

ELEVATOR MECHANICS LICENSING BOARD
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

- Date:** April 23, 2021
- Time:** 1:00 p.m.
- Place:** Virtual Videoconference Meeting – Zoom Webinar
<https://dcca-hawaii-gov.zoom.us/j/98184457182>
- Present:** Robert Greig, Industry Member, Chairperson
Evan Fong, Industry Member, Vice-Chairperson
Dennis L. Mendoza, Department of Labor and Industrial Relations
("DLIR") Designee
Jammie Garcia-Paahana, Industry Member
Mark S. Baker, Industry Member
James R. Skizewski, Executive Officer
Kedin C. Kleinhans, Executive Officer
Christopher J. I. Leong, Esq., Deputy Attorney General ("DAG")
Kellie M. Teraoka, Supervising Secretary
Keaweamahionalani Y. Hurst, Secretary (training)
LaJoy A. Lindsey, Secretary (Technical support)
Rochelle U. Araki, Secretary (Technical support)
- Guests:** Esther L. Brown, Regulated Industries Complaints Office ("RICO"),
Complaints and Enforcement Officer
John T. Hassler, RICO, Supervising Staff Attorney
Sean J. Kinilau, RICO, Investigations Manager
Marc Yamane, International Union of Elevator Contractors Local 126
Candace M. Y. Ito, Acting Supervising Executive Officer
- Agenda:** The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by §92-7(b), Hawaii Revised Statutes ("HRS").
- A brief video was played to explain procedures for this virtual meeting and how members of the public can participate and interact with the Board during the meeting.
- Call to Order:** Chairperson Greig welcomed everyone to the meeting and proceeded with roll call to establish quorum. All Board members were present. There being a quorum present, the meeting was called to order at 1:12 p.m.
- Introduction of Staff:** Executive Officer Kleinhans introduced Executive Officer Skizewski, and reported that he will be assigned as the Board's new Executive Officer moving forward. Due to the intricacies of the industry, he will attend subsequent meetings and work closely with Executive Officer Skizewski during the transition.

Executive Officer Kleinhans also introduced Supervising Secretary Teraoka and indicated she will be working with the Board in the interim until the assignment of a new Board secretary.

Approval of Minutes:

Chairperson Greig asked if any members of the public would like to provide oral testimony on this agenda item. There was none.

It was moved by Vice-Chairperson Fong, seconded by Mr. Baker, and unanimously carried to approve the open session and executive session minutes of the February 5, 2021 Board meeting.

RICO Complaints Process:

Chairperson Greig asked if any members of the public would like to provide oral testimony on this agenda item. Mr. Yamane requested to be recognized. Chairperson Greig recognized Mr. Yamane.

Mr. Yamane reported of complaints filed but was unclear if they were pending or closed. He further reported there were several individuals that may be engaging in unlicensed activity. Mr. Yamane sought greater policing of the industry and requested direction to effectively resolve these issues.

RICO staff members, Ms. Brown, Mr. Hassler, and Mr. Kinilau requested to be recognized. Chairperson Greig recognized RICO staff members.

Ms. Brown, Complaints and Enforcement Officer thanked the Board for their time, and Mr. Yamane for his inquiries. To start, Ms. Brown provided general information about RICO.

RICO is a statewide agency comprised of three divisions: (1) Intake; (2) Field and Investigations; and (3) Legal Section. There are two offices on the Big Island, one office on Kauai, and one office on Maui. RICO handles complaints of license misconduct and unlicensed activity for 52 different industries comprised of approximately 170,000 active licensees, and also provides education to the industries to help police the profession.

Since 2009, the Elevator Mechanic industry has not seen many disciplinary actions. Ms. Brown indicated this may mean the profession is very educated on its laws and rules, or no complaints are being reported.

Ms. Brown introduced Mr. Kinilau, Investigations Manager, to provide more information on the investigation process.

Mr. Kinilau thanked the Board for their time, and Mr. Yamane for his inquiries. He provided information on the investigation process.

Upon receipt of a complaint, RICO provides both the complainant and respondent the opportunity to provide appropriate documentation. He noted that RICO does accept complaints anonymously.

The investigation process involves gathering facts and evidence, e.g., interviewing witnesses, to determine if there is a violation of industry laws and rules. Mr. Kinilau stated that a course of action is evidence-based. Some actions may involve the issuance of warning letters, and others may be referred to the Legal Section for further review and disposition.

Ms. Brown introduced Mr. Hassler, Supervising Staff Attorney, to provide more information on the Legal Section and its receipt of complaints.

