

CONTRACTORS LICENSE BOARD
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

Minutes of Meeting

Date: March 13, 2020

Place: King Kalakaua Conference Room, King Kalakaua Building
Department of Commerce and Consumer Affairs
335 Merchant Street, 1st Floor, Honolulu, Hawaii 96813

Present: Tyrus Kagawa, Chairperson
Leonard K. P. Leong, Vice Chairperson
Paul K. Alejado, Member
Neal K. Arita, Member
Genaro Q. Bimbo, Member
Clyde T. Hayashi, Member
Eric Higashihara, Member
Nathan Konishi, Member
Joseph O'Donnell, Member
Kenneth T. Shimizu, Member
Nicholas W. Teves, Jr., Member
Candace Ito, Executive Officer
Charlene L.K. Tamanaha, Executive Officer
Lei Ana Green, Executive Officer
Christopher Leong, Deputy Attorney General
Faith Nishimura, Secretary

Excused: Leslie Isemoto, Member
Kent Matsuzaki, Member

Guests: Dwayne Arelliano, Glaziers Union District Council 50
Richard R. Root, RME, Hired Hands LLC
Anthony C. Grano, RME, Retrofit Technology Inc.
Jeffrey Masatsugu, Painters LMCF
Robin Schlitzkus, Painters Union District Council 50
Shawn S. Thomas, RME, Jacobsen Construction Company Inc.
Peter Malbog, PMJ Builders Inc.
Shawn P. Owens, RME, Paso Robles Tank Inc.
Corey S. Morihara
Dick S. Takara, RME, Aloha Solar and Electrical LLC
Blake Parsons, Executive Director, Sheet Metal and Air Conditioning Contractor's
National Association ("SMACNA")
Ryan Takahashi, Hawaii Electricians Market Enhancement Program ("HEMEP")
Gregg S. Serikaku, Executive Director, Plumbing & Mechanical Contractors
Association of Hawaii ("PAMCA")
Kika Bukowski

Call to Order: There being a quorum present, Chairperson Kagawa called the meeting to order
at 8:42 a.m.

Agenda: The agenda for this meeting was posted on the State electronic calendar as

required by HRS section 92-7(b).

DEFERRED FROM FEBRUARY 14, 2020 MEETING

Minutes: It was moved by Mr. Teves, seconded by Mr. Arita, and unanimously carried to approve the Applications Committee Meeting and Executive Session Meeting Minutes of February 3, 2020, and the Board Meeting and Executive Session Meeting Minutes of January 17, 2020, as circulated.

Amendments to Agenda: It was moved by Mr. Teves, seconded by Mr. Konishi, and unanimously carried to approve the following amendments to the agenda:

Additions to Appearances:

- h. Charles H. Buckingham, RME
Elite Pacific Construction, Inc.
“A” General engineering
“B” General building
- i. Jacob L. Noble, RME
Sparky Jake LLC
C-13 Electrical
- j. Dick S. Takara, RME
Aloha Solar and Electrical LLC
C-13 Electrical
- k. Corey S. Morihara (Individual)
“B” General building
- l. Keith K. Kishi, RME
ACE Glass Tinting LLC
C-22a Glass tinting

Deletion from Appearances:

- f. Anthony C. Grano, RME
Retrofit Technology Inc.
C-4 Boiler, hot-water heating, hot water supply & steam fitting
C-52 Ventilating & air conditioning

Deletion from Owner-Builder Exemption Applications:

- d. Steven & Sarah Haas
- f. Michael C. Meyer
- h. Ron Pearson

Committee Reports:

- 1. Scope of Activity Committee:

Nathan T. Konishi and Leslie Isemoto, Co-Chairpersons

a. City and County of Honolulu

Requests a determination on which contractor's license is required to install polished concrete with non-slip sealer. The work includes repairing, grinding, polishing, sealing and dying concrete; and may include concrete overlay.

Recommendation: Based solely on the information provided, the C-31 Masonry, C-31a Cement concrete, "A" General engineering, or "B" General building contractor's license is required to install polished concrete with non-slip sealer, including concrete overlay.

It was moved by Mr. Konishi, seconded by Mr. Leong, and unanimously carried to approve the above scope determination.

b. Prometheus Construction

Requests a waiver of a license requirement for highly specialized artists that sculpt and stain shotcrete to look like natural rock.

The Board reviewed the information provided by Prometheus Construction.

Robin Schlitzkus, Painters Union District Council 50, stated that this work requires a C-33 Painting & decorating contractor's license and provided photos to show that staining, depth of color, and blending to create the appearance of a shadow is taught in the painters apprenticeship program. He went on to say that matching the coloring to existing surroundings is not artistic; it's part of C-33 work which is performed in the construction field.

Mr. Higashihara asked Mr. Schlitzkus if his students and/or C-33 contractors have the skill set to perform the work that the artists perform on Mr. Tillotson's project. Mr. Schlitzkus responded yes and added that on the Aulani project, Disney sent their key people from the mainland to construct the rock in concrete and hired local DC-50 painters to color, stain and create depth of color on-site. The painters did not sculpt the concrete, the painters did the layers of staining.

Mr. Leong noted that the rock structure at the Disney Aulani was painted after the structure was completed. Mr. Schlitzkus stated that the painters applied the finishes to the concrete to add depth; the painters did not perform the installation of the rock.

Jeffrey Masatsugu, Painters Labor Management Cooperation Fund ("PLMCF"), provided written comments at today's meeting which included photographs of work performed at the Disney Aulani by Zelinsky Painting; they do not see anything artistic about painting the mountain structure and it should fall under the C-33 Painting & decorating classification. JD Painting performed the work in the photos of the stencils that are applied to the hotel rooms which shows the type of artistic work that JD Painting performs. He stated that the work described in the inquiry has been performed in the past and is currently being performed by C-33 contractors. They strongly believe that the C-33 Painting & decorating contractor's

license should be required. Mr. Masatsugu stated that not only does the language of the C-33 description cover the materials that are used in Mr. Tillotson's project, "materials such as stains and paints" are specified in Section 2.01C of the project specifications are listed in the Collective Bargaining Agreement between the Painters Local Union 1791 and the Painting and Decorating Contractors Association of Hawaii. That Agreement covers texture coatings and stains.

Mr. Arita asked Mr. Masatsugu how he defines art and contractor painting. Mr. Masatsugu stated that similar work has been performed by a C-33 Painting & decorating contractor (e.g. Disney Aulani) which demonstrates past practice for licensed painters. It may be difficult to establish a line between art and contractor painting but in this case, it clearly falls under the C-33 contractor's license. Mr. Teves asked whether a C-33 contractor's license is required to paint a stencil on a wall? Mr. Masatsugu responded no, it's hard to come up with a line between art and contractor painting, but this is not the case in this project. Executive Officer Tamanaha asked whether the structure at Aulani required matching the paint to an adjacent natural setting; it appears that the structure was completed and then the painter came in to paint the structure. It does not appear that the painter was working side by side with the contractor as the structure was being built. Executive Officer Ito suggested that the Board request that the plans and specifications for the Disney Aulani project be submitted. Mr. Masatsugu agreed that it would be helpful for the Board to have more information. Executive Officer Ito asked if Zelinsky also performs work involving sculpting and staining shotcrete. Mr. Schlitzkus responded that another contractor creates the texture and shapes; all the painter does is add the color and dimensions to make it look like its surroundings. This is accomplished by using darker stains where you want shadows and lighter stains on the tops to match the existing areas. In the painting field this is called faux finish where the wood graining and marbling come into play. There are many steps involved to reach the final product and this is not going to be in the specifications; the painter needs to play with the stains to make the colors, and so many layers of paint are needed. This is the faux finish that is taught in apprenticeship programs. Executive Officer Ito asked Mr. Schlitzkus if he considers shotcrete sculpting and staining as a faux finish. He responded no; the shotcrete contractor will put the shotcrete on, and the painters will do the layering of stains on the concrete material.

Mr. Leong asked if the painter would be able to direct the shotcrete contractor on how to make the holes, peaks and protrusions. Mr. Schlitzkus responded no; the shotcrete contractor would perform that work. Mr. Leong stated that Mr. Tillotson's testimony describes the artists directing the nozzlemen to apply all the shotcrete to create relief on the surface to get a three-dimensional effect. The artists carve the shotcrete with a small trowel and pat the mats (which are like a mold made from rock features that are near the jobsite) on the shotcrete to make it look like natural rock before they paint it. Mr. Tillotson's project and the Disney Aulani projects are different and cannot be compared. The Disney Aulani project involved painting a finished product. Mr. Schlitzkus stated that he does not disagree that the artists can direct the shotcrete nozzlemen to make the shotcrete three-dimensional to look like natural rock; however, the staining and painting of the sculpted shotcrete should require a C-33 contractor's license. Mr. Konishi stated that if the Board feels that the work is artistic, then it would not require a contractor's license and it would not preclude licensed painters from performing the work. The Board asked

Messrs. Schlitzkus and Masatsugu to provide information on other projects that may be more similar to the Prometheus project. The Board also requested a detailed description of the Disney Aulani project, and additional information including, but not limited to, plans and specifications.

Recommendation: Defer this matter to allow interested parties to provide additional information.

It was moved by Mr. Konishi, seconded by Mr. Arita, and unanimously carried to approve the above scope determination.

Applications Committee:
Nicholas W. Teves, Jr., Chairperson

Applications for Licensure

- a. Keolaalaki D. Danner RME
Revolusun LLC
C-13 Electrical

It was moved by Mr. Arita, seconded by Mr. Teves, and unanimously carried to deny Revolusun LLC and Mr. Danner's applications for licensure in the C-13 Electrical classification because he did not meet the experience requirement.

- b. Brant R. Hill, RME
Onpoint Builders LLC
"B" General building

It was moved by Mr. Higashihara, seconded by Mr. Shimizu, and unanimously carried to approve Onpoint Builders LLC and Mr. Hill's applications for licensure in the "B" General building classification.

- c. David R. Jones
C-15 Electronic systems

It was moved by Mr. Arita, seconded by Mr. Teves, and unanimously carried to deny Mr. Jones' application for licensure in the C-15 Electronic systems classification because he did not meet the experience requirement.

- d. Dom Joavanni O. Cueva, RME
Kaikor Construction Company Inc.
"A" General engineering

It was moved by Mr. Arita, seconded by Mr. Teves, and unanimously carried to deny Kaikor Construction Company Inc. and Mr. Cueva's applications for licensure in the "A" General engineering classification because he did not meet the experience requirement.

- e. Natahsha L. Shinyama, RME
Kama'aina Flooring LLC
C-7 Carpet laying
C-21 Flooring

It was moved by Mr. Higashihara, seconded by Mr. Teves, and unanimously carried to deny Kama'aina Flooring LLC and Ms. Shinyama's applications for licensure in the C-7 Carpet laying and C-21 Flooring classifications because she did not meet the financial integrity requirement.

- f. Keith K. Kishi, RME
ACE Glass Tinting LLC
C-22a Glass tinting

It was moved by Mr. Arita, seconded by Mr. Teves, and unanimously carried to approve ACE Glass Tinting LLC and Mr. Kishi as the RME for a conditional license, subject to semi-annual updates on the status of Mr. Kishi's financial matters; and subject to Mr. Kishi fulfilling all requirements for such license including examinations in the C-22a Glass tinting classification.

