

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, February 14, 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
Robert Eggleston, Public Member
Alan Inaba, Land Surveyor Member, Secretary
Brian Fujiwara, Architect Member
Ron Iwamoto, Structural Engineer Member
Kevin Katayama, Mechanical Engineer Member
Clayton Pang, Electrical Engineer Member
Richard Suzuki, Civil 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: Ken Ota, Vice Chairperson, Public Member

Guests: None.

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

Agenda: Additions and Revisions: None.

Approval of Minutes: It was moved by Mr. Inaba, seconded by Mr. Hirota and unanimously carried to approve the minutes of the January 10, 2019 meeting.

Approval of Executive Session Minutes: It was moved by Mr. Fujiwara, seconded by Mr. Ventura and unanimously carried to approve the executive session minutes of the January 10, 2019 meeting.

Applications:

a. Ratifications

There were no ratifications.

b. Professional Engineer Committee Recommendations

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

APPROVE CIVIL ENGINEER BY ENDORSEMENT

- AUB, Michael
- CAMPBELL, Tyler
- CHAMBERLAIN, Andrew
- CHIN, Kevin
- ELLENSON, Sean
- FROELICH, Brian
- GILMORE, Andrew
- GOYAL, Himanshu
- KAVANAGH, Kristen
- KYEA, Christopher
- MACKIE, Jack
- MONTOYA, Ray
- PYRCH, Allison
- RIVERA, Christopher

APPROVE ELECTRICAL ENGINEER BY ENDORSEMENT

- BROWN, Jonathan
- DOWNING, Brian
- FOX, Dennis
- ISNER, Keith
- MACKIE, Lance
- RICHARD, Monte
- ROGERS, Mark
- SAYLER, Kent
- SCHNEPF, Timothy

APPROVE MECHANICAL ENGINEER BY ENDORSEMENT

- COOPER, Matthew
- IVES, Daniel
- JUSTICE, William

- LEUNG, Luke

APPROVE STRUCTURAL ENGINEER BY ENDORSEMENT

- FLUCKEY, Juston
- GIBSON, Jonathan
- GOYAL, Himanshu
- McGRUER, Rory
- NASO, Tracy
- PERRY, John
- RAGLAND II, William
- WALSH, James
- YACK, Tara

APPROVE ENGINEER BY EXAM (PE)

- BARNES, Justin (CE)
- CORPUZ, Jonathan (CE)
- HONDA, Kyle (CE)
- KANEMOTO, Michael (EE)
- LABAGUEN, Jordan (CE)
- MINAKAMI, Steven (EE)
- TOBIN, Grace (EE)

APPROVE ENGINEER BY EXAM (FE)

- MOORE, Zachary

DEFER CIVIL ENGINEER BY ENDORSEMENT

- GIBSON, Jonathan
- KARVE, Wiraj
- KLEYWEG Jr., Donald
- KOZIOL, Philip
- KWON, Ohsung
- LAM, Adriel
- LIU, John
- LOSHBOUGH, Brian
- MARVEL, Lonnie

DEFER ENGINEER BY EXAM (PE)

- MOORE, Zachary (ME)
- ZACHARY, David (SE)

DEFER ENGINEER BY EXAM (FE)

- *NONE*

DEFER CHEMICAL ENGINEER BY ENDORSEMENT

- PANICUCCI, Ronald

DEFER ELECTRICAL ENGINEER BY ENDORSEMENT

- McCALMONT, Aaron
- NGUYEN, Ellipses
- TAGGE, Scott

DEFER MECHANICAL ENGINEER BY ENDORSEMENT

- CHIEN, Jenwei
- KAPLAN, Christopher
- WEINBAUM, Michael

DEFER STRUCTURAL ENGINEER BY ENDORSEMENT

- ABDELRAHEEM, Ehab
- AMADOR-LEWIS, Rapunzel
- ARI, Albert
- DOSTATNI, Cindy

DENY CIVIL ENGINEER BY ENDORSEMENT

- *NONE*

DENY ELECTRICAL ENGINEER BY ENDORSEMENT

- *NONE*

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

c. Professional Architect Committee Recommendations

Chair Yumol presented the PROFESSIONAL ARCHITECT COMMITTEE REPORT and recommended action as follows:

