ms. Gersh thanked the Board and EO Matsushima for allowing her the opportunity to provide clarification and address her concerns directly. She believed that she has the required number of years of experience (with a Bachelor’s and Master’s degree) and over four years working with the Federal Highway Administration. It’s her understanding that currently the Board has approved one year and six months of her experience, under Mr. Curtis Scott, as well as Mr. Kevin Black who is a licensed engineer, although not in the state of Hawaii. It’s her understanding that supervised experience must be under a licensed engineer which he is, even if he’s not here in Hawaii. Her job includes 14 states and for the past couple of years she has been working in Hawaii on federal projects.

Mr. Black has been overseeing most of her work. She works mostly in project management, contract administration construction, doing quality control and assurance, and the majority of her experience is under Mr. Black. They work on transportation projects and while it’s true that it hasn’t been physically on federal land, all have been federal projects. After reviewing the statutes, she didn’t see any requirements in terms of needing the supervision of a licensed Hawaii engineer. It was her understanding that since she was supervised by Mr. Black, that should be a qualifying term of supervision. She submitted two years of experience under Mr. Scott and the Board credited her with one year and six months and determined that the other six months of experience were in structural engineering as it involved bridge design. She also submitted one year and seven months under Mr. Black, which was at the time of her initial application; it has now been over two years under the supervision of Mr. Black. She believes she should now have three years of experience.

Chair Yumol asked about her years of experience that were not supervised. She asked him to clarify that. She explained that since she submitted her application in May 2018, she now has over four years of experience under the supervision of Mr. Black. Chair Yumol asked, “You have four years, we accepted a part of it, so the rest of the time, were you supervised?” Ms. Gersh confirmed that she was supervised by Mr. Black.

Mr. Hirota asked if Mr. Black is licensed, but not in Hawaii. Ms. Gersh affirmed that. EO Matsushima explained that the reason Ms. Gersh was given the one year and six months of experience is because she was working in Washington and her supervisor was licensed in Washington, so she was granted that as documented experience. The work she is now performing in Hawaii does not have a licensed supervisor so that is why she's asking if the Board would allow her that experience. That is the gap. Chair Yumol asked if the issue is that Mr. Black is not licensed in Hawaii. EO Matsushima affirmed that. Mr. Kurokawa asked what Mr. Suzuki's comments were regarding Ms. Gersh's experience, understanding that her experience has been involved with federally-funded projects.

EO Matsushima replied that Mr. Suzuki felt that her experience did not fall under the exemption of HAR 464-3 because the work is being performed on state or county land and since it's a public works project, it requires a Hawaii license in accordance with HAR 464-4. Also, under HAR 464-5, any project involving public safety or health requires licensure in Hawaii.

Ms. Gersh wanted to clarify that the projects themselves, the actual plans and specifications are stamped by licensed Hawaii engineers. The federal government is overseeing and delivering the project. EO Matsushima asked Ms. Gersh if there were any Hawaii licensed engineers working on the project with her who could vouch for her experience. Ms. Gersh replied that they have stamped the plans, but none of them supervise her.

EO Matsushima stated that there was a slight discrepancy in which our civil engineer (Mr. Suzuki) felt that some of the work being bridgework was structural in nature and that we license by discipline. Ms. Gersh stated that although her work over the past couple of years has been primarily contract administration, she is delivering bridge rehabilitation jobs in the project, but her job has not been solely in that capacity. They have structural engineers who work on the bridge projects. Mr. Kurokawa asked if the state Department of Transportation ("DOT") personnel are involved. Ms. Gersh replied that they are not. She mentioned that what she does is keep them updated throughout the project and at the end the state DOT accepts the project.

Mr. Katayama asked what interactions she had with Mr. Black. Ms. Gersh replied that she writes reports to him daily. They have formal reviews every couple of months, she speaks to him at least once per month and he reviews all of her reports and project documentation is available for him to review. Mr. Katayama asked if Mr. Black signs off on the reports and if he is the civil engineer responsible for the construction administration of the project. Ms. Gersh replied that they don't necessarily have an engineer of record for the construction project, but he is her supervisor. She is the contracting officer's representative. The contracting officer in the federal government depends on warrant levels and the like, but she is the one on site to oversee the

project and Mr. Black is her supervisor. There being no further questions, Chair Yumol thanked Ms. Gersh and she was excused from the room.

Executive Session: At 9:20 a.m., it was moved by Mr. Ota, seconded by Mr. Ventura, and unanimously carried to move into executive session pursuant to HRS §92-5 to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section HRS §26-9 or both, and 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)(1) and (4).

Exit Executive Session: At 9:40 a.m. Mr. Iwamoto moved, Mr. Fujiwara seconded, and it was unanimously carried to exit executive session.

Chair Yumol left the meeting at 9:40 a.m. and relinquished oversight of meeting to Vice Chair Ota.