- g. Stephen J. Michaelson, RME
Arctic Star Contractors LLC
C-33 Painting & decorating

It was moved by Mr. Higashihara, seconded by Mr. Teves, and unanimously carried to approve Arctic Star Contractors LLC and Mr. Michaelson as the RME for a conditional license, subject to semi-annual updates of Mr. Michaelson's financial matters; and subject to Mr. Michaelson fulfilling all requirements for such license including examinations in the C-33 Painting & decorating classification.

- h. Edward J. DeMattos (Individual)
"B" General building
C-33 Painting & decorating
C-44 Sheet metal
C-48 Structural steel

It was moved by Mr. Konishi, seconded by Mr. Teves, and unanimously carried to approve Mr. DeMattos for a conditional license, subject to semi-annual updates of Mr. DeMattos' financial matters, in the "B" General building, C-33 Painting & decorating, C-44 Sheet metal, and C-48 Structural steel classifications.

Applications Committee Recommendations (February 14, 2020 list attached)

- a. Request for Change in Business Status
- b. Request for Waiver of Bond Requirement
- c. Applications for Licensure

It was moved by Mr. Arita, seconded by Mr. Teves, and unanimously carried to approve, defer, deny, or withdraw the license applications as indicated on the Applications Committee Attachment in the above categories as attached to the meeting minutes.

Owner-Builder Exemption Applications

- a. Kazimer & Margaret Czernicki
- b. Kenya Nobriga
- c. Steven Poulin
- e. Robert & Tianhong Garnett
- g. David & Ingrid Patnoi

It was moved by Mr. Higashihara, seconded by Mr. Arita, and unanimously carried to approve the above owner-builder exemption applications.

NEW BUSINESS FOR MARCH 13, 2020

Minutes:

Approval of the Applications Committee Meeting and Executive Session Meeting Minutes of March 2, 2020, and the Board Meeting and Executive Session Meeting Minutes of February 14, 2020.

It was moved by Mr. Konishi, seconded by Mr. Leong, and unanimously carried to approve the Applications Committee Meeting and Executive Session Meeting Minutes of March 2, 2020, and the Board Meeting and Executive Session Meeting Minutes of February 14, 2020, as circulated.

Amendments to Agenda:

It was moved by Mr. O'Donnell, seconded by Mr. Leong, and unanimously carried to approve the following amendments to the agenda:

Deletion from Owner-Builder Exemption Applications:

- c. Ron Pearson
- d. Peter & Jeanette McLaren

Appearances Before the Board:

- a. Richard R. Root, RME
Hired Hands LLC
C-7 Carpet laying
C-21 Flooring
C-51 Tile

Executive Session:

At 9:10 a.m., it was moved by Mr. Arita, seconded by Mr. Leong, and unanimously carried to enter into executive session pursuant to HRS section 92-5(a)(1) to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in HRS section 26-9, and to consult with Christopher Leong, Deputy Attorney General, on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pursuant to HRS section 92-5(a)(4).

At 9:37 a.m., it was moved by Mr. Arita, seconded by Mr. Konishi, and unanimously carried to move out of executive session and to reconvene to the Board's regular order of business.

The Board stated that Mr. Root must provide his on-site experience supervising

his employees.

It was moved by Mr. Arita, seconded by Mr. Konishi, and unanimously carried to defer Hired Hands LLC and Mr. Root's applications for licensure in the C-7 Carpet laying, C-21 Flooring, and C-51 Tile classifications pending the submittal of revised project lists (on the Board's form) verifying forty-eight months of on-site supervisory experience which may date back beyond ten years in each classification, and providing a detailed description of work performed by his own crew.

- b. Shawn P. Owes, RME
Paso Robles Tank Inc.
C-33 Painting & decorating
C-37e Treatment & pumping facilities
C-56 Welding

Executive
Session:

At 9:38 a.m., it was moved by Mr. Arita, seconded by Mr. O'Donnell, and unanimously carried to enter into executive session pursuant to HRS section 92-5(a)(1) to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in HRS section 26-9, and to consult with Christopher Leong, Deputy Attorney General, on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pursuant to HRS section 92-5(a)(4).

At 10:16 a.m., it was moved by Mr. Konishi, seconded by Mr. Leong, and unanimously carried to move out of executive session and to reconvene to the Board's regular order of business.

The Board informed Mr. Owens that he does not have the requisite experience for the C-37e Treatment & pumping facilities classification. Mr. Owens requested to withdraw his and Paso Robles Tank Inc.'s applications in the C-37e Treatment & pumping facilities classification.

The Board stated that Mr. Owens must describe the welding work he supervised on the C-56 Welding project list and describe the painting work he supervised on the C-33 Painting and decorating project list; he must verify supervisory experience in the broad scope of each classification. In addition, the "Amount of Supervisory Experience" should only include the actual amount of time spent on-site supervising his employees.

It was moved by Mr. Konishi, seconded by Mr. Bimbo, and unanimously carried to defer Paso Robles Tank, Inc. and Mr. Owens' applications for licensure in the C-33 Painting & decorating and C-56 Welding classifications pending the submittal of revised project lists (on the Board's form) verifying forty-eight months of on-site supervision of his own crew.

- c. Anthony C. Grano, RME
Retrofit Technology Inc.
C-4 Boiler, hot-water heating, hot water supply & steam fitting
C-52 Ventilating & air conditioning

Executive
Session:

At 10:18 a.m., it was moved by Mr. Arita, seconded by Mr. Teves, and unanimously carried to enter into executive session pursuant to HRS section 92-5(a)(1) to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in HRS section 26-9, and to consult with Christopher Leong, Deputy Attorney General, on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pursuant to HRS section 92-5(a)(4).

At 10:32 a.m., it was moved by Mr. Arita, seconded by Mr. Konishi, and unanimously carried to move out of executive session and to reconvene to the Board's regular order of business.

It was moved by Mr. Arita, seconded by Mr. O'Donnell, and unanimously carried to defer Retrofit Technology Inc. and Mr. Grano's applications for licensure in the C-4 Boiler, hot-water heating, hot water supply & steam fitting and C-52 Ventilating & air conditioning classifications pending the submittal of revised project lists (on the Board's form) with a detailed description of the work performed to verify forty-eight months of on-site supervisory experience in the broad scope of each classification.

- d. Shawn S. Thomas, RME
Jacobsen Construction Company, Inc.
"B" General building

Executive
Session:

At 10:33 a.m., it was moved by Mr. Arita, seconded by Mr. Konishi, and unanimously carried to enter into executive session pursuant to HRS section 92-5(a)(1) to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in HRS section 26-9, and to consult with Christopher Leong, Deputy Attorney General, on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pursuant to HRS section 92-5(a)(4).

At 10:44 a.m., it was moved by Mr. Arita, seconded by Mr. Konishi, and unanimously carried to move out of executive session and to reconvene to the Board's regular order of business.

It was moved by Mr. Arita, seconded by Mr. Konishi, and unanimously carried to defer Jacobsen Construction Company, Inc. and Mr. Thomas' applications for licensure in the "B" General building classification pending the submittal of a revised project list (on the Board's form) verifying forty-eight months of on-site supervisory experience of "ground-up" construction work, with each project listed separately.

- e. Corey S. Morihara (Individual)
"B" General building

Executive
Session:

At 10:45 a.m., it was moved by Mr. Arita, seconded by Mr. O'Donnell, and

unanimously carried to enter into executive session pursuant to HRS section 92-5(a)(1) to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in HRS section 26-9, and to consult with Christopher Leong, Deputy Attorney General, on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pursuant to HRS section 92-5(a)(4).

At 11:06 a.m., it was moved by Mr. Konishi, seconded by Mr. Leong, and unanimously carried to move out of executive session and to reconvene to the Board's regular order of business.

It was moved by Mr. Konishi, seconded by Mr. Higashihara, and unanimously carried to approve Mr. Morihara's application for licensure in the "B" General building classification pending the submittal of his carpenters union apprenticeship certificate of completion.

- f. Dick S. Takara, RME
Aloha Solar and Electrical LLC
C-13 Electrical

Executive
Session:

At 11:07 a.m., it was moved by Mr. Arita, seconded by Mr. Konishi, and unanimously carried to enter into executive session pursuant to HRS section 92-5(a)(1) to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in HRS section 26-9, and to consult with Christopher Leong, Deputy Attorney General, on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pursuant to HRS section 92-5(a)(4).

At 11:27 a.m., it was moved by Mr. Arita, seconded by Mr. Teves, and unanimously carried to move out of executive session and to reconvene to the Board's regular order of business.

It was moved by Mr. Teves, seconded by Mr. Arita, and unanimously carried to defer Aloha Solar and Electrical LLC and Mr. Takara's applications for licensure in the C-13 Electrical classification pending further review and verification of his experience.

Chapter 91, HRS,
Adjudicatory
Matters:

None.

Committee
Reports:

- 2. Legislative Committee:
Neal Arita, Chairperson

Executive Officer Ito presented the Legislation Committee Report:

Administration Bills

Relating to Professional and Vocational Licensing Trust Funds

- a. House Bill No. 2315, H.D. 3/Senate Bill No. 2871, S.D. 2
(CCA-01 (20))

Allows the Contractors License Board and the Real Estate Commission to adjust, reduce, suspend, or cease collection of recovery fund and education fund fees when fund levels are adequate to carry out the statutory mandates for which the funds were created.

On February 4, 2020 the House Committee on Intrastate Commerce (“IAC”) held a hearing on H.B. No. 2315 and amended this bill by changing the effective date to July 1, 2050. The IAC also stated in its committee report its calculation of “reasonable relation”.

On February 10, 2020, the House Committee on Consumer Protection & Commerce (“CPC”) held a hearing on H.B. No. 2315, H.D.1 and passed this bill with amendments that are guidelines for the Board in determining “reasonable relation” and clarified the repeal and reenactment dates. The Board prefers the CPC amendments that address the factors the Board should consider when adjusting the fees rather than creating a ceiling for the funds.

On February 19, 2020, the House Committee on Finance (“FIN”) held a hearing on H.B. No. 2315, H.D. 2 and amended this bill by requiring the Board to include historical expenditures in identifying reserve amounts and setting a maximum balance of the funds biannually.

H.B. No. 2315, H.D. 3 crossed over to the Senate and is being heard by the Senate Committee on Commerce, Consumer Protection, and Health (“CPH”) today. The Board submitted testimony in support and requested that the Board determine the fund balances biennially instead of biannually which would be consistent with the Board’s authority to adjust the fees at renewal which occurs biennially. Licensing Administrator Tamanaha reported that the CPH amended this bill with the Board’s suggestion to determine the fund balances biennially.

Board position: Support H.B. No. 2315, H.D. 3, S.D.1

Senate Bill No. 2871, S.D. 1

On February 11, 2020, the CPH held a hearing on S.B. No. 2871 and passed this bill with technical non-substantive amendments for clarity and consistency.

On February 25, 2020, the Senate Committee on Ways and Means (“WAM”) held a hearing on S.B. No. 2871, S.D. 1 and amended this bill by changing the effective date to July 1, 2050 and making technical non-substantive amendments.