APPROVE ARCHITECT BY ENDORSEMENT

- BALEIKO, Ruth
- COOMBS, Nathan
- EARNSHAW, Erik
- HIGBIE, Melissa
- KOBAYASHI, Kevin
- KUBICEK, Robert
- PALMER, Keith
- SCHOENECK, Jeffrey
- STEMACH, Stacey
- SULLIVAN, Scott

DEFER ARCHITECT BY ENDORSEMENT

- CARRELL, Joshua

APPROVE ARCHITECT BY EXAM

- NEUMAN, Jonathan
- RESURRECCION, Roland

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

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

LANDSCAPE ARCHITECT BY EXAM

- NAKASONE, Caasi

DEFER ARCHITECT BY EXAM

- RENZ, Christian

APPROVE LANDSCAPE ARCHITECT BY ENDORSEMENT

- NONE

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

Legislation:

H.B. 81 RELATING TO CONTRACTORS

Prohibits the performance of incidental and supplemental work outside the scope of licensure by a specialty contractor on any project requiring the seal or stamp of a licensed structural engineer. Specifies that the performance of work in certain crafts or trades shall not be considered incidental and supplemental.

S.B. 423 RELATING TO CONTRACTORS LICENSE BOARD

Clarifies that a specialty contractor, acting as a subcontractor, is not prohibited from taking and executing a construction contract involving two or more crafts or trades if the performance of the work is incidental and supplemental. Prohibits incidental and supplemental work on any project requiring the seal or stamp of professional engineer licensed to perform structural engineering. Specifies certain specialty contractor subclassifications that shall not be considered incident and supplemental work.

Passed, there is a SD1. The Board is not taking a position on this bill. Board members may testify but it would be best for their organizations or associations to present testimony to prevent the appearance of conflict of interest on behalf of the Board member.

Majority of the bills may reference EASLA statutes which is why they are listed. Basically, these bills are provided for information only.

S.B. 202 RELATING TO THE PROFESSIONAL AND VOCATIONAL REGULATORY PROGRAMS

Establishes repeal dates for all professional and vocational regulatory programs under the professional and vocational licensing division of the

department of commerce and consumer affairs. Requires the auditor to perform an evaluation of each program prior to repeal.

S.B. 202 addresses repeal of all licenses, similar to de-regulation. It suggests that all licenses be audited; however, regardless of whether or not the auditor is able to conduct audit in a timely manner, certain licenses may be repealed. PVL has been sending testimony advising that welfare and safety would be greatly impacted if licenses were to be repealed and it would not be in the best interest of the consumer.

H.B. 73 RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING
AND
S.B. 774 RELATING TO PROFESSIONAL AND VOCATIONAL
LICENSING

Prohibits a licensing authority from using rules to supersede requirements set forth in licensing laws and adopting rules that authorize an unlicensed individual to perform duties, activities, or functions that, if performed by another professional, would require licensure of that professional.

This bill does not seem to be moving.

H.B. 112 RELATING TO TAXATION
AND
S.B. 1114 RELATING TO TAXATION

Requires a tax clearance before a professional or vocational license may be issued or renewed. Applies to taxable years from 12/30/2020.

Both bills have been deferred.

H.B. 1528 RELATING TO COMMERCE AND CONSUMER AFFAIRS

Requires the Department of Commerce and Consumer Affairs to suspend all fees relating to the licensing or registration of persons under its jurisdiction; from the fiscal year beginning in 2021 to the fiscal year ending 2029.

Decision to be made on February 14, 2019, at 11:30 a.m. (As of 3/1/19, passed first reading.)

S.B. 439 RELATING TO LICENSED PROFESSIONALS

Requires the Department of Commerce and Consumer Affairs to post the business address and business phone number of each licensed profession on its public website.

This bill has yet to be heard.

Mr. Ventura asked EO Matsushima what the chances were of these bills being passed. She doesn't expect them to pass, but the fact that they're even being discussed is concerning. There were questions as to who introduced these bills. Many indicated that they were introduced by another party.