Ms. Gersh Invited to Re-enter: EO Matsushima advised Ms. Gersh that the Board decided to again defer her application. She asked if there was anyway the Board could let her know, as she wants to take the exam in April and the deadline to register is February. EO Matsushima replied that the Board needs more time. She asked if there was anything else the Board needed from her. Mr. Kurokawa asked if the local engineer who stamps the drawings involved in construction does any observation at all. She replied that most of the time when they do visit the site it's for contract modification of plans, so they are kept notified of any changes that arise. EO Matsushima reminded Ms. Gersh that she had mentioned to her previously that other states may allow her to sit for the examination with less years of experience. Ms. Gersh replied that doing so would be costly and require her to travel. She thanked the Board for their consideration and left the meeting.

Applications: a. Ratifications
There were no ratifications.

b. Professional Engineer Committee Recommendations

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

APPROVE CIVIL ENGINEER BY ENDORSEMENT

- BURNS, Jodi
- GRANTHAM, Frederick

- HUYNH, Loan
- MAPEL, Brian
- SCHNIER, William
- WEIR, Wesley

APPROVE ELECTRICAL ENGINEER BY ENDORSEMENT

- ARMANTA, Brian
- BAKKEN, John
- BATES, Nick
- BORDEN III, Edward
- LUCAJ, Kate
- PETERSON, Steven
- SCHIPMAN, Danel
- STALEY, David
- TAYLOR, Andrew

APPROVE MECHANICAL ENGINEER BY ENDORSEMENT

- BERTOLDO-ZWICKY, Kathryn
- BRENNAN, Walter
- HAMILTON, Shane
- HUNSBERGER, E. Russell
- JUNG, Patrick
- McILROY, Tyler
- SHAMRELL, David

APPROVE STRUCTURAL ENGINEER BY ENDORSEMENT

- COFFELT, Sean
- FRANCH, Kenneth
- HAASE, Christopher
- WEBBER, Dominic

APPROVE ENGINEER BY EXAM (PE)

- BARBOUR, James (CE)
- BAROS, Phillip (CE)
- CASTILLO, Ryan (CE)
- IBARA, Gregory (CE)
- LABAUSA, John (CE)
- MITSUNAGA, Lois (SE)
- MOORE, Mitchell (CE)

- MURR, Brandon (CE)
- OISHI, Matthew (ME)
- ONG, Clarissa (CE)
- OUMAYE, Lauren (CE)
- SCHMITT, Brent (CE)
- SHIMOTSU, Kevin (ME)
- SMITH, Emily (EE)
- STEWART, Jordan (CE)
- WALTZ, Eli (EE)

APPROVE ENGINEER BY EXAM (FE)

- NONE

DEFER CIVIL ENGINEER BY ENDORSEMENT

- LOPEZ, Nicholas

DEFER ENGINEER BY EXAM (PE)

- CAMPBELL, John (EE)
- DE PONTE, David (CE)
- GERSH, Gabrielle (CE)
- KANEMOTO, Michael (EE)
- MERRITT, Alex (SE)
- RODRIGUES, Cristina (CE)
- WIDHALM, Daniel (ME and SE)

DEFER ENGINEER BY EXAM (FE)

- NONE

DEFER ELECTRICAL ENGINEER BY ENDORSEMENT

- CHAPIN, Thomas (EE)
- SAYLER, Kent (EE)

DEFER MECHANICAL ENGINEER BY ENDORSEMENT

- PASMA, Keith

DEFER STRUCTURAL ENGINEER BY ENDORSEMENT

- DEWEY, Ross

- MARX, Gerald (Application withdrawn)
- STOLL, Stanley

DENY CIVIL ENGINEER BY ENDORSEMENT

- LEE, Soon

DENY ELECTRICAL ENGINEER BY ENDORSEMENT

- *NONE*

It was moved by Mr. Inaba, seconded by Mr. Hirota, 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

- DAVIES, Eric
- GRAVES, Timothy
- MARINELLI, Louis
- NG, Franklin
- PORTS, David
- THOMPSON, Regina

APPROVE ARCHITECT BY EXAM

- THORNE, Bret

It was moved by Mr. Inaba, seconded by Mr. Kurokawa, 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 – Discussion and approval on rules amendment for licensure of Fire Protection Engineers and Environmental Engineers

EO Matsushima handed out the set of the rules moving forward with rules amendment. The first change would be the definition which is attached regarding fire protection and environmental engineers. Chair Yumol called EO Matsushima regarding fire protection in 16-115-40, he echoed Mr. Ventura's question at the last meeting as to why the architects are involved, the minutes show Mr. Katayama's explanation. EO Matsushima explained to Chair Yumol that it's best to have language allowing the overlap of disciplines due to the scope of performance. She wanted to double check with Mr. Ventura and Mr. Fujiwara to see if they're okay with the architects being addressed. They both had no issues. Page six of last month's minutes addressed Mr. Ventura's concern at the time. EO Matsushima mentioned that environmental will be a capital E and a lower case e – "Ee". She asked if there were any other abbreviations the Board wanted to use. They changed to "En" for environmental and "FP" for fire protection. EO Matsushima stated that should the Board approve this draft, she will continue with the rules amendment process.