S.B. No. 2871, S.D.1 crossed over to the House and IAC held a hearing on March 12, 2020. Chairperson Ohno indicated that this bill will be amended to include the language in H.B. No. 2315, H.D. 3 which requires the Board to include historical expenditures in identifying reserve amounts and determine the fund balances biennially.

Board position: Support S.B. No. 2871, S.D.2, H.D.1, and request that the Board determine the fund balances biennially instead of biannually which would be consistent with the Board's authority to adjust the fees at renewal which occurs biennially.

Relating to the Contractors Recovery Fund

b. House Bill No. 2316, H.D. 1/Senate Bill No. 2872 (CCA-02 (20))

Increases the monetary amount an injured homeowner may recover from the Contractors Recovery Fund.

On February 4, 2020, IAC held a hearing on H.B. No. 2316 and amended this bill by changing the maximum liability payout for a licensed contractor under the Contractors Recovery Fund from \$75,000 to \$50,000; and changing the effective date to July 1, 2050, to encourage further discussion.

Subsequently the CPC and FIN held hearings on H.B. No. 2316, H.D.1 and passed this bill as is. The Board submitted testimony in support and requested that the Board's original maximum liability payout for a licensed contractor of \$75,000 replace the amended \$50,000 maximum liability payout.

On February 19, 2020, FIN held a hearing on H.B. No. 2316, H.D. 1 and passed this bill unamended.

H.B. No. 2316, H.D. 1 crossed over to the House.

Board position: Support this bill with the Board's original maximum liability payout for a licensed contractor of \$75,000.

Senate Bill No. 2872

On February 20, 2020, CPH held a hearing on S.B. No. 2872 and passed this bill unamended.

On March 12, 2020, the IAC held a hearing on S.B. No. 2872. Chairperson Ohno indicated that this bill would be amended by lowering the maximum liability payout for a licensed contractor from \$75,000 to \$50,000.

Board position: Support S.B. No. 2872, H.D.1 with the Board's original maximum liability payout for a licensed contractor of \$75,000.

2020 Legislation Pertaining to Contractor Law Relating to Contractors

c. House Bill No. 1799, H.D. 1

Requires a specialty contractor to obtain a C-48 specialty license (structural steel contractor) or sublicense if the performance of work on a contract requires a C-48 specialty license or sublicense and the specialty contractor does not have that specialty license or sublicense.

The House Committee on Labor & Public Employment (“LAB”) passed this bill with an effective date of January 1, 2050. On February 20, 2020, FIN held a hearing on H.B. No. 1799, H.D. 1 and passed this bill unamended.

On March 10, 2020, the Senate Committee on Labor, Culture and the Arts (“LAC”) held a hearing on H.B. No. 1799, H.D. 1 and amended this bill by deleting its contents and inserting the contents of S.B. No. 2483. In the past the Board submitted testimony in opposition to measures similar to S.B. No. 2483 because it believes that too many variables exist in construction work to carve out specialty classifications that cannot be performed as incidental and supplemental work. The Board respectfully submits that its Final Order Upon Remand issued October 18, 2013 (BFO), should remain the current standard in the construction industry for incidental and supplemental work. In addition, the limit of incidental and supplemental work that all specialty contractors can perform has already been established by the Hawaii Supreme Court in District Council 50 v. Lopez.

Mr. Arita and Executive Officer Ito spoke to the LAC Committee Clerk after the hearing and he related that the intent of the LAC is to have the legal standard for incidental and supplemental work in the statute. The Senate Majority Attorney (“SMA”) drafted this bill using language from the court order; however, he did not include the language from the Board’s Final Order Upon Remand. Executive Officer Ito explained this to the committee clerk; however, the committee is relying on the advice of the SMA. Mr. Arita also explained that the Board looks at the whole project, the materials that are used, and other factors.

Executive Officer Ito expressed concerns that the language in this bill is vague and it will be more difficult for the Board to make determinations on incidental and supplemental work. She noted that the Court required that the Board define “less than a majority” and this bill introduces the criteria of “substantially less than” which is not defined. It is difficult to craft language to incorporate the BFO into HRS section 444-8(c) that would be helpful in clarifying incidental and supplemental work.

Mr. O’Donnell stated that currently the Board handles “incidental and supplemental” work inquires on a case by case basis. Executive Officer Ito added that the Board requests the plans, specifications, cost of the components of the project, and the total cost of the project. Mr. O’Donnell stated the question of whether it’s the percentage of the job or the monetary value of the job will never be resolved. Executive officer Ito stated that the Board discussed the definition of “less than a majority” for months and could not come up with a percentage because there are many variables in different types of projects. Mr. O’Donnell stated that he understands. Mr. Arita stated that this issue will come up again and asked DAG Leong if he had any suggestions. DAG Leong stated that if the proposed language makes it more confusing or imposes limiting standards that does not help the Board, the proposed language should be taken out. The Board discussed opposing this bill. Mr. O’Donnell stated that the Board’s decision should be made in the interest of the general public. To allow unqualified, untrained people to perform the work of any specialty contractor could jeopardize the safety and well being of the public. Whatever number the Board chooses should be the most serious concern of the Board. Executive

Officer Ito stated that the Board takes the public safety into consideration using the criteria that is in place. Mr. O'Donnell stated that the Board should resolve whether incidental and supplemental work should be permitted. Executive Ito stated that the Board also must consider the incidental and supplemental work that can be performed by specialty contractors. As an example, a plumber must cut through the drywall to fix the pipes; after the pipes are fixed, the plumber may replace the drywall and paint it if necessary. It would be costly for the homeowner in this instance to hire a drywall and painting contractor after the plumber fixes the pipe. Mr. O'Donnell stated that he understands the different scenarios, but his bottom line is consideration for the safety and well being of the general public. He gave an example of an unlicensed painter without proper training on a scaffold and a bucket of paint fall off the scaffold on to someone's windshield. He gave another example at the Pinnacle where reinforcing steel came off of the building and went through the windshield of a car parked on Beretania Street; another craft without training swept the material off into the street. Executive Officer Ito stated that the Board is aware that it is difficult to apply one standard to all specialty classifications and one of the criteria that the Board considers when reviewing any incidental and supplemental inquiry is the safety of the public. Mr. Arita stated that all incidental and supplemental work should not be prohibited because there are many different types of jobs that involve incidental and supplemental work such as an electrician replacing a wall socket and performing touch up painting work after the installation. Mr. O'Donnell agreed. Mr. Teves gave an example of underground electrical work to install parking lot lighting which requires the electrical contractor to go through an area with shrubs. The electrical contractor moves the shrubs and replaces the shrubs when the job is completed. Another example is extending a switch around the corner, the electrician would paint the wire molding instead of subcontracting to a painting contractor. Mr. Teves stated that in both examples, if the incidental and supplemental work is work that is subcontracted, the cost will go up for everyone, not to mention that for some of this work, you wouldn't be able to get a specialty contractor to take such small jobs. Mr. Hayashi stated that it should be clarified that work is incidental and supplemental to the work, and not incidental and supplemental to the project. Executive Officer Ito stated that the work is incidental and supplemental to the work of a specialty contractor and that the other criteria that the Board considers is that the work must be directly related to, subordinate to, and necessary for the completion of the work. The Board usually considers those criteria first and then the less than fifty percent criteria. She also stated that in a UH telescope dome project, a specialty contractor inquired if they could perform the siding work as incidental and supplemental work. For this inquiry, the Board considered the cost of the specialty contractor's work on the project; however, the work was not incidental and supplemental work because it did not meet the other criteria. Mr. Hayashi stated that the Board should find out what the language of S.B. No. 2483 means because it is unclear. Mr. Konishi stated that the proposed language is vague; the BFO is sufficient and HRS section 444-8(c) should be left as is. Mr. Teves concurred.

Board position: Oppose H.B. No. 1799, H.D. 1, S.D.1

d. Senate Bill No. 2482

Specifies that the performance of any new work in the craft or trade of structural

steel contractors shall not be considered incidental and supplemental.

On February 20, 2020, CPH held a hearing on S.B. No. 2482 and deferred this measure. The Board submitted testimony in opposition.

Board position: Strongly oppose this bill for the same reasons stated for H.B. 1799.

e. Senate Bill No. 2483

Clarifies that a specialty contractor may perform work in crafts or trades other than in which the specialty contractor is licensed provided that, when measured by the time and expense in executing the contract, the work is substantially less than and only incidental and supplemental to the performance of work in the craft for which the specialty contractor is licensed.

Board position: Oppose this bill for the same reasons stated for H.B. 1799.

This is a single referral bill and the committee did not hold a hearing on S.B. No. 2483.

f. House Bill No. 2513

Increases the minimum amount of the surety bond, from \$5,000 to \$25,000, that the contractors license board may require from a licensee or applicant seeking to become a specialty contractor or general contractor.

The Board felt that the minimum bond amount of \$25,000 may be too high for a mom and pop type contracting business and will look into updating its policy on implementing a bond at licensure. Currently the Board requires \$10,000 working capital for specialty contractors and \$25,000 working capital for general contractors.

Board position: Oppose this bill.

Hearings were not held on this bill.

At its February 14, 2020 meeting, the Board discussed increasing the minimum bond amount. Executive Officer Tamanaha noted that at the time she was assigned to the Board in 1997 the above working capital amounts were in place.

Mr. Higashihara presented his report on the inflation rate on the working capital amounts:

The annual compound rates based on \$10,000 that should be considered for inflation since 1997 to 2020 (23 years) are as follows:

- 1 % = \$12,571.63;
- 1.5% = \$14,083.77;
- 2% = \$15,768.99;
- 2.5% = \$17,646.11; and
- 3% = \$19,735.78

The annual compound rates based on \$25,000 that should be considered for inflation since 1997 to 2020 (23 years) are as follows:

- 1% = \$31,429.08;
- 1.5% = \$35,209.43;
- 2% = \$39,422.48;
- 2.5% = \$44,115.27; and
- 3% = \$49,339.66

Mr. Higashihara stated that based on the fact that the \$10,000 was developed pre-1997, it is reasonable to increase the \$10,000 working capital for specialty classifications to \$20,000. He also stated that \$50,000 is a very fair working capital amount for general contractors especially since the general contractor needs to be capitalized to pay others. He added that this information is for the Board's consideration in evaluating the current bond amount and increasing the bond to an amount that is fair to the contractor and provides protection for consumers.

Executive Officer Ito asked the Board to consider the current economy with the coronavirus situation and that claims on the bond may be made to pay the wages of the contractor's employees and to pay any person injured by the contractor; the claims for payment of wages have priority. Mr. Higashihara stated that his research indicates that usually the cost of a bond is 3 to 4 percent of the amount of the bond. Mr. O'Donnell added that the cost of the bond also depends on the contractor's credit history.

Members expressed concerns that it may be difficult for smaller companies (e.g. mom and pop shops) to come up with the \$20,000 working capital for a specialty classification license as some companies only perform small jobs. The Board stated that it needs to consider the new contractor that is just starting out and that the contractor has the capital to purchase materials and pay his employees. On the other hand, if the contractor's credit history is good, the contractor should be able to afford to pay 3 to 4 percent of the bond amount. The Board stated that \$25,000 was a substantial amount of money in 1997. After discussion the Board deferred this matter for further discussion and consideration.

