

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

Minutes of Meeting

Date: February 15, 2019

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

Present: John Polischeck, Jr., Chairperson
Tyrus Kagawa, Vice Chairperson
Anacleto "Joey" Alcantara, Jr., Member
Leslie Isemoto, Member
Nathan Konishi, Member
Leonard K. P. Leong, Member
Kent Matsuzaki, Member
Kenneth T. Shimizu, Member
Nicholas W. Teves, Jr., Member
Candace Ito, Executive Officer
Charlene L.K. Tamanaha, Executive Officer
Christopher Leong, Deputy Attorney General
Daniel Jacob, Deputy Attorney General
Susan Reyes, Secretary

Excused: Peter H. M. Lee, Member
Danny T. Matsuoka, Member

Guests: Geoffrey Chu, RME, Oceanic Companies Inc.
Simote Vea, RME, Action Group LLC
Dean M. Nagatoshi, PDCA of Hawaii
Dwayne Arelliano, Glaziers Union
Anthony Borge, RMA/DGM
Arnold Wong, Ironworkers Stabilization Fund
Jeff Masatsugu, Various
Daniel M. Seltzer (Individual)
Ryan Kobayashi, Local 368
Mark Matsumoto, LECET
Kika Bukoski, 675
James S. Garner, RME, Covanta Projects LLC
Christian Coetzee, RME, Stone Solutions Incorporated
Louis Soon (Individual)
Darin J. Mingo, RME, Engie Services U S Inc.
Eric K. Olson, RME, Modular Installations LLC
Derek Williams, Modular Installations LLC
Blake Parsons, SMACNA
Mike Okazaki, ChrisContract
Chuck Choi, Esq.
Chris Johnston
Christopher Delanay, PRP

Ryan Takahashi, HEMEP
Gregg Sorikiku, PAMCA
Shannon Alivado, HECO
Barry Nakamoto, Covanta
Ryan Markham, Esq., Chee, Markham & Feldman
John Hassler, Supervising Attorney, Regulated Industries Complaints Office

Call to Order: There being a quorum present, Chairperson Polischeck called the meeting to order at 8:58 a.m.

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

Minutes: It was moved by Mr. Isemoto, seconded by Mr. Konishi, and unanimously carried to approve the Applications Committee Meeting and Executive Session Meeting Minutes of February 4, 2019, and the Board Meeting and Executive Session Meeting Minutes of January 18, 2019, as circulated.

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

Deletion from Appearances:

- g. Ian C. McFarland, RME
Yunicos Inc.
"A" General Engineering

Additions to Appearances:

- f. Eric K. Olson, RME
Modular Installations LLC
"B" General Building
- j. Daniel M. Seltzer (Individual)
"B" General Building

Addition to Legislative Committee:

- l. 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.

Addition to Applications Committee Report:

- b. Pacific Pool & Spa LLC
Clifton B. Crawford, RME
Frank Fontana, RME
C-23 Gunite
(Dual status – Pacific Aquascapes Inc./Maui Waterscapes LLC)

C-27 Landscaping
C-31 Masonry
C-49 Swimming pool
C-51 Tile

- c. Dragados/Hawaiian Dredging/Obayashi Joint Venture
Leonard J. Dempsey, RME
"A" General Engineering
Dragados USA Inc.
City Center Connection Group LLC
Chad A. Mathes, RME
"A" General Engineering

Deletion from Owner-Builder Exemption Applications:

- e. Brad Stevens
- f. June Elinor Carr

The following agenda item was taken out of order.

Committee
Reports:

- 4. Rules Committee:
Leonard Leong, Chairperson

Hawaii Administrative Rules Chapter 16-77
Proposed Amendments to the Specialty Contractor Classifications

Chairperson Polischek explained that the Investigative Committee of the Rules Committee presented its report on its proposed amendments to Hawaii Administrative Rules Chapter 16-77 specialty contractor classifications to the Board at the January 18, 2019 meeting and that the Board may take action on the proposed amendments at a subsequent meeting. He invited all interested parties to submit written comments on the proposed amendments to the specialty contractor classifications.

Executive Officer Ito stated that after written comments are received by the Board it will be compiled for discussion at a future Board meeting. It was suggested by the guests that the Board allow parties sixty to ninety days to prepare and submit its written comments. The guests requested that the proposed amendments be made available before the next meeting for parties to review. Executive Officer Ito stated that it would be difficult to make a draft available before the subsequent meeting. Mr. Leong stated that the public will be able to see the changes that are proposed at each meeting. He added that the proposed amendments must go through the administrative rules process including a public hearing.

The guests inquired if the Board will take questions today. Chairperson Polischek responded that the Board will take questions so that the parties may better direct their written comments. Blake Parsons, Sheet Metal Contractors Association, inquired why related firestopping was added to several classifications. Jeffrey Masatsugu added that it would be helpful for the Board to publish the reasons for the changes to facilitate discussion. Executive Officer Tamanaha stated that the Investigative Committee's Report are proposed

amendments for the Board and the interested parties to discuss. Anthony Borge, RMA/DGM, stated that basically, the Board is looking at each classification to make it more pertinent with current terminology. The Board confirmed that the intent of the amendments is to update the classification descriptions. Mr. Borge stated that is helpful for the parties when making comments.

