

BOARD OF PROFESSIONAL ENGINEERS, ARCHITECTS,
SURVEYORS AND LANDSCAPE ARCHITECTS
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING¹

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Section 92-7(b), Hawaii Revised Statutes ("HRS").

Date: October 14, 2021

Time: 10:00 a.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
<https://dcca-hawaii-gov.zoom.us/j/98302772966>

Phone: US: +1 253 215 8782
Webinar ID: 983 0277 2966

Present: Brian Fujiwara, Architect Member, Chairperson
Clayton Pang, Electrical Member, Vice Chairperson
Dan Hirota, Land Surveyor Member
Alan Inaba, Land Surveyor Member
Ron Iwamoto, Structural Engineer
Kevin Katayama, Mechanical Engineer
Joel Kurokawa, Landscape Architect Member
Tony Lau, Civil Engineer
Benedict Lee, Landscape Architect Member
Jay Ishibashi, Public Member
Janet Primiano, Public Member
Roberto Yumol, Architect Member

Excused: Ken Ota, Public Member
Marc Ventura, Architect Member

Staff: Christopher Leong, Esq., Deputy Attorney General ("DAG")
Sandra Matsushima, Executive Officer ("EO")
LaJoy Lindsey, Secretary
James Skizewski, EO, Tech Support
Faith Nishimura, Secretary, Tech Support

¹Comments from the public were solicited on each agenda item. If no public comments were given, the solicitation for and lack of public comment are not explicitly stated in these minutes.

Zoom Webinar

Guests:

T. Berge

A short video was played to explain the meeting procedures and how members of the public could participate in the virtual meeting.

Call to Order:

There being a quorum present, Chairperson Fujiwara called the meeting to order at 10:15 a.m.

Roll Call:

Chairperson Fujiwara welcomed everyone to the meeting and proceeded with a roll call of the Board members. Messrs. Fujiwara, Hirota, Inaba, Ishibashi, Iwamoto, Katayama, Kurokawa, Lau, Lee, Pang, Yumol and Ms. Primiano were all present.

At this time, Chairperson Fujiwara announced the Board's procedural format for agenda matters and stated that the meeting will end no later than 12:00 p.m.

Agenda: Additions
and Revisions

None.

Approval of
August 12, 2021
Meeting

Mr. Inaba advised of the mention of Mr. Suzuki, who is no longer on the board, in the minutes. He did not second the motion to exit executive session. Also, Mr. Lau's name was omitted from the "present" list. With corrections noted, Mr. Inaba motioned to accept the minutes, Mr. Hirota seconded, a roll call vote was taken and it was unanimously carried.

Chapter 91,
Adjudicatory
Matters:

None.

Applications:

The Board may move into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with Section 92-5(a)(1), HRS, 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 Section 92-5(a)(4).

a. Ratifications

- b. Professional Engineer Committee Recommendations
- c. Professional Architect Committee Recommendations
- d. Professional Land Surveyor Committee Recommendations
- e. Professional Landscape Architect Committee Recommendations

Ratifications

EO Matsushima read each name on the ratification list.

**EASLA August 11, 2021 and September 15, 2021 –
RATIFICATION LIST:**

ENGINEER VIA ENDORSEMENT:

ADAMEK, Jeremy	Civil
ALEXANDER, John	Civil
BERTRAM, Michael	Civil
DENNAN, John	Civil
HUBBARD, Bradley	Civil
KNOTT, Brittany	Civil
LOGAN, David Alan II	Civil
MEEHAN, Colin	Civil
O'TOOLE, Camden	Civil
RUBENACKER, Kurt	Civil
SHOGREN, Robert	Civil
SOSNOWSKI, Piotr	Civil
YAZDANSHENAS, Kamyar	Civil
BERGE, Thomas	Chemical
FARIA, Pablo	Electrical
GAREE, Matthew	Electrical
GATH, Michael	Electrical
GOLDBERG, Evan	Electrical
HOSSEININEJAD, Justin	Electrical
HUNT, Stephen	Electrical
JONES, Barton	Electrical
LIVENGOOD, Gregory	Electrical
PERRY, Justin	Electrical