Relating to The Boiler and Elevator Safety Law

g. House Bill No. 2351/Senate Bill No. 2907

Authorizes the Director of Labor and Industrial Relations to allow third-party inspectors and third-party inspection companies to conduct certain types of elevator inspections; effective July 1, 2020, repealed June 30, 2025.

These bills define "Certified third-party elevator inspection company" as any person, firm, or corporation that is registered with the department of commerce and consumer affairs pursuant to chapter 444 and is certified by the department. The Board noted that chapter 444, HRS, does not register companies.

Board position: Provide comments.

Hearings were not held on these bills.

Relating to Roofing Contractors

h. Senate Bill No. 2422, S.D. 2

Prohibits roofing contractors from offering to pay, in any monetary form, an insured's insurance deductible as an incentive to encourage the insured to hire the contractor. Allows insureds to rescind contracts with roofing contractors within five business days of receiving notification from an insurer that all or any part of a claim or contract is not a covered loss under the insured's insurance policy.

The CPH amended S.B. 2422 by inserting language that allows the Contractors License Board to revoke, suspend, or refuse to renew a license for a contractor that performs as a public adjuster. The Board submitted the following comments based upon its opposition to similar bills in the past: (1) This bill creates separate requirements for roofing contractors relating to homeowner's insurance; (2) HRS chapter 444 is not the appropriate statute to address unlicensed insurance adjusters; and (3) the definition of "roofing contractor" is problematic because it allows a roofing contractor to perform work that is currently outside the roofing contractor's scope of practice.

On February 25, 2020, the Senate Committee on Judiciary ("JDC") held a hearing on S.B. No. 2422, S.D. 1 and amended this bill by clarifying that the Contractors License Board may revoke, suspend, or refuse to renew a license for a contractor that performs as a public adjuster without the requisite insurance license. The Board submitted testimony in opposition and noted that the Insurance Division has an administration bill which adds a new section to HRS chapter 431, article 9 (Licensing of Adjusters and Bill Reviewers) by including mandatory disclosures, and a cap on commissions that adjusters may charge the insureds (section 1 of the bill).

S.B. No. 2422, S.D. 1 crossed over to the House.
Board position: Oppose this bill.

Relating to Consumer Protection

i. House Bill No. 1809, H.D. 1

Prohibits residential contractors from offering to pay, in any monetary form, a homeowners insurance deductible as an incentive to encourage the homeowner to hire a contractor. Allows an insured to rescind a contract to repair or replace roof systems or other exterior work within five business days of receiving notice from a homeowners insurer that all or part of the claim or contract is not a covered loss under an homeowners insurance policy. Authorizes the Contractors License Board to suspend, revoke, or refuse to renew the license of any contractor acting as a public adjuster.

On February 11, 2020, the IAC held a hearing on H.B. No. 1809 and amended

this bill by moving the contents from HRS chapter 481B (Unfair and Deceptive Acts and Practices) to HRS 444.

On February 25, 2020, the CPC held a hearing on H.B. No. 1809, H.D. 1 and deferred this measure. The Board and the Roofing Contractors Association of Hawaii submitted testimony on opposition. The proponent of the bill testified that this bill helps the homeowner because if the contractor performs the construction work prior to the rescission period, the homeowner would not be obligated to pay the contractor and the contractor would have to sue the homeowner to get paid. This does not appear to be beneficial to homeowners and the contractor could put a lien on the homeowner's property.

Board position: Oppose this bill.

Mr. Bimbo left the meeting at 12:15 p.m.

Relating to Fire Protection

j. House Bill No. 1754, H.D. 2/Senate Bill No. 2128, S.D. 1

Requires the builders of new dwellings to provide buyers with information on the benefits and costs associated with installing and maintaining a residential fire sprinkler system. Requires the Department of Commerce and Consumer Affairs Professional and Vocational Licensing Division to develop a standard form for this purpose.

The Fire Council's intent in introducing this bill is good. The Board discussed the requirement for the "builder" to provide the buyer with materials from the state fire council on the benefits of residential fire sprinklers and to provide the buyer with a written estimate of the cost for installing and maintaining a residential fire sprinkler system. This would require the buyer to go back and have their plans re-drawn to include fire sprinklers before any estimates could be made. This will increase costs to the buyer. Also, the "builder" does not provide the maintenance of the fire sprinkler system and is not the appropriate party to provide information on maintenance costs.

Executive Officer Ito discussed this bill with the Executive Officer of the Board of Professional Engineers, Architects, Surveyors & Landscape Architects ("EASLA"). EASLA understands the issue and while the architect draws the plan, the architect would not be able to provide the cost to install and maintain the residential fire sprinkler system. EASLA thought that the developer should be responsible for informing the homeowner, but that would not capture all new homes being built. It is unclear who should be responsible to provide the cost estimate for installing and maintaining a residential fire sprinkler system. Mr. Leong explained that if the homeowner wants to install a fire sprinkler system, the architect draws the plans, the engineer calculates the pressure for the system, then the contractor would be able to give an estimate on the cost. The Board stated that usually the architect would give a budget proposal which is an estimated price per square foot of the home based on past history.

Board position: Oppose this bill

House Bill No. 1754, H.D. 2 had a triple committee referral and the last committee, FIN did not hold a hearing on this bill.

Senate Bill No. 2128, S.D. 1 crossed over to the House.

Carry Over Bills from 2019 Session

Relating to Contractors

k. House Bill No. 81, H.D. 1

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

Board position: Strongly oppose this bill.

l. House Bill No. 838, H.D.1, S.D.1

Exempts an eleemosynary organization that meets certain conditions and intends to engage in a public works project or operation involving the installation or maintenance of a mooring system for vessels under one hundred gross tons from licensure and other requirements of a contractor. Effective 7/1/2050.

Board position: Oppose this bill.

Relating to the Contractors License Board

m. House Bill No. 156

Clarifies the qualifications for membership for the Contractors License Board. Specifies that the Contractors License Board must prioritize the protection of the public above all other considerations when exercising its functions.

Board position: Strongly oppose this bill.

n. Senate Bill No. 423, S.D.1

Prohibits incidental and supplemental work on any project requiring the seal or stamp of a professional engineer licensed to perform structural engineering.

Board position: Oppose this bill.

Relating to Professional and Vocational Licensing

o. House Bill No. 73

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.

Board position: Oppose this bill.

Relating to Taxation

p. House Bill No. 112

Requires a tax clearance before a professional or vocational license may be issued or renewed. Applies to taxable years after 12/31/2020.

Board position: Oppose this bill.

Relating to Commerce and Consumer Affairs

q. House Bill No. 1528, H.D.1

Repeals the existing statutory requirement that \$2,000,000 of certain taxes collected on bank and financial corporations be deposited to the compliance resolution fund. Requires adjustments to fees and assessments collected by the Division of Financial Institutions based on the amount of moneys credited to the division in the compliance resolution fund. Establishes criteria to determine the amounts to be assessed for fees and expenses regulated under title 25, HRS. Provides for the reduction or cessation of fees or interest paid into the mortgage loan recovery fund, contractors recovery fund, contractors education fund, real estate recovery fund, real estate education fund, and condominium education fund if the balance in the funds attain a certain dollar amount. Sets the annual fee assessed on cable operators at 4.5% of the income received from subscribers for cable services rendered during the preceding calendar year. Authorizes the Director of the Department of Commerce and Consumer Affairs to reduce the fee if the amount exceeds the amount necessary to administer chapter 440G, HRS.

Board position: Oppose this bill.

Relating to Professional and Vocational Regulatory Programs

r. Senate Bill No. 202

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.

Board position: Oppose this bill.

Relating to the Owner-Builder Exemption

s. House Bill No. 1154, H.D. 1

Requires owner-builders to provide proof of withholding taxes and workers'

compensation insurance. Amends fines for failure to comply with statute.

Board position: Support the intent, request clarification.

Tracking

Relating to the State Building Code Council

t. House Bill No. 1933, H.D.1

Repeals the state building code Council.

On February 20, 2020 FIN held a hearing on H.B.1933, H.D.1 and deferred this measure.

Relating to Contracting

u. Senate Bill No. 2078

Requires contractors and subcontractors to submit tax clearances as a condition of obtaining building permits for private developments exceeding a certain value. Requires contractors and subcontractors to submit additional tax clearances before assignment of a contract for private developments exceeding a certain value. Authorizes the Department of Taxation to require that tax clearance applications be submitted electronically. Establishes penalties. Appropriates funds for grants-in-aid to the counties.

The Senate Committee on Government Operations (“GVO”) and the Senate Committee on Public Safety, Intergovernmental, and Military Affairs (“PSM”) held a joint hearing on S.B. No. 2078 and deferred this measure.

Relating to Wages

v. Senate Bill No. 2961, S.D. 2

Makes general contractors entering into or under contracts in the State for work on buildings, structures, or other private works liable for debt incurred by subcontractors for wages due to claimants for performance of labor in the contract between the general contractor and owners.

The LCA amended this bill by changing the effective date to July 1, 2021.

On February 20, 2020, CPH held a public decision making on S.B. No. 2961, S.D.1 and amended this bill by clarifying that the property of the general contractor may be attached for the payment of any judgment, not just the judgments rendered at the trial, to allow DLIR to continue enforcement after initiating administrative actions.

S.B. No. 2961, S.D.2 crossed over to the House.

Relating to Construction Waste

w. House Bill No. 2698, H.D. 1/Senate Bill No. 3129, S.D. 1

Requires the Department of Health to convene a construction waste reuse and recycling working group to determine how to implement a requirement for the reuse, recycling, or donation of construction waste.

The House Committee on Energy & Environmental Protection ("EEP") held a hearing on H.B. No. 2698 and amended this bill by (1) inserting a blank appropriation from general revenues to fund the working group's duties; (2) changing its effective date to July 1, 2050; and (3) making technical, non-substantive amendments.

H.B. No. 2698, H.D.1 is a triple referral measure and only one committee held a hearing on this measure.

Senate Bill No. 3129, S.D. 1

The Senate Committee on Agriculture and Environment ("AEN") held a hearing on S.B. No. 3129 and amended this bill by inserting an appropriation for \$75,000 for fiscal year 2020-2021 for the construction waste reuse and recycling working group.

S.B. No. 3129, S.D. 1 is a double committee referral measure and only one committee held a hearing on this measure.
Relating to Fire Protection

x. House Bill No. 1757, H.D. 1/Senate Bill No. 2131, S.D. 2

Establishes a tax credit of 30 per cent of the actual cost, including installation, materials, water and permitting fees, and any related charges, of an automatic fire sprinkler system in any one and two-family dwelling in a structure used only for residential purposes.

The CPC amended this bill by changing its effective date to July 1, 2050. H.B. No. 1757, H.D. 1 is a double committee referral measure and only one committee held a hearing on this measure.

Senate Bill No. 2131, S.D.2

Establishes an income tax credit for the installation of an automatic fire sprinkler system in any new 1- or 2-family dwelling in a structure used only for residential purposes.

On February 20, 2020, WAM held a hearing on S.B. No. 2131, S.D.1 and amended this measure by:

(1) Changing the amount of the tax credit to an unspecified percentage of a taxpayer's costs to install an automatic fire sprinkler system;

(2) Changing the cap amount of the tax credit from \$5,000 to an unspecified amount; and

(3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

S.B. No. 2131, S.D. 2 crossed over to the House.