Kika Bukoski inquired how the discussions will occur. Although the Board has not determined how it will organize the discussion of the proposed rule amendments, the Board will discuss comments at subsequent meetings. Chairperson Polischek stated that this is the very early stage of the process and the Board appreciates comments from interested parties.

Mr. Isemoto stated that there is some confusion because there is the 2013 Report to the Legislature and now there is the Investigative Committee Report. Executive Officer Ito stated that the 2013 Legislative Report is included in the Investigative Committee Report. Mr. Isemoto stated that the 2013 Legislative Report included some explanations for the amendments and it would be helpful to have that in the Investigative Committee Report.

Christopher Delaney, Pacific Resource Partnership, inquired if the "B" General building contractors would hold the subclassifications of all the specialty classifications that automatically come with the "B" license. The Board responded yes.

Arnold Wong, Ironworkers Stabilization Fund, stated that the Ironworkers have introduced legislation requesting a clarification of the C-68 Classified specialist classification and he thanked the Board for the opportunity to provide comments.

Committee
Reports:

1. Scope of Activity Committee
Nathan T. Konishi and Leslie Isemoto, Co-Chairpersons

a. Department of Education

Requests a determination on (1) whether the window work for the renovation of portables project at Leilehua High School may be performed by a contractor with a C-5 Cabinet, millwork, and carpentry remodeling and repairs license; and (2) whether the window work for the renovation of portables project at Leilehua High School is work that is incidental and supplemental to the C-5 Cabinet, millwork, and carpentry remodeling and repairs contractor's license.

Members reviewed and discussed the information provided by the Department of Education.

Dwayne Arelliano, Glaziers Union, stood on his January 18, 2019 testimony that the window work should be performed by the C-22 Glazing and tinting contractor even if it is for repairs as there are warranties on the windows. He added that the C-5 classification is related to carpentry work, not windows.

Mr. Masatsugu asked if the Department of Education ("DOE") submitted

additional information to the Board. Executive Officer Ito responded yes, and stated that the DOE provided the following information: the cost and extent of the renovation portion of the project is approximately \$830,000 (including but limited to roofing, painting, doors, windows, framing, insulation, gyp board, flooring, fumigation, HVAC, plumbing, electrical); and the cost and extent of relocation portion of the project is approximately \$370,000 (including but not limited to site preparation and earthwork, concrete, asphalt, water system, sewer systems, portable relocation). Mr. Isemoto added that the DOE stated the cost and extent of the window work is \$9,676 (\$3,326 for material and \$6,350 for installation) and the cost of the entire project is \$1,200,000. The DOE also provided the contract drawings of the project.

Mr. Arelliano inquired about the frames and the window slats. Mr. Konishi stated that the windows have aluminum frames and vinyl slats.

Mr. Masatsugu stood on his January 18, 2019 testimony.

Executive
Session:

At 9:22 a.m., it was moved by Mr. Kagawa, seconded by Mr. Matsuzaki, and unanimously carried to enter into executive session pursuant to HRS section 92-5(a)(4) to consult with Christopher Leong, Deputy Attorney General, on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

At 10:00 a.m., it was moved by Mr. Konishi, seconded by Mr. Kagawa, and unanimously carried to move out of executive session and to reconvene to the Board's regular order of business.

Mr. Konishi stated that the Board discussed the DC 50 Supreme Court decision with DAG Leong. Mr. Isemoto stated that the Board requested additional information on the renovation and relocation portions of the project to make a determination consistent with the DC 50 Supreme Court decision. Mr. Isemoto stated that based upon the information provided by the DOE, the window work is incidental and supplemental to the C-5 renovation portion of the project: the window work is subordinate to, directly related to, necessary for the completion and is less than a majority of the C-5 renovation portion of the project. Mr. Matsuzaki added that the primary work for this project is the renovation work.

Mr. Parsons inquired if the louvers affected the air quality and ventilation of the room. He will request to see a copy of the plans.

Recommendation: The window work for this project is work that is incidental and supplemental to the C-5 Cabinet, millwork, and carpentry remodeling and repairs contractor's license.

Mr. Arelliano asked for clarification that this determination is specific to this project and that the C-22 can also perform this work. Chairperson Polischek confirmed that the determination is specific to this Project and that the C-22 can also perform the window work.

b. Norman's Overhead Doors Inc.

Requests a determination on (1) whether the installation of overhead steel garage doors may be performed by a C-5a Garage door and window shutters contractor; and (2) whether the C-5a Garage door and window shutters classification includes the work of the C-48a Steel door contractor.

Members reviewed and discussed the information provided by Norman's Overhead Doors Inc.