QUIGLEY, Nathan	Electrical
RAHA, Mustapha	Electrical
WEST, Derek	Electrical
WILDER, Stephen	Electrical
BOO, Michael	Mechanical
HALL, Alison	Mechanical
HALL, James	Mechanical
HAWKER, Douglas	Mechanical
KABABIK, Justin	Mechanical
LITTRELL, John	Mechanical
KUSHNER, Brian	Mechanical
THURMAN, Abby	Mechanical
WEBB, Christopher	Mechanical
WILKINSON, Andrew	Mechanical
ALLWARDT, Daniel	Structural
CHARPENTIER, Ethan	Structural
COLLINS, Joseph	Structural
CORBETT, Garrett	Structural
ELLAVSKY, Thomas	Structural
GRANT, Arlen	Structural
GREGOR, Timothy	Structural
HARM, Steven	Structural
KEASTER, Michael	Structural
MANWILL, Derek	Structural
MOCK, Andrew	Structural
SPIVEY, Robert	Structural
STRICKLAND, Timothy	Structural
THESENVITZ, Greg	Structural

ENGINEER VIA EXAM:

FUKUMOTO, Remy	FE + CE
ITO, Akira	CE – Not yet licensed
KIKUCHI, Ryan	CE
LAM, Lance	CE
LUTU, Alvina	CE
SACHS, Clara	CE
SANCHES, Robbie	CE – Not yet licensed
SCHULTZ, Lee	CE
TANG, Ruby	CE
VEA, Patrick	CE
WATARU, Adam	CE

HIGA, Melanie	EE
CASTRO, Ian	ME
BERKEY, Joseph	SE
NGUYEN, Colin	SE

LAND SURVEYOR VIA EXAM:

BOEHLER, Jason	HI State
CHARLES, Joseph Jr.	PS + HI State
DRAHN, David	PS + HI State
WHISENHUT, Keith	HI State

LANDSCAPE ARCHITECT VIA EXAM:

JONES, Sam	HI State
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ARCHITECT VIA ENDORSEMENT:

BEAUDREAU-WANG,
BENSKO, Heather
BORKOWSKI, Philip
COUTURE, Michelle
DENTON, Ronald Jr.
DINSLAGE, Scott
GERDES, Frederick
GODKIN, Shawn
GRANT, Daniel
HUSMANN, Robert
JACCARD, Lawrance
JOSLIN, Barbara
Kelly Jo
LE, Madeleine
LESBIREL, Patrick
LIU, Kelsey Anne
MANCUSO, David
MILNER, Sky
OSBORN, Mark
PLENGE, Kevin
QUINN, Brian E.
ROUSH, Kurt
SNYDER, Keith

SPANAGEL, Sarah
TORBATI, Farzin
WEBB, Buddy
WHITMAN, John

ARCHITECT EXAM:

ANTOLIN, Shanton
LE, Vu
LOEBL, Makiko
PADGETT, Daniel
THOMAS, Megumi
ZENG, Tina

ARCHITECT RESTORATION APPLICATION AND CE REVIEW:

NONE

DEFERRED APPLICATIONS:

ALTER, David	Civil
ASHRAFI, Cyrus	Civil
CADE, Philippe	Civil
HOWELL, Thomas	Civil
GIBBS, Thomas	Civil
GOO, Linyan	Civil by exam
MAJDALAWI, Alana	Civil by exam
MANSOUR, Essam Tawfik Ali	Civil
PALUMBO, Allison	Civil
McCLOY, Jaxon	Civil
WHITLOCK, Allan	Civil
LITTRELL, John	Electrical (approved for mechanical only)
STEELE, Eric	Electrical
ABBOTT, Mark	Mechanical
JI, Hyung	Mechanical
MOOSAVY, Morteza	Mechanical
BIXLER, William	Structural
TOMICEVIC, Daniel	Structural

LEE, Austin

AR by exam

The following application was denied on the basis of not meeting the lawful experience requirement for an electrical engineer license, pursuant to §464-8 (a)(4) Qualifications for licensure, Hawaii Revised Statutes; §16-115-24 (d)(2) and (d)(3) Licensure by endorsement; and §16-115-39 (a)(1) and (b), Lawful experience, Hawaii Administrative Rules.

DENIED APPLICATIONS:

BATCHELOR, Kenneth Electrical

None.

Public Testimony

None.

Ratifications:

It was moved by Mr. Kurokawa, seconded by Mr. Yumol, and unanimously carried to ratify approval of the applications list.

New Business:

E-mail from Michael O. Silva, P.E., Chief of Building Safety, City and County of Honolulu – Building Division regarding §16-115-9(e) Original Signatures

Mr. Silva was unable to join the meeting. EO Matsushima shared that Mr. Silva was seeking the Board's approval for the City and County of Honolulu's Building Division to proceed with proposed options, which would allow acceptance of digital signatures in lieu of original wet (ink) signatures on plans, in light of the current COVID-19 pandemic.