Relating to the State Fire Code

y. House Bill No. 1756, H.D.1/Senate Bill No. 2130, S.D. 1

Amends the process for adoption of the state fire code to conform with other Hawaii state building codes.

On February 26, 2020, JUD held a hearing on H.B. No. 1756, H.D.1 and passed this bill unamended. H.B. No. 1756, H.D.1 crossed over to the House.

Senate Bill No. 2130, S.D. 1

Amends the process for adoption of the state fire code to conform with other Hawaii state building codes.

On February 21, 2020, JDC held a hearing on S.B. No. 2130 and passed this bill with technical amendments. S.B. No. 2130, H.D. 1 crossed over to the House.

Committee
Reports:

3. Examination Committee:
Kenneth Shimizu, Chairperson

a. Contractors Examination Summary

The Contractors Examination Summary for February 2020 was distributed to the Board for their information.

4. Rules Committee:
Leonard Leong, Chairperson
Hawaii Administrative Rules Chapter 16-77

Proposed Amendments to the Specialty Contractor Classifications

C-5 Cabinet, millwork, and carpentry remodeling and repairs Contractor

C-5a Residential cabinet, millwork, and carpentry remodeling and repairs contractor

C-15 Electronic systems contractor

C-15a Fire and burglar alarm contractor

C-15b Telecommunications contractor

C-15c Security systems contractor

C-15d Audiovisual contractor

Deferred from January 17, 2020:

- C-1 Acoustical and insulation contractor
- C-2 Mechanical insulation contractor
- C-20 Fire protection contractor
- C-20a Fire repressant systems contractor
- C-37 Plumbing contractor
- C-37a Sewer and drain line contractor
- C-37b Irrigation and lawn sprinkler systems contractor
- C-37c Vacuum and air systems contractor
- C-37d Water chlorination and sanitation contractor
- C-37e Treatment and pumping facilities contractor
- C-37f Fuel dispensing contractor
- C-40 Refrigeration contractor
- C-44 Sheet metal contractor
- C-44a Gutters contractor
- C-44b Awnings and patio cover contractor
- C-52 Ventilating and air conditioning contractor
- C-52a Ductless split system air conditioning contractor
- Proposed C-20b Firestopping contractor

Investigative Committee of the Rules Committee Report presented amendments to the following classifications on January 17, 2020:

- C-3 Asphalt paving and surfacing contractor
- C-7 Carpet laying contractor
- C-13 Electrical contractor
- C-13a Cathodic protection contractor
- C-22 Glazing and tinting contractor
- C-30 Power station cooling tower contractor
- C-33 Painting and decorating contractor
- C-33c Surface treatment contractor
- C-42 Roofing contractor
- C-43 Sewer, sewage disposal, drain, and pipe laying contractor
- C-45 Sewer and lift station contractor
- C-60 Solar power systems contractor

HAR section 16-77-32(d)

Investigative Committee of the Rules Committee Report on the proposed amendments to the following classifications:

- C-33 Painting and decorating contractor
- C-43 Sewer, sewage disposal, drain, and pipe laying contractor
- C-45 Sewer and lift station contractor
- C-52a Ductless split system air conditioning contractor
- C-55 Waterproofing contractor
- C-62 Pole and line contractor

Executive Officer Ito reported that the Board received written testimony on the proposed rule amendments from the following parties:

- Al Itamoto, Executive Director, Electrical Contractors Association of Hawaii (C-60 Solar power systems);
- Ryan Takahashi, Director of Compliance, Hawaii Electricians Market Enhancement Program (“HEMEP”) (C-60 Solar power systems, C-15 Electronic systems, C-15a Fire & burglar alarm);
- Bertram T. Saito, Alpha Glass, Inc. (C-22 Glazing & tinting)
- Anthony B. Borge, Manager, Diamond Glass and Metals, LLC (C-22 Glazing & tinting);
- Jeffrey S. Masatsugu, Painters Labor Management Corporation Fund (“Painters LMCF”) (C-33 Painting & decorating); and
- Blake Parsons, Executive Director of the Sheet Metal and Air Conditioning Contractor’s National Association (“SMACNA”) (C-44 Sheet metal).

Mr. Leong invited guests to speak on the specialty classifications on the meeting agenda.

Blake Parsons, SMACNA, stated that contrary to the testimony presented to the Board last month, sheet metal contractors install louvers, canopies, and awnings in commercial and residential settings; installation is part of their training. They believe that louvers are more than just a window and barrier to the elements. He distributed written testimony to the Board and stated that SMACNA supports the C-44 Sheet metal contractor license description as released by the Investigative Committee on February 14, 2020, which makes no changes to the current description.

Mr. Arita stated that comments on the C-44 classification were that the general contractors could not get C-44 contractors to bid on awning projects. Mr. Parsons stated that he spoke to his contractors and they confirmed that they perform that type of work; they may not have bid on projects because they were not able to take on more projects at certain times.

Dwayne Arelliano, Business Representative for the Glaziers Union DC 50, stated that it was never their intention to remove louvers and awnings from the C-44 classification; they just want it included in the C-22 classification. Currently the glaziers are installing all the awnings on new buildings as part of the building envelope. The awnings are being installed by Kalu Glass, Kula Glass, and Diamond Glass. Mr. Arelliano stated that he spoke to a C-44 contractor who related that they do not do awning work on buildings. He added that just because the awning is not attached to the windows, it’s still glazing work; it’s still part of the building envelope that generals and architects ask the glaziers to bid on. Other trades are not asked to bid on the awnings because it is part of the building envelope which glaziers are responsible for; awnings are caulked and sealed like a window.

Mr. Arelliano reiterated the glaziers’ position that the installation of louvers and awnings work should be included in the C-22 Glazing and tinting classification and keep louver and awning work in the C-44 Sheet metal classification.

Mr. O'Donnell asked for clarification on whether the awnings and louvers were made of glass, aluminum, sheet metal, or wood. Mr. Arelliano stated that the majority of the awnings, louvers, and vents are made of aluminum which is considered to be an architectural metal. Mr. Arita stated the current description of the glazing and tinting classification includes "items such as frames and hardware and any allied products not stated above but affiliated with the glass and glazing industry" and asked if Mr. Arelliano if his position is that this was not adequate. Mr. Arelliano stated that they want louvers and awnings to be specifically stated in the C-22 description. Mr. Arita stated that currently awnings and louvers are included in the C-22 description and asked for clarification on whether Mr. Arelliano is asking to remove the current language, "including items such as frames and hardware and any allied products not stated above but affiliated with the glass and glazing industry" and replace it with "awnings and louvers". Mr. Arelliano responded no, they just want the C-22 description to specifically include the terms awnings and louvers in addition to the current language. Mr. Arelliano stated that questions have come up before regarding whether a glazier could install awnings and the Board determined that it requires a C-44 contractor. Glaziers are asking to specifically include awnings and louvers in the C-22 classification so that there is no question that this is part of the glazier's work.

With regard to the difference between residential and commercial fire alarm systems, Ryan Takahashi, HEMEP, stated that after research and discussion with electrical contractors, the key terms are addressable fire alarm systems and building management systems. Addressable or zone fire alarm systems allow for the monitoring and/or control of systems such as fire doors, sprinkler valves, elevator operation, lighting, etc. Building management systems control a building's mechanical and electrical equipment such as ventilation, lighting, power systems, fire, and security systems. In a commercial fire alarm system, the addressable or zone fire alarm system is integrated with the building management system and the circuits, wiring, and controls that lead to the electrical equipment and apparatus; a residential fire alarm system does not have an addressable fire alarm system. In his review of the plans and specifications of Department of Education and University of Hawaii fire alarm projects, the addressable fire alarm system is required to comply with the National Electric Code ("NEC") and the National Fire Protection Association Life Safety Code ("NFPA Life Safety Code") and requires a C-13 Electrical contractor.

Mr. Takahashi stated that the C-15 Electronic systems and C-15a Fire and burglar alarm classifications do not include installation of an addressable fire alarm system, and in the interest of the life, health, and safety of the public should be performed by a C-13 contractor. In his written testimony, HEMEP recommends a separation be created between Residential and Commercial Systems as follows:

Residential Fire Alarm System: System installed in Single-Family Dwellings, defined as an individual, freestanding, unattached dwelling, which does not include apartment/condominium buildings, hotels, or other

mixed occupancy structures.

Commercial and Mixed Occupancy Fire Alarm System:

Addressable/Zone system integrated with Building Management Systems installed in mixed occupancy structures which include, but are not limited to, structures with occupancy classifications for Business and Mercantile, Educational and School Facilities, Detention and Correctional Facilities, Hotels, Apartments/Condominiums, Industrial, and other Public Assembly structures.

The Board thanked Mr. Takahashi for providing the above information in response to its request for suggestions on differentiating the types of fire alarm systems that are appropriate for the C-15 and C-13 classifications.

With regard to the C-33 Painting and decorating classification, Jeffrey Masatsugu, Painters LMCF, stated that they have concerns with the added language, "spall repair involving concrete". This would prohibit painters from performing the necessary surface preparation for painting; this could also affect warranty issues because some products require that the subsurface is prepared properly. He also included the Board's May 18, 2001 decision to show how far back the practice of spall repair has been done by painters. At its May 18, 2001 meeting the Board determined that "The spall repair work is incidental to the preparation of the surface prior to the painting of the buildings, and, therefore, could be performed by a C-33 Painting contractor".

Mr. Masatsugu stated that they have no problem with the language that prohibits rebar work. He requested that "concrete" be removed from the C-33 Painting and decorating description and inquired why the Board is prohibiting spall repair involving concrete as it prohibits painters from working on concrete. Executive Officer Ito stated that the Board is attempting to address structural spall repair and cosmetic spall repair. Mr. Masatsugu thought that was the reason given addition of the term rebar because any rebar work would be considered as structural. Executive Officer Ito stated that sometimes the rebar is not visible, but it is structural; the Board is having difficulty coming up with language to address this. Mr. Masatsugu inquired if the Board is talking about removing and replacing the rebar or treatment of the rebar. He understands that when they start the project, they won't know what is underneath, portions of concrete may look like it's fine but isn't. The Board's position is that replacement of rebar is not included in the painting classification. Mr. Masatsugu stated that the Board's position has changed from the past but generally the painters agree that their work does not include rebar work.

Mr. Leong gave an example of a painter working on a building and there is a 5-foot section of rebar needing to be replaced and asked whether the C-33 Painting and decorating contractor would want to take the responsibility for that work. Mr. Masatsugu stated that painters who do that work also hold the C-31 Masonry contractor license. Their concern is that in the normal course of a project where they must paint over a spall, if there is a spall the size of a quarter, they don't want to call in another trade to fix it. You can't tell just by looking at the surface of a spall if it is structural or not.

Sometimes it may turn out to be bigger than anticipated; when painters come across these situations, they would go to the general contractor, owner, or the engineer on how to proceed. Mr. Leong thanked Mr. Masatsugu for his comments and it appears that the parties are on the same page; language needs to be crafted to differentiate structural spall repair and cosmetic spall repair. Mr. O'Donnell asked if the Board has prior determinations on this issue. Executive Officer Ito stated yes, however, for the last inquiry the Board received, it could not provide a general response to what is structural spall repair because of the many different types of spall; the only definitive way to determine if it is structural spall repair is to hire a structural engineer, which is not always practical.