Mr. Inaba moved, Mr. Iwamoto seconded, and it was unanimously carried to accept the rules amendment.

Immediately following the vote, Mr. Ventura had a comment.

Regarding the matter of the architects, section 16-115-40 (c) addresses civil, mechanical, electrical engineers and architects, but if you look at item (a)(2), it does not reference the architects; should they be referenced in this section too? EO Matsushima clarified if that was on item a(2)? Mr. Ventura affirmed. EO Matsushima will add it to be consistent. After discussion, she noted that currently we license electrical and mechanical for fire protection that's the reason architects are not mentioned there. Mr. Katayama mentioned that the other option would be to remove all of the disciplines mentioned in (a)(2). EO Matsushima will remove (a)(2) because it's already addressed in section (c). This section will be removed for both 16-115-40 Fire Protection engineers and for 16-115-40.5 Environmental engineers. By doing this, Mr. Katayama commented that if continuing education credits are ever mandated, deleting the paragraph (a)(2) would keep the continuing education credits in line with the engineer's discipline.

It was moved by Mr. Inaba, seconded by Mr. Kurokawa and unanimously carried to delete item (a)(2) of the rules amendment.

EO Matsushima will make the amendments accordingly and submit to the Administrative Services Office to format and type Draft 1.

New Business:

a. Professional Engineers Report

- Matters Related to the National Council of Examiners for Engineering and Surveying ("NCEES")

- Notice of Future Changes to NCEES Exams and Supporting Materials

EO Matsushima circulated the report of future changes to the NCEES exams.

- 2019 Southern/Western Zone Meeting May 16-18, 2019, Boise, Idaho

EO Matsushima mentioned that three engineers/surveyors may attend. Messrs. Iwamoto, Hirota and Inaba all expressed interest in attending.

- Annual Meeting August 15-17, 2019, Washington, D.C.

Messrs. Suzuki and Katayama are interested in attending the annual meeting in Washington, D.C.

- EO Matsushima shared that Mr. Clayton Pang may return to the Board to fill the electrical engineer vacancy.

b. Architects Report

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

- Fast Facts – Vol, 22, Issue II -December 2018

EO Matsushima passed the Architect’s report around for anyone wishing to peruse.

- 2019 Regional Summit and Annual Business Meeting, Nashville, Tennessee

EO Matsushima will include all of the Board architects on the attendee list. If any of them are unable to attend, she advised them not to register.

EO Matsushima mentioned that there was a NCARB teleconference on January 7, 2019, in which she and Chair Yumol participated. The topics were goals and strategic planning as they gear up for the centennial celebration/meeting on June 20-22, 2019, in Washington, D.C. All architects may attend.

c. Surveyors Report

- No report.

d. Landscape Architects Report

- Matters Related to the Council of Landscape Architectural Registration Boards (“CLARB”)

- Passing of 2016 CLARB President Randy Weatherly

EO Matsushima informed the Board that former CLARB President Randy Weatherly passed in December 2018.

- Mr. Kurokawa reported that CLARB held a webcast in December 2018, on the same day as Board meeting

(December 13, 2018.) It was a brainstorm session with member boards on how to operate strategically rather than operational. Our Board is very operational. Many boards in other states are affected by de-regulation, which is not an issue in Hawaii. Not to say that it can't change, but it seems we're on a horizon to make us think otherwise. Hawaii has it easy in comparison with other states. ASLA is mobilizing and coordinating efforts with the CLARB state licensing boards to help gather testimony to fight de-regulation bills.

Correspondence: None.

Executive Officer's
Report:

- 2019 Legislative Session Opening Day, January 16, 2019

The 2019 legislative session is scheduled for January 16 – May 2, 2019. EO Matsushima does not expect any bills to impact EASLA.

- Regulated Industries Complaint Office (“RICO”) – Engineer referral

Mr. Wagdi Giurgis is a Honolulu-based engineer who is also licensed in all 50 states and Guam. He and a certified public accountant were convicted of tax fraud and the story appeared in the newspaper. Because he failed to report his conviction within 30 days, EO Matsushima referred him to RICO.

- Landscape Architect – Hawaii Plant Materials State Examination

One examined, one passed.

- Engineer's week begins February 18, 2019

Next Meeting: **February 14, 2019**
9:00 a.m.
King Kalakaua Meeting Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Adjournment: It was moved by Mr. Fujiwara, seconded by Mr. Inaba and unanimously carried to adjourn the meeting at 10:15 a.m.

Taken and recorded by:

/s/ LaJoy Lindsey

LaJoy Lindsey
Secretary

Reviewed and approved by:

/s/ Sandra Matsushima

Sandra Matsushima
Executive Officer

2/1/19

Minutes approved as is.

Minutes approved with changes; see minutes _____.