Although Mr. Silva had proposed good options, the Board does not have the authority to grant exceptions to their laws. During the height of the pandemic, the Board did not request to include an exemption in a Governor's proclamation to allow for electronic signatures during the pandemic and it's now after the fact. If the board wishes to pursue it now, we may or may not be able to. Presently, as the law exists, it requires original signatures and doesn't allow for other options.

During the pandemic, EO Matsushima previously reached out to Kauai, Maui, and Hawaii county. The counties made some adjustments in receiving plans while teleworking. Kauai had a new system in place prior to the pandemic, where the documents could be uploaded in the county's system or accepted electronically with the licensed professional's original signature. They appeared to have no

problems. Maui and Big Island have made adjustments in receiving documents with the licensed professional's original signature. EO Matsushima believes it's only Honolulu that is currently experiencing problems.

In December 2020, Tim Hiu, City Deputy Director of DPP, provided written testimony in support of the Board's discussion of a rule change allowing for electronic signatures on professional design plans for the City and County of Honolulu. The Board discussed this further on January 14, 2021 and a P.I.G committee was established to continue with the proposed rules amendment.

EO Matsushima asked DAG Leong, being that it's a city department, would they be allowed to have the mayor put it in some emergency order for the City and County of Honolulu? DAG Leong replied that the state law would control all of the counties. EO Matsushima commented that Kauai had purchased a new system where a design professional would sign all of the documents with a wet signature transmitted electronically. The wet signature would still need to be filed.

EO Matsushima asked if any of the design professionals wanted to comment on the matter. Mr. Yumol believed that a meeting with representatives from all four counties could help with solutions to expedite plans. EO Matsushima asked if the board would like to table the matter until the next meeting. Mr. Kurokawa asked if it was okay for the board to contact the planning officials to suggest that they unify their signature requirements so that there's more transparency and consistency across the counties? Mr. Yumol thought it would be a good idea and the purpose of the counties meeting to synchronize processes.

EO Matsushima commented that she did not want to add the digital signature amendment to the rules that are currently in process, as those are being prepared to be sent to the Small Business Regulatory Review Board for approval of public hearing. That set of rules which are basically for licensure of fire prevention and environmental engineers, and continuing education for architects. The rules process takes a while, but they are moving along. Mr. Lau asked how long the process is and was told this proposal took two years because of the delay from the pandemic and it could be up to three years before it is law. He shared that design professionals from his office have had to re-sign plans and that's possibly what Mr. Silva's office is trying to prevent. EO Matsushima asked if there was something that the board

could do to assist Honolulu, as it appears that they have the problem. The other counties have made adjustments or upgraded to a newer system. DAG Leong mentioned that it's okay for the counties to come up with solutions, as long as they comply with the existing law.

EO Matsushima stated that even if there were a Governor's proclamation (authorizing digital signatures), once the proclamation is ended, so is the authorization. It's unfortunate she can't add this to the rules in progress as it would slow it down. She asked the board for guidance or a decision on Mr. Silva's request. Mr. Kurokawa replied that the county still needs to comply with the existing laws and rules. He suggested that we could invite Mr. Silva to the next meeting.

Chairman Fujiwara asked what an original electronic signature is? A digital signature is specific to the person, whereas an electronic signature is like a stamp.

EO Matsushima asked DAG Leong what if the Board decides to do emergency rules? He responded that it would just be temporary, but she could have the actual subject on the next agenda. The Board doesn't need to address Mr. Silva's letter again.

EO Matsushima will respond to Mr. Silva that pursuant to Hawaii Administrative Rules, §16-115-9(e) Authentication: preparation or supervision of design and observation of construction, all signatures required under this section shall be original. The Board is unable to grant any exceptions to their rules, even during these challenging times and that the topic will be on the next board agenda. Also, inform him that the board will further discuss this matter as they are in rule amendment to allow for digital signatures. He is welcome to attend a future meeting with the rules amendment discussion.

Chairperson Fujiwara was okay with that. EO Matsushima will create language for a draft rules amendment package and present at the next meeting. Chairperson Fujiwara asked if there were further comments or questions. There were none.

Mr. Yumol motioned to have EO Matsushima respond to Mr. Silva, Mr. Pang seconded a roll call vote was taken and unanimously carried.