Mr. Schlitzkus stated that they are asking the Board not to exclude concrete from the C-33 Painting and decorating description because they want to be able to use compatible material to patch holes to meet the specifications of the building; they don't want to use spackle to patch concrete surfaces. Contractors use a compatible surface and materials to match and self-perform small spall repair work. He went on to say that when he worked as a supervisor for a painting company, if it looks small, they deal with it, if it looks big, they would contact an engineer to assess the damage and sub-contract the work to the appropriate contractor; especially if it involves the customer's safety, e.g. near a railing or if it's supporting something to prevent it from falling. They are only looking at performing minor cosmetic repairs.

Mr. Takahashi requested to provide clarification on his prior testimony. He stated that the use and occupancy of a building as classified in the county code triggers the use of the NEC and NFPA Life Safety Code. This is the reason that HEMEP's suggested descriptions include single family dwellings for residential fire alarm systems and mixed occupancy for the commercial fire alarm systems.

Mr. Arelliano stated that other C-22 contractors want to testify and asked if they could testify next month. Executive Officer Ito stated that they could provide their testimony at next month's meeting. Mr. Arelliano stated that Chris Caneda could not attend today because he had to be at Aulii to address a water testing issue. He added that windows are required to pass a water test before and during installation. Mr. Leong stated that the C-22 contractors should attend next month to give the Board their input.

Mr. Takahashi stated since the C-60 classification was established, the PV industry has exploded. He would like to research the technology and the intent of the C-60 at that time because the specific terminology is simple: panels and related low voltage wiring. Today we have PV farms and energy storage systems which are used like a power plant to store energy for distribution. It does not appear that the battery in the C-60 classification was intended to be an energy storage system for a PV farm; it seems more likely that it was a battery for a residential PV system. The amount of electrical work and safety requirements involved in these energy storage systems are vast. HEMEP is concerned that the testimony from the solar association focused on how fast they can achieve the State's renewable energy goals

and that it costs too much to use electrical contractors. The solar association did not state that they have the NEC training to perform energy storage systems; the NEC covers energy storage systems.

Mr. Takahashi stated that HEMEP was in support of the proposed classification description of the C-60 Solar power systems contractor as was presented in the January 17, 2020 version. HEMEP now strongly opposes the current draft version dated February 14, 2020.

In the latest version, the Board proposes to remove "conduit" from the prohibited work of the C-60 contractor, thereby allowing the C-60 to contract for conduit work. All types of conduit installations, from rigid metallic to flexible metallic and rigid polyvinyl to flexible non-metallic conduit, are expressly covered in the National Electric Code ("NEC"). The NEC is the standard by which C-13 Electrical contractors, using licensed electricians, perform work, receive continuing education, and possess the skills, knowledge, training, and experience to safely install and recognize the extremely dangerous hazards associated with electrical work. One of the primary purposes of the NEC is the practical safeguarding of persons and property from hazards arising from the use of electricity.

Mr. Takahashi stated that they are trying to limit the expansion of the C-60 Solar power systems classification based upon what it was intended for. PV farm energy storage systems are not just batteries. Executive Officer Ito stated that the Board cannot remove batteries from the C-60 classification because they are already performing that work. Mr. Takahashi stated that he agrees because that is not HEMEP's intent; they just don't believe that an energy storage system that stores hundreds of megawatts is a battery. He stated that he will review the code because energy storage system is defined. He will look for any breakdowns such as size or voltage. PV farm energy storage systems are in the 3 to 5-megawatt range. Mr. Leong asked about the energy storage systems for windfarms. Mr. Takahashi responded that it is similar to the PV farm energy storage system.

The Board reviewed the classifications that it approved at the February 14, 2020 meeting. Mr. Konishi stated that he is reviewing the fire protection and plumbing classifications in light of the County of Kauai's new ordinance that requires fire sprinkler systems for new residences. He suggested proposing a proviso to the plumbing classification that would not require the supervision of a fire protection contractor or mechanical engineer for certain types of fire sprinkler systems; the mechanical engineer would still design the system. He stated that there are not many fire protection contractors on Kauai, possibly only 3, which would make it difficult to meet the county mandate. He needs to do more research but at this time is considering proposing an amendment to the C-37 classification which would allow plumbing contractors to install fire sprinkler systems that are 1 1/2 inch lines in residential homes without supervision of a C-20 or mechanical engineer.

Gregg S. Serikaku, Executive Director for PAMCA, stated that he participated on a task force which looked at the cost of installing a residential fire sprinkler system. In order for the system to be economical,

instead of a stand-alone system, the fire sprinkler system is tied into the domestic water line. There's a loop and all the plumbing fixtures come off that loop. This system is more cost efficient because there is no need for backflow prevention because the fixtures circulate the water. It is integrated with the plumbing system, and he believes that the Board of Electricians and Plumbers determined that systems that are part of the domestic water supply must be installed by a licensed plumber.

Mr. Serikaku related that systems may be purchased from a manufacturer that provides design services; however, the manufacturer will not be on-site to ensure that the system is installed correctly, and the system will need to be tested. He added that most plumbing contractors will not take the risk of installing a system that has not been designed by a mechanical engineer; the engineer determines the distance, pressure at the furthest head, etc.

Mr. Serikaku added with regard to the legislation regarding determining the cost of a residential fire sprinkler system, for new residential developments it's easy to determine the cost. It's different for existing homes where a new system will be installed with tanks and pumps.

Mr. Konishi stated that a contractor on Kauai recently installed a tank system and the price is approximately \$12,000.00. Mr. Serikaku stated that there are differing county requirements on the meter size and most of the counties are not familiar with the loop design on residential fire sprinkler systems. Additionally, in other jurisdictions the mechanical engineer is required to design the loop system and the plumber installs the system; there is no requirement for the plumber to be supervised by a C-20 or mechanical engineer. He added that the purpose of the fire sprinkler system is to slow the fire from spreading to give the occupants time to get out safely. The 2018 building code requires fire sprinklers; if the counties don't adopt it or remove the requirement, it will become law in 2022.

Mr. Leong asked for the budget cost that the task force came up with. Mr. Serikaku responded that a Hawaii Island contractor priced it at \$250 per head in addition to the design cost for a loop system. On Oahu the price is approximately \$4,000 - \$6,000 in addition to the cost to install the plumbing system for the loop system. The task force is preparing a report (which was due in December) and they will meet one more time to review and approve the report. He will provide a copy of the report when it is available.

The Board discussed allowing C-37 contractors to install fire sprinkler systems designed by a mechanical engineer, without the supervision of a mechanical engineer or C-20 contractor. Mr. Serikaku added that plumbers are capable of installing fire sprinkler systems; the Uniform Plumbing Code covers the requirements to install fire sprinkler systems.

Mr. Hayashi asked whether the Board will defer the C-60 classification. Executive Officer Ito stated that it should be deferred because the Board is still discussing the battery issue. Mr. Hayashi expressed concerns because Hawaiian Electric is proposing a huge battery back-up for its Kalaeloa and

Kahe plant and does not believe a C-60 contractor would be able to perform this work. This energy storage system is tied into the power grid and it is intended to provide power for 2 to 3 hours should the power from the plant shut down.

After discussion, it was moved by Mr. Arita, seconded by Mr. Leong, and unanimously carried to:

- (1) Approve the proposed amendments to the following classifications:

- C-1 Acoustical and insulation contractor
- C-2 Mechanical insulation contractor
- C-20 Fire protection contractor
- C-20a Fire repressant systems contractor
- C-37a Sewer and drain line contractor
- C-37b Irrigation and lawn sprinkler systems contractor
- C-37c Vacuum and air systems contractor
- C-37d Water chlorination and sanitation contractor
- C-37e Treatment and pumping facilities contractor
- C-37f Fuel dispensing contractor
- C-40 Refrigeration contractor
- C-52 Ventilating and air conditioning contractor
- C-52a Ductless split system air conditioning contractor

- C-3 Asphalt paving and surfacing contractor
- C-7 Carpet laying contractor
- C-30 Power station cooling tower contractor
- C-42 Roofing contractor
- HAR section 16-77-32(d);

- (2) Defer the proposed amendments to the following classifications:

- C-5 Cabinet, millwork, and carpentry remodeling and repairs contractor
- C-5a Residential cabinet, millwork, and carpentry remodeling and repairs contractor
- C-15 Electronic systems contractor
- C-15a Fire and burglar alarm contractor
- C-15b Telecommunications contractor
- C-15c Security systems contractor
- C-15d Audiovisual contractor
- C-37 Plumbing contractor
- C-44 Sheet metal contractor
- C-44a Gutters contractor
- C-44b Awnings and patio cover contractor
- C-13 Electrical contractor
- C-13a Cathodic protection contractor
- C-22 Glazing and tinting contractor
- C-60 Solar power systems contractor; and

- (3) Deny the proposed amendment to create a C-20b Firestopping contractor.

Contractor

Recovery Fund:

Recovery Fund Report:

Zale T. Okazaki, Esquire

Ms. Okazaki's Recovery Fund Litigation Report dated March 2, 2020 was distributed to the Board.

Contractor

Education

Fund:

- a. Education Outreach
Kent Matsuzaki

None.

- b. DCCA Public Service Advertisements ("PSA")

None.

Appearances

Before the Board:

- e. Corey S. Morihara (Individual)
"B" General building

Executive

Session:

At 1:56 p.m., it was moved by Mr. Higashihara, seconded by Mr. Teves, and unanimously carried to enter into executive session pursuant to HRS section 92-5(a)(1) to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in HRS section 26-9, and to consult with Christopher Leong, Deputy Attorney General, on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pursuant to HRS section 92-5(a)(4).

At 2:09 p.m., it was moved by Mr. Higashihara, seconded by Mr. Arita, and unanimously carried to move out of executive session and to reconvene to the Board's regular order of business.

It was moved by Mr. Leong, seconded by Mr. Arita, and unanimously carried to approve Mr. Morihara's application for licensure in the "B" General building classification.

Executive

Session:

At 2:11 p.m., it was moved by Mr. Arita, seconded by Mr. Leong, and unanimously carried to enter into executive session pursuant to HRS section 92-5(a)(1) to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in HRS section 26-9, and to consult with Christopher Leong, Deputy Attorney General, on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pursuant to HRS section 92-5(a)(4).

Mr. Teves left the meeting at 3:01 p.m.

At 3:10 p.m., it was moved by Mr. Arita, seconded by Mr. Konishi, and unanimously carried to move out of executive session and to reconvene to the Board's regular order of business.

Committee
Reports:

4. Conditional License Report:
Charlene Tamanaha, Executive Officer

None.

5. Applications Committee Report:
Charlene Tamanaha, Executive Officer

- a. Mikala Electric Inc.
Michael J. Cox, RME
C-13 Electrical

It was moved by Mr. Arita, seconded by Mr. Konishi, and unanimously carried to approve Mikala Electric Inc. and Michael J. Cox's applications for licensure in the C-13 Electrical classification.