Mr. Hassler thanked the Board for their time, and Mr. Yamane for his inquiries. He concurred that the Elevator Mechanic industry does not see many disciplinary actions and provided information on cases referred to the Legal Section.

The Legal Section further evaluates a complaint for possible legal action. In general, legal actions are either filed as a Board/Program disciplinary action where the violation involves a licensee, or at the State circuit court where the violation involves unlicensed activity.

A disciplinary action, for example, may impose monetary fines. Fines are also filed with the State Bureau of Conveyances for public record. With regard to the status of pending investigations, Mr. Hassler indicated that the complainant may inquire with RICO on the status of his/her complaint.

Mr. Yamane thanked RICO staff members for the information provided.

Chairperson Greig queried of the average amount of time on the complaints process. Ms. Brown responded that there is no average amount of time. She explained some complaints may take a couple of months, and others a couple of years. Staff attorneys are generally assigned fifty to seventy cases, and contested case hearings may take between three to six months; however, she noted RICO does not have a statute of limitations.

Executive Officer Kleinhans asked if a warning letter is considered disciplinary action. Ms. Brown responded in the negative, but the warning letter would be part of the individual's record.

Board members thanked RICO staff members for their time and the information provided.

Licensing: Chairperson Greig asked if any members of the public would like to provide oral testimony on this agenda item. There was none.

At 1:55 p.m. it was moved by Vice-Chairperson Fong, seconded by Mr. Baker, and unanimously carried to enter into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with HRS §92-5(a)(1), and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with HRS §92-5(a)(4).

EXECUTIVE SESSION

At 1:59 p.m. Mr. Mendoza experienced technical difficulties.

At 2:12 p.m. it was moved by Vice-Chairperson Fong, seconded by Mr. Baker, and unanimously carried to exit Executive Session with Mr. Mendoza unable to vote due to technical difficulties.

Upon return to open session a roll call was taken. Mr. Mendoza no longer experienced technical difficulties, and all Board members confirmed they were present.

A. Ratifications

Apprentice Registration:

- i. CASTRO, Kaitlyn (R210125002) eff. 1/21/2021
- ii. LABA, Brian (R201211001) eff. 6/30/2020

Elevator Mechanic License:

- i. HAMASAKI, Zachary **(EVM-570)** eff. 2/16/2021
- ii. PAGUIRIGAN Jr., Pepito R. **(EVM-571)** eff. 2/16/2021
- iii. SHINAGAWA, Bryce T. U. **(EVM-569)** eff. 2/8/2021

It was moved by Vice-Chairperson Fong, seconded by Mr. Baker, and unanimously carried to ratify the aforementioned list of issued Apprentice Registrations and Elevator Mechanic licenses.

B. Applications for Elevator Mechanic Examination and Licensure

- i. FORTUNE, Curtis A.

It was moved by Vice-Chairperson Fong, seconded by Mr. Baker, and unanimously carried to approve applicant, Curtis A. Fortune, to sit for the State Elevator Mechanic Examination subject to receipt of clarification on:

- Employment History during the past five years; and
- Experience Verification form(s), hours a week in specific area.

Executive Officer's Report:

Chairperson Greig asked if any members of the public would like to provide oral testimony on this agenda item. There was none.

Executive Officer Kleinhans reported there are currently no temporary permits issued.

Legislation:

Chairperson Greig asked if any members of the public would like to provide oral testimony on this agenda item. There was none.

Executive Officer Kleinhans stated that most the bills discussed from the previous meeting are effectively dead for this session. He provided a report on two live bills the Board previously voted to track:

- A. House Bill No. 1004, House Draft 1, Senate Draft 2
Relating to the Boiler and Elevator Safety Law

This bill passed all of its legislative committees, and conference committee. Accordingly, the bill will be transmitted to the Governor.

- B. Senate Bill No. 1034, Senate Draft 1, House Draft 2
Relating to Sunshine Law Boards

This bill passed all of its legislative committees, and conference committee. Accordingly, the bill will be transmitted to the Governor.

Open Forum: None.

Next July 23, 2021

Meeting: 1:00 p.m.
Virtual Videoconference Meeting – Zoom Webinar

Adjournment: There being no further business to discuss, the meeting was adjourned at 2:21 p.m.

Reviewed and approved by:

/s/: Kedin C. Kleinhans

Kedin C. Kleinhans, Executive Officer

Taken and recorded by:

/s/: Kellie Teraoka

Kellie Teraoka, Secretary

KCK:kt
5/23/21

[X] Minutes approved as is.
[] Minutes approved with changes; see minutes of _____.