Without fees, there'd be nothing to regulate. Mr. Ventura again asked if these bills had any chance of passing. Although it would seem to be doubtful, we just have to wait and see what happens. As the bills continue to come in, EO Matsushima will forward any that concern EASLA to the Board as there may be bills that the professional organizations or associations may wish to be involved in providing testimony.

Chair Yumol advised the Board that there is a strong movement nationally to de-regulate. He thanked EO Matsushima and DAG Leong for explaining bills to the Board.

Old Business: None.

New Business: a. Professional Engineers Report

- Matters Related to the National Council of Examiners for Engineering and Surveying ("NCEES")
- Visit to Hawaii Board on April 11, 2019 by President Jim Purcell;

EO Matsushima shared that she was contacted by NCEES that President Jim Purcell will be visiting our Board at the April meeting on April 11, 2019. Mr. Purcell would like to know what topics the Board would like for him to discuss. Mr. Suzuki would like him to discuss decoupling, Chair Yumol suggested de-regulation as well. Mr. Suzuki also added IEA International Engineering Alliance, he has concerns about it and would like more information.

EO Matsushima also mentioned that normally when Mr. Purcell visits a state board, he's taken to dinner. He'll be available the night before our meeting or the night of our meeting, EO Matsushima asked if he'd be traveling alone or if he'd be accompanied by staff, but it'll be just he and his wife. EO Matsushima asked if they'd be available for lunch after the meeting, he said "yes" but normally it's dinner.

EO Matsushima asked the Board what they'd prefer to do. She mentioned that there are six NCEES members on the Board and herself, but everyone is invited to participate. It

seemed the Board preferred lunch as there are off-island members that must return home. EO Matsushima suggested somewhere with a nice view and fixed price. Mr. Ventura recommended Nico's at the pier; however, it was mentioned that it is too noisy. Halekulani and Mariposa were other suggestions. The Board will think of other dining options and offer their suggestions at the next meeting in March.

EO Matsushima asked if she should have Mr. Purcell address the Board towards the end of the meeting. Chair Yumol thought that the end would be best. EO Matsushima will schedule him for 10:00 a.m. She will check with him to see if he wanted to sit in on the meeting from the start and let him decide. EO Matsushima will present lei as well.

- NCEES Exam Administration Board Visitors, April 5-6, 2019;

EO Matsushima mentioned that NCEES is asking if anyone is interested in attending the April 5-6, 2019 exam as a guest. She attended the October exam. There was no interest. Several Board members have attended in the past.

- 2019 Southern/Western Zone Meeting May 16-18, Boise, Idaho;
- Nomination of Ric Moore, P.L.S., (CA) for the Western Zone Secretary/Treasurer position;

Ric Moore is the California executive running again for Secretary/Treasurer for the Western zone.

- E-mail from Tim Miller regarding Charges for EPE Committee Structural Engineer 16-hour Examination

The EPE committee was charged to ask the Boards as to whether the structural engineering examination should be separated from the PE examination. Some states view the structural examination more as a specialty examination. Some states require an individual to be a PE first and then they may later apply to become a structural engineer. EO Matsushima shared Hawaii's PE licensure process which does not require that an individual be licensed as a PE first.

- National Transportation Safety Board (NTSB) Investigation – Merrimack Valley, MA Gas Explosions;

The NTSB wants the states to delete the industrial exemption ("IE"), but Hawaii does not have one. The NTSB feels it necessary that individuals be licensed.

➤ MBA Committee – Questions Regarding Decoupling;

There are a lot of states who have decoupled. North Carolina is introducing legislation to allow it. West Virginia, South Dakota, Louisiana and Arkansas are decoupling. California decoupled in 2013. Decoupling allows for early registration. So, the Board doesn't see any of the applications until they apply for actual licensure. It's similar to how our Board handles Architect applications. NCEES is pushing for that. It is not likely that Hawaii will join ranks. The Board prefers that applicants have the experience prior to sitting for exam. The question was posed as to why the rush to license inexperienced individuals.