- b. Epic AV Automation LLC
Scott J. Ruzich, RME
C-15 Electronic systems

It was moved by Mr. Arita, seconded by Mr. Konishi, and unanimously carried to defer Epic AV Automation LLC and Mr. Ruzich's applications for licensure in the C-15 Electronic systems classification pending the submittal of a revised project list (on the Board's form) verifying Mr. Ruzich's on-site field supervision in the broad scope of the C-15 Electronic systems classification; and for Epic AV Automation LLC, a compiled, reviewed or audited financial statement, including a balance sheet, statement of operations and profit and loss statement, for the year ended December 31, 2019 performed and signed by a licensed certified public accountant. An independent accountant's report must accompany the financial statement.

- c. Conway-Phillips Holdings LLC
Leonard M. Phillips, RME
C-56 Welding

It was move by Mr. Arita, seconded by Mr. Konishi, and unanimously carried to defer Conway-Phillips Holdings LLC and Mr. Phillips' request for establishing a C-68 Classified specialist classification for the construction of bolted and welded tanks pending further discussion.

6. Applications Committee:
Nicholas W. Teves, Jr., Chairperson

It was moved by Mr. Arita, seconded by Mr. Konishi, and unanimously carried to approve, defer, deny or withdraw the license applications as indicated on the Applications Committee Attachment in the following categories as attached to the meeting minutes.

- a. Request for Change in Business Status
- b. Request for Waiver of Bond Requirement
- c. Applications for Licensure

Owner-Builder Exemption Applications

- a. Michael C. Meyer
- b. An Tranvan & Cecilia Vu

It was moved by Mr. O'Donnell, seconded by Mr. Leong, and unanimously carried to approve the above owner-builder exemption applications.

Correspondence: Plenary Infrastructure Honolulu LLC
Responsible Managing Employee
Hawaii Administrative Rules sections 16-77-3, 16-77-69 through 16-77-71

It was brought to the Board's attention that the Plenary Infrastructure Honolulu LLC's ("PIH") RME may not be a bona fide employee of the licensee.

PIH provided an amended Management Services Agreement which clarified that its RME is co-employed by PIH and Plenary Group USA Ltd ("PG USA"). PG USA provides human resource management services including benefit administration, payroll tax reporting and procuring insurance policies for PIH; and PIH retains direct control over the activities of the employees.

The Board reviewed its July 18, 2003, September 19, 2003, and June 24, 2016, meeting minutes pertaining to Professional Employment Organizations ("PEO") as PG USA's role is similar to a PEO. The meeting minutes indicate that the Board determined that a co-employment relationship between the licensed contractor and PEO is allowed provided that the contracting entity maintains direct control over the RME and other co-employees and the PEO is only providing human resources services such as payroll administration, payroll tax reporting and benefit administration.

It was moved by Mr. Arita, seconded by Mr. Konishi, and unanimously carried to respond to PIH as follows: Based upon the information provided, the co-employment relationship between PIH and PG USA is acceptable as long as the PIH maintains direct control over the RME and other co-employees and PG USA is only providing human resource management services such as benefit administration, payroll tax reporting, and procuring insurance policies for PIH. As long as these conditions are satisfied, the RME is a bona fide employee of PIH.

Other Business: None.

Open Forum: None.

Next Meeting: Friday, April 17, 2020

Adjournment: There being no further business to discuss, the meeting was adjourned at 3:16 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Candace Ito
Candace Ito
Executive Officer

/s/ Faith Nishimura
Faith Nishimura
Secretary

4/13/20

Minutes approved as is.

Minutes approved with changes. See minutes of _____.

CONTRACTORS LICENSE BOARD
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

March 13, 2020

APPLICATIONS COMMITTEE ATTACHMENT

6.a.

Request for Change in Business Status:

- SC-1 GE Steam Power Inc.
Martin W. Edwards, RME
Licensed: "A" General Engineering
Request: Reactive
Recommend: Deferral
- SC-2 Samson L.K. Gomes-Hoohuli, RME
Aina Corporation
Licensed: "A" General Engineering
"B" General Building
Request: Duals status (Hoohuli Contracting Hawaii Inc.)
Recommend: Deferral
- SC-3 Steven J. Kauvaka, RME
Five-0 Construction LLC
Licensed: "B" General Building
C-13 Electrical
C-31 Masonry
C-37 Plumbing
Request: Reactivate
Recommend: Deferral
- SC-4 LPR Woodworking Inc.
Lawrence P. Risley, RME
Licensed: C-5 Cabinet, millwork & carpentry remodeling & repairs
C-6 Carpentry framing
Request: Reactivate
Recommend: Approval subject to \$5,000 bond
- SC-5 Bertwin K. Lord (Individual)
Licensed: C-52 Ventilating & air conditioning
Request: RME to sole
Recommend: Deferral
- SC-6 Henry Maio III, RME
Premier Builders of Maui LLC
Licensed: "B" General Building
Request: Dual Status (Hawaiian Isles Interiors LLC)
Recommend: Deferral
- SC-7 Kenneth E. Murphy (Individual)
Licensed: "B" General Building

Request: Reactivate
Recommend: Deferral

SC-8 Walter D. Rogstad, RME
Tutor Perini Corporation
Licensed: "A" General Engineering
Request: Dual status (Frontier-Kemper Constructors Inc.)
Recommend: Deferral

SC-9 Henry J. Rinnert, RME
Alutiiq Construction Services LLC
Licensed: "A" General Engineering
"B" General Building
Request: Dual status (Alutiiq General Contractors LLC)
Recommend: Deferral

SC-10 J Martin Schmaltz (Individual)
Licensed: "B" General Building
Request: Reactivate
Recommend: Deferral

SC-11 Stephen R. Ward (Individual)
Licensed: "B" General Building
Request: Reactivate
Recommend: Approval

6.b. **Request for Waiver of Bond Requirement**

6.c. **Approve applications, subject to all requirements except examinations.**

Applications

A:

1. APB Construction Corp. (Additional classification)
Shane M. Lau, RME
C-4 Boiler, hot-water heating, hot water supply & steam fitting
C-48 Structural steel
2. APB Equipment LLC (Additional classification)
Shane M. Lau, RME
C-4 Boiler, hot-water heating, hot water supply & steam fitting
C-48 Structural steel
3. Alapai Builders Inc.
Damon K. Flood, RME
"B" General Building
Bond: \$7,000
4. Ross D. Dodge (Individual)
"B" General Building
Bond: \$41,000
5. HIB Construction LLC
Wade A.K. Kalili, Jr., RME
"B" General Building
Bond: \$9,000

6. Kitsap Construction LLC (Additional classification)
Michael W. Glandon, RME
C-33 Painting & decorating
7. M & B Hawaii Construction LLC
Chun Tak Cheung, RME
"B" General Building
8. MB Construction Inc.
Manu E. Mafi, RME
"B" General Building
9. Oahu Home Construction LLC
De Xing Li, RME
"B" General Building
10. Guy K. Ogasawara (Individual)
C-33 Painting & decorating
11. Pacific Tower Corporation
Kevin E. Bottomley, RME
"B" General Building
C-68TN Communication tower
12. R & F Electrical Solutions LLC
Rodolfo Labuguen, RME
C-13 Electrical
13. RCT Innovations LLC
Rance J. Tabangay, RME
"B" General Building
14. R H I Inc. dba Maryland R H I
Dale R. Stevens, RME
C-7 Carpet laying
C-21 Flooring
C-51 Tile
15. RRSA (Commercial Division) LLC
Jon R. Seymore, RME
C-42 Roofing
16. Radiant Electric LLC
Jonathan P. Perkins, RME
C-13 Electrical
17. Rightway Steel LLC
Ronald R. Wood, RME
C-48 Structural steel
18. SMC Painting LLC
Shane M. Cui, RME

- C-33 Painting & decorating
Bond: \$5,000
19. Peyton D. Siliado II (Individual) (Conditional)
C-37 Plumbing
Bond: \$112,000
20. Webb & Co. LLC
James Webb, RME
"B" General Building
Bond: \$25,000
21. Sharon Zambo-Fan & Associates Inc.
Brian K. Nakasato, RME
"B" General Building
C-24 Building, moving & wrecking
22. Zaino Tennis Courts Inc.
Richard J. Zaino, RME
C-32 Ornamental, guardrail & fencing
Bond: \$213,000

Applications
B:

Approve applications; subject to all requirements including examinations in Parts I and II, except as otherwise noted.

1. Akamai Painting LLC
Paul L. Caplener III, RME
C-33 Painting & decorating
2. Aloha King Tree Expert LLC
Pavel A. Khrapov, RME
C-27b Tree trimming & removal
3. Betsill Brother LLC (Additional classification)
Dwayne N. Betsill, RME
C-51 Tile
4. Kaleb C. Binkley (Individual)
"B" General Building
C-33 Painting & decorating
5. Ryan R. Grether, RME
West Maui Construction LLC
"A" General Engineering
6. Paul L. Hineman (Individual)
C-37 Plumbing
7. J N Electric LLC
Justin N. Pedrina, RME
C-13 Electrical
8. Jun Pacific LLC
Dennis M.K. Chong, RME
C-15b Telecommunications

9. Alvin Y. Kurisu (Individual)
C-37 Plumbing
C-52 Ventilating & air conditioning
**C-4 Boiler, hot-water heating, hot water supply
& steam fitting (approve 1/20)**
Bond: \$8,000
10. Maikai Electrical LLC
David Kamuela K. Hewahewa, RME
C-13 Electrical
Bond: \$10,000
11. Mikala Electric Inc.
Michael J. Cox, RME
C-13 Electrical
12. Corey S. Morihara (Individual)
"B" General Building
Bond: \$5,000
13. Tracie N. Oshiro, RME
Naka's Marble & Solid Surface LLC
C-51a Cultured marble
14. Dean M. Piliialoha, RME
M Torigoe Plumbing Inc.
C-37 Plumbing
15. Place Services Incorporated
Troy S. Place, RME
"B" General Building
16. Clayton A. Rivera, Jr. (Individual)
C-42 Roofing
17. Royal Paint LLC
Myung S. Park, RME
C-33 Painting & decorating
18. Shoreline Plumbing LLC
John P. Dyer, RME
C-37 Plumbing
19. Stone Cold Air LLC
Rhyne K. Place, RME
C-52 Ventilating & air conditioning
20. Sun West Builders LLC
Edgar Hernandez-Guzman, RME
"B" General Building
21. Sustainable By Design Inc.
Brenton J. Eberhard, RME

"B" General Building
Bond: \$15,000

22. Benjamin R. Teisina (Individual)
"B" General Building
23. VR Tree Care LLC
Pooi Ying V. Turner, RME
C-27b Tree trimming & removal
24. Valley Isle Construction LLC
Stephen M. Butler, RME
C-5 Cabinet, millwork & carpentry remodeling & repairs
25. Michael Y. Young, RME
Albert C. Kobayashi Inc.
"A" General Engineering
"B" General Building

Applications

C:

Withdraw applications; previously deferred.

Applications

D:

Deny applications; failure to show requisite experience and/or failure to show good reputation for honesty, truthfulness, financial integrity, and fair dealing.