Old Business:

Permitted Interaction Group ("P.I.G.") pursuant to §92-2.5(b)(1), Hawaii Revised Statutes, to investigate and provide

recommendations regarding the potential acceptance of electronic digital signatures on plans, specifications, maps, reports, surveys, descriptions and design drawings prepared by or under the supervision of a licensed professional engineer, architect, land surveyor, or landscape architect that are to be filed with public officials.

The P.I.G. had a discussion and proposed the following amendments to §16-115-2 and read as:

§16-115-2 Definitions

“Digital signature” means a digital code, generated and authenticated by public key encryption, which is attached to an electronically transmitted document to verify its contents and the sender’s identity.
~~A digital signature contains encryption protections using a set of algorithms to determine authenticity of a document.~~

The P.I.G. decided to delete the last sentence, as the technology may change in the future.

The P.I.G. also proposed to amend §16-115-9 (e) to read as:

§16-115-9 Authentication: preparation or supervision of design and observation of construction.

(e) All signatures required under this section shall be original[-], provided that a digital signature is acceptable. The use of rubber signature stamps[~~, or computer-generated~~] or other facsimile signatures is prohibited.

The signature still needs to be original, but it may be transmitted via a digital format. EO Matsushima checked with DAG Leong who acknowledged that is was correct. Mr. Yumol added that the intent is to protect the authenticity. DAG Leong mentioned that originally the language was pulled from another source, and the last sentence is more explanatory. EO Matsushima will add to the master set that the board has been working on for a while.

EO Matsushima will work on the draft. Mr. Yumol motioned to accept the revisions regarding digital signatures, seconded by Mr. Kurokawa, a roll call vote was taken, and it was unanimously carried.

Executive Officer's
Report

a. Update on the proposed rules amendment, Title 16, Chapter 115;

EO Matsushima wanted the board to know that the rules that add fire protection engineers, and environmental engineers are moving and will be sent to the Small Business Regulation Review Board. Once approved, we will request a public hearing. We can then publish hearing notices. The longest review period has passed, and the rules should be moving along. Mr. Hirota asked what the timeline is for it to go in to public hearing? There's a 30-day notice before the public hearing which will probably be virtual. The hearings are usually scheduled prior to a board meeting. After the public hearing, it's finalized, forward to the Governor and the review process takes place. That is what takes a while.

Mr. Yumol asked when the applications review will take place and EO Matsushima responded that it's usually the second Wednesdays of the month. So, the next review will be on November 10, 2021. Mr. Iwamoto mentioned that a while back they were given the flow chart for the rules, EO Matsushima replied that she would send it out again, it was updated in September 2019. Chairperson Fujiwara asked if there were further comments or questions from the board, then the public, there were none.

b. Current Licensees as of September 24, 2021;

	<u>TOTAL</u>	<u>Mainland</u>	<u>Foreign</u>
Architect	2,515	1,471	15
Landscape Architect	147	59	1
Land Surveyor	200	34	1
Professional Engineer	7,448	4,190	59

The EASLA board has a total of 10,310 licensees.

Chairperson Fujiwara asked if there were any questions or comments. EO Matsushima will send the data to the board. There was no public comment.

Regulated Industries Complaints Office (“RICO”) Advisory Committee
and Addendum to RICO Advisory Committee List;

Executive
Session:

IN: 11:19 a.m. OUT: 11:40 a.m.

At 11:19 a.m. it was moved by Mr. Inaba, seconded by Mr. Lau and unanimously carried to enter in to executive session.

At 11:40 a.m. it was moved by Mr. Kurokawa, seconded by Mr. Lau and unanimously carried to exit executive session and return to open session. Mr. Kurokawa did not return to open session as he had to leave.

It was moved by Mr. Pang and seconded by Mr. Yumol to accept the RICO advisory committee list. A roll call vote was taken and unanimously carried. Mr. Kurokawa provided his vote prior to leaving the meeting.

Public Testimony None.

Correspondence: None.

Next Meeting: December 9, 2021, 10:00 a.m. via Zoom.

Adjournment: There being no further business, Chairperson Fujiwara adjourned the meeting at 11:44 a.m.

Taken and recorded by:

/s/ LaJoy Lindsey

LaJoy Lindsey
Secretary

Reviewed and approved by:

/s/ Sandra Matsushima

Sandra Matsushima
Executive Officer

Board of Professional Engineers, Architects,
Surveyors and Landscape Architects
Minutes of the Meeting October 14, 2021
Page 13

11/10/21

Minutes approved as is.

Minutes approved with changes; see minutes _____.