Some states will accept unsupervised experience as long as the individual passed the exam. They're not in responsible charge because they are not licensed. It was mentioned that it will just make the attorneys rich with all the malpractice cases.

NCARB has agreed to early registration as long as the individual passes the ARE examination.

b. Architects Report

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

➤ FY 2020 NCARB Call for Volunteers to serve on Committees from July 1, 2019, through June 30, 2020;

Chair Yumol would like to serve again. It will be his fourth year. He has expressed his interest to NCARB.

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

EO Matsushima, Chair Yumol, Mr. Ventura and Mr. Fujiwara are scheduled to attend.

➤ Board of Director's Meeting Minutes, September 2018

EO Matsushima circulated minutes for review.

c. Surveyors Report

EO Matsushima mentioned that there was a land surveyor who sat for the state examination and he submitted a comment sheet. He made a chart, with the number of the question and what he thought should've been the correct answer. The manager of the Examination Branch sent a letter to him and mentioned that the comments provided were not supported by specific references, so he was not going to accept it as an examination challenge. Apparently, there was no response.

d. Landscape Architects Report

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

- December Board of Directors Meeting Outcomes;

Mr. Kurokawa mentioned that at the December meeting, the Board of Directors decided to continue to push for the governance changes to by-laws, to restructure the Board and to allow flexibility. They're developing a strategy and outreach program for this year. They believe it's the right initiative and the right time to protect CLARB.

- Social Media Event on January 30, 2019;

CLARB is looking to use social media as a tool to engage its constituents.

- CLARB/ASLA Web Licensure Summit, February 28, 2019;

There's an upcoming web summit that both EO Matsushima and Mr. Kurokawa have registered to participate in. It's a licensure summit which is a continuation from last year, in an attempt to forge stronger relationships with ASLA chapters because of the attacks against licensure of landscape architects. This summit will not only involve Licensing Boards, but chapter representatives as well.

Correspondence: None.

Executive Officer's
Report:

- Landscape Architect – Hawaii Plant Materials State Examination (January)

Two examinees; One passed, one failed.

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

EO Matsushima discussed recent news event of licensed engineer (Lyon) charged with bribery. She is waiting 30 days and if he does not report to the Board, she will submit a request for investigation to RICO. She received calls and e-mails from other states because they can actually take action against him. As for the Hawaii Board, the only action that can be taken is if the individual fails to report offense in a timely manner, a complaint will be sent to RICO to investigate for failure to report. Mr. Suzuki asked if he was charged in January, can't his license be revoked as he is a convicted felon. EO Matsushima replied that he will be reported to RICO for failure to notify and they will conduct an investigation. She mentioned that it's a lengthy process and a license can't be easily revoked. DAG Leong added that the individual must be given due process. EO Matsushima mentioned that what she can do is during renewal, she would advise the Licensing Branch that the individual must submit a hard copy of renewal application. Oftentimes, the licensee will fail to submit in a timely manner as they're often too busy and allow their license to lapse.

- Electrical Engineer Member Board Interim Appointment;

Former Board member Mr. Clayton Pang has been re-appointed as the Electrical Engineer member. His term expires on June 30, 2021. EO Matsushima also advised members whose terms will soon be expiring to re-apply if they would like to continue to serve on the Board.

- Temporary Appointment Land Surveyor to RICO's Advisory Committee;

EO Matsushima shared with the Board that she received a call from a RICO investigator from the Big Island and was told that they have a recommended temporary land surveyor to assist with an investigation. EO Matsushima asked about those currently serving on the advisory committee. What happened was when the investigator called them for help with investigation, both members knew the individual in question. So, she received a recommendation of another surveyor. It's usually former Board members who are recommended.

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

Adjournment: Chair Yumol adjourned the meeting at 10:13 a.m.

Taken and recorded by:

/s/ LaJoy Lindsey

LaJoy Lindsey
Secretary

Reviewed and approved by:

/s/ Sandra Matsushima

Sandra Matsushima
Executive Officer

3/6/19

[X] Minutes approved as is.

[] Minutes approved with changes; see minutes _____.