1. Diebold Nixdorf Incorporated
Rodney S. Dicion, RME
C-15 Electronic systems
2. Hanai Brothers Plumbing LLC
Eric R. Triphahn, RME
C-37 Plumbing
3. Elton K. Nakamura (Individual)
C-31 Masonry
4. PACM Hawaii LLC
Brandon E. Eberhardt, RME
"B" General Building
5. United Roofing and Rain Gutters LLC
Allen B. Acosta, RME
C-42 Roofing
C-44a Gutters
C-61 Solar power systems
6. Christopher M. Warner, RME
Mears Group Inc.
"A" General Engineering

Applications

E:

Defer applications; for further investigation or request for additional documentation.

1. Advanced Geosolutions Inc.
Sean Callan, RME
"A" General Engineering
2. Aina Corporation
Samson L.K. Gomes-Hoohuli, RME (Dual status - Hoohuli Contracting Hawaii Inc.)
"A" General Engineering
"B" General Building
3. Royce L. Akiona, RME
HI Tech Plumbing Corp.
C-37 Plumbing
4. Almeida Home LLC
Joshua L. Almeida, RME
"B" General Building
5. Aloha Pools LLC
Kevin J. Charlton, RME
C-49a Swimming pool service
6. Aloha Solar and Electrical LLC
Dick S. Takara, RME
C-13 Electrical
7. Alston Construction Company Inc.
Matthew B. Clifton, RME
"B" General Building
8. Alutiiq Construction Services LLC
Henry J. Rinnert, RME (Dual status – Alutiiq General Contractors LLC)
"A" General Engineering
"B" General Building
9. Arita Poulson General Contracting LLC (Additional classification)
Douglas McLean Ayers, RME
"A" General Engineering
"B" General Building
10. B & MC Construction LLC
Dominic A. Bustillos, RME
"A" General Engineering
"B" General Building (approve 10/19)
C-31 Masonry (approve 10/19)
11. Backyard Paradise LLC
Benjamin S. Gosnell, RME
C-27 Landscaping
12. Barrett Roofing Inc.
Ronald E. Barrett, RME
C-42 Roofing

13. Beyond Tile and Stone LLC
Kevin K.S. Labang, RME
C-51 Tile
14. Jordan S. Bleasdale, RME
FV Coluccio Construction Company Inc.
"A" General Engineering
"B" General Building
15. Blucco Construction LLC
Bryan J. Lucariello, RME
C-5 Cabinet, millwork & carpentry remodeling & repairs
16. Brinderson LLC (Additional classification)
Jeffrey E. Norris, RME
C-4 Boiler, hot-water heating, hot water
supply & steam fitting
17. Charles H. Buckingham, RME
Elite Pacific Construction Inc.
"A" General Engineering
"B" General Building
18. Junqi Chen (Individual)
"B" General Building
19. Matthew T. Clark, RME
Trane U S Inc.
"B" General Building
20. Connect Electric & Solar LLC (Additional classification)
Matthew A. Bowes, RME
"B" General Building
21. Christian Construction Inc.
Christian E. Beattie, RME
"B" General Building
22. Frank V. Coluccio, RME
FV Coluccio Construction Company Inc.
"A" General Engineering
23. DC Glass Company LLC
Doran L. Chavez, RME
C-22 Glazing & tinting
24. Chad C. Daniels, RME
Oahu Sealcoating & Paving LC
"A" General Engineering
25. The Davey Tree Surgery Company (Additional classification)
Andrew W. Hardman, RME
C-27 Landscaping

26. Tyler M. Dillon, RME
Layton Construction Company LLC
"B" General Building
27. Richard D. Eckerle (Individual)
"B" General Building
28. Enable Energy Inc. (Additional classification)
Nicholas D. Watson, RME
C-13 Electrical
29. Epic AV Automation LLC
Scott J. Ruzich, RME
C-15 Electronic systems
30. Epic Construction LLC
Jessie S. Shim, RME
C-5 Cabinet, millwork & carpentry remodeling & repairs
31. Ericsson Inc.
Frank J. Kisel, RME
C-13 Electrical
C-15b Telecommunications
32. Derek J. Fieldsoe, RME
Sunpower Corporation Systems
"B" General Building
33. First Class Roofing LLC
Bryan Charles B. Dugan, RME
C-42 Roofing
34. First Quality Building & Design Inc. (Additional classification)
Roger D. Seibel, RME
"A" General Engineering
35. Five-O Construction LLC (Reactivate)
Likitoni Kauvaka, RME
"B" General Building
C-13 Electrical
C-31 Masonry
C-37 Plumbing
36. Grafflin Construction Inc.
Jessica R. Robertson, RME
"B" General Building
37. H A Builders Inc.
Herk Alcaraz, RME
"B" General Building
38. Kahala A. Hall (Individual)
"B" General Building

39. Hartman Enterprises Inc.
Richard F.A. Hartman, RME
"B" General Building
40. Hired Hands LLC
Richard R. Root, RME
C-7 Carpet laying
C-21 Flooring
C-51 Tile
41. Nicholas M. Holm (Individual)
C-13 Electrical
42. Island Breeze Remodelers LLC
Michael D. Richman, RME
"B" General Building
43. Island Touch Designs Incorporated
Michael Santiago, RME
C-13 Electrical
44. JV Audio LLC
John R. Miller, RME
C-15 Electronic systems
45. Jones Lang Lasalle Americas Inc.
Sean W. Konishi, RME
"B" General Building
46. Ka'eo Contracting Inc.
Tyler K. Mahuna, RME
C-17 Excavating, grading & trenching
C-32 Ornamental, guardrail & fencing
C-43 Sewer, sewage disposal, drain & pipe laying
47. Danford M. Kaeo, RME (Additional classification)
DMK & Associates LLC
"A" General Engineering
48. Kholooci Construction Group Inc.
Behrooz Kholooci, RME
"B" General Building
49. Kiewit Building Group Inc. (Additional classification)
Thomas P. Broderick, RME
C-48 Structural steel
50. Kuahiwi Fencing & Wildlife Services LLC
Josiah T.K. Jury, RME
C-32 Ornamental, guardrail & fencing
51. Kualopali Corporation
Kaleookalani Keeno, RME
"A" General Engineering
"B" General Building

52. John Laing Investments Limited
Daniel A. Norman, RME
"B" General Building
53. Landry Construction Inc.
Joshua N. Landry, RME
"B" General Building
54. Largo Concrete Inc. (Additional classification)
Kenneth W. Long, RME
C-23 Guniting
55. Thomas K.M. Lee, RME (Additional classification)
Video Warehouse Inc.
C-13 Electrical
56. Lindo's Electrical Services LLC
Reginald H.L. Lindo, RME
C-13 Electrical
57. John I. Lloyd, RME
Da Kyhn Mechanical Inc.
C-25 Institutional & commercial equipment
C-52 Ventilating & air conditioning
58. Maui's Plumbing Connection LLC
Joshua J. Jacobs, RME
C-37 Plumbing
59. Samuel R. Morton, RME (Additional classification)
Gecko Enterprises Inc.
C-37 Plumbing
60. Nicholson LLC (Additional classification)
Winton H. Nicholson, RME
C-9 Cesspool
C-17 Excavating, grading & trenching
C-49 Swimming pool
61. Igor A. Nikitskiy (Individual)
C-33 Painting & decorating
62. No Ka Oi Electric LLC
Leonardo A. Carman, RME
C-13 Electrical
63. Orchid Isle Solar LLC
John D. McDonald, RME
C-60 Solar power systems
64. Keone M. Oskins (Individual)
"B" General Building
65. Jiafa Pan (Individual) (Additional classification)
"A" General Engineering

- C-33 Painting & decorating
- C-48 Structural steel
- 66. Matthew R.K. Pan, RME
Vivint Solar Developer LLC
C-13 Electrical
- 67. Paradise Power LLC
Zachary J.V. Carroll, RME
C-13 Electrical
- 68. Dong Hun Park (Individual)
"B" General Building
- 69. Paso Robles Tank Inc.
Shawn P. Owens, RME
C-33 Painting & decorating
C-37e Treatment & pumping facilities
C-56 Welding
- 70. Jeffrey A. Patoc, RME
Critchfield Pacific Inc.
C-2 Mechanical insulation
- 71. Perez Painting LLC
Moises R. Perez, RME
C-33 Painting & decorating
- 72. Elias A. Pittman (Individual)
"A" General Engineering
"B" General Building
- 73. Premier Builders of Maui LLC
Henry Maio, III, RME
"B" General Building (Dual status – Hawaiian
Isles Interiors LLC)
- 74. Primoris Aevenia Inc.
Stephen D. Jones, RME
"A" General Engineering
- 75. Quality Construction LLC
Joshua I. Adkins, RME
"B" General building
- 76. R. Gonsalves Construction LLC
Ronald Gonsalves, RME
"B" General Building
- 77. Refrigeration Unlimited LLC
Wesley Degregory, RME
C-40 Refrigeration
C-52 Ventilating & air conditioning
- 78. Refrigeration Unlimited LLC
Adam L. Knutz, RME
C-40 Refrigeration

C-52 Ventilating & air conditioning

79. Retrofit Technology Inc.
Anthony C. Grano, RME
C-4 Boiler, hot-water heating,
hot water supply & steam fitting
C-52 Ventilating & air conditioning
80. RIVCO Construction LLC (Additional classification)
Gene-Paul H. Rivera, RME
"B" General Building
81. Roberts Construction LLC (Additional classification)
Jon W. Roberts, RME
C-9 Cesspool
C-17 Excavating, grading & trenching
82. Matthew Jason Rodrigues, RME (Additional classification)
Honolulu Plumbing Co., Ltd.
C-4 Boiler, hot-water heating, hot water
supply & steam fitting
83. Romsco Inc. (Additional classification)
Randolph Roman, Jr., RME
"A" General Engineering
"B" General Building
C-42 Roofing
84. Rycon Construction Inc.
Paul W. Thomann, Jr., RME
"B" General Building
85. SY Construction Inc.
Sung J. Yoon, RME
"B" General Building
86. Shelley Amma Springs Inc.
Tor P. Chantara, RME
"B" General Building
87. Sparky Jake LLC
Jacob L. Noble, RME
C-13 Electrical
88. Spectrum Mechanical Inc.
Raymond R. Weatherly, RME
C-52 Ventilating & air conditioning
89. Adam D. Stettler, RME
Cisneros Terrazzo Inc.
C-51b Terrazzo
90. Taber Company Inc.
Brian C. Taber, RME

C-5 Cabinet, millwork & carpentry remodeling & repairs

91. Tebbs Construction Corporation
John G. Tebbs, RME
"B" General Building
92. Shawn S. Thomas, RME
Jacobsen Construction Company Inc.
"B" General Building
93. Billy Tran (Individual)
"B" General Building
94. True Line Construction Services LLC (Additional classification)
Reynaldo U. Tabura, RME
C-51 Tile
95. Tutor Perini Corporation (Dual status – Frontier-
Walter D. Rogstad, RME
"A" General Engineering
Kemper Constructors Inc.)
96. Stephen P. Walsh, RME
Anderson & Wood Construction Co., Inc.
"A" General Engineering
97. Herbert Wooten, Jr. (Individual)
C-42 Roofing
98. Liangbing Yu (Individual)
"B" General Building
99. Andy J. Zheng (Individual)
"B" General Building