Mr. Wong inquired about the additional information provided to the Board. Chairperson Polischek responded that the doors are being installed on a steel building. Mr. Wong stated that the C-48a contractor's license is required because of the load factor involved, it is not a door being installed on a small house, there are components that are welded and bolted to the structure. He believes that is the reason the C-48a classification was created.

Chairperson Polischek stated that on this project, welding is required and the doors are being installed on a steel building; a C-48a contractor's license is required. Mr. Isemoto added that this project is not a renovation project. Mr. Konishi agreed that a C-48a contractor's license is required.

Recommendation: (1) The installation of overhead steel garage doors may not be performed by a C-5a Garage door and window shutters contractor; and the C-48 Structural steel or C-48a Steel door contractor is required to perform the installation of overhead steel garage doors for this Project; and (2) the C-5a Garage door and window shutters classification does not include the work of the C-48a Steel door contractor for this Project.

c. Contractors Association of Kaua'i

Requests an informal interpretation on the following:

- (1) If a company has only the principal RME, how long can the RME be out-of-state when the company has on-going project(s)? Does this also apply if the RME is hospitalized?
- (2) Can an electronic platform (i.e. Skype, Facebook, etc.) be used in place of an actual "on-the-jobsite" presence by the RME? If this is allowed, what is the protocol or procedure the RME and/or the company must use? What kind of documentation, if any, must be in place?

Members reviewed the inquiry and reviewed Hawaii Administrative Rules ("HAR") chapter 16-77.

Ryan Kobayashi, Laborers Union Local 368, stated that the rules contemplate having an RME be in the State and provides for disability of the RME. If the RME is disabled, the contracting entity must notify the

Board within sixty days. He believes that the RME should be in the State.

Chairperson Polischek stated that with regard to question number 2, the RME must be in the State.

The Board came to a consensus that regardless of the method the RME uses to communicate with the employees on the jobsite, the RME must be in the State. The Board also noted that HAR section 16-77-64(b) defines "disability" and disability of the RME is treated in the same manner as the dissociation of the RME.

With regard to the second question, Mr. Isemoto stated that the Board should not determine the means and methods of how the RME directs his employees, it's the RME's responsibility to determine the protocols and procedures if he chooses to use an electronic platform. The principal RME is responsible for the direct management of the contracting business, including technical and administrative decisions.

Recommendation: (1) In accordance with HAR section 16-77-71(a)(4), contracting entities may have in their employ more than one RME, but shall designate in every case a principal RME who shall be primarily responsible for the direct management of the business of the contracting entity and who shall be in residence in the State during the time the license of the contracting entity is in effect or during the period a project is under construction. This requirement also applies when the principal RME is hospitalized, provided that the contracting entity's business is still under the direct management of the principal RME; and (2) An electronic platform (e.g. Skype, Facebook, etc.) may be used in place of an actual "on-the-jobsite" presence by the RME, provided that the principal RME is in the State during the time the license of the contracting entity is in effect or during the period a project is under construction. If the principal RME uses an electronic platform, the principal RME, who has direct management of the contracting entity's business, is responsible for establishing and implementing the protocols, procedures and documentation.

After discussion, it was moved by Mr. Konishi, seconded by Mr. Isemoto, and unanimously carried to approve the above scope recommendations.

Appearances
Before the Board:

- b. Geoffrey Chu, RME
Oceanic Companies Inc.
C-52 Ventilating & air conditioning

Executive
Session:

At 10:17 a.m., it was moved by Mr. Matsuzaki, seconded by Mr. Isemoto, 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 10:34 a.m., it was moved by Mr. Matsuzaki, seconded by Mr. Isemoto, 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. Matsuzaki, seconded by Mr. Isemoto, and unanimously carried to deny Oceanic Companies Inc. and Mr. Chu's applications for licensure in the C-52 Ventilating & air conditioning classification because Mr. Chu did not meet the experience requirement.

- c. Simote Vea, RME
Action Group LLC
"A" General engineering
"B" General building

Executive Session:

At 10:35 a.m., it was moved by Mr. Matsuzaki, seconded by Mr. Isemoto, 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 10:47 a.m., it was moved by Mr. Isemoto, seconded by Mr. Matsuzaki, 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. Isemoto, seconded by Mr. Matsuzaki, and unanimously carried to deny Action Group LLC and Mr. Vea's applications for licensure in the "A" General engineering classification because Mr. Vea did not meet the experience requirement; and defer Action Group LLC and Mr. Vea's applications for licensure in the "B" General building classification pending the submittal of additional "ground-up" projects (on the Board's form) verifying three years of supervisory work experience and a copy of his Construction Management degree.

- f. Christian Coetzee, RME
Stone Solutions Incorporated
"B" General building

Executive Session:

At 10:49 a.m., it was moved by Mr. Isemoto, seconded by Mr. Kagawa, 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 11:14 a.m., it was moved by Mr. Isemoto, seconded by Mr. Kagawa, 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. Isemoto, seconded by Mr. Kagawa, and unanimously carried to deny Stone Solutions Incorporated and Mr. Coetzee's applications for licensure in the "B" General building classification because Mr. Coetzee did not meet the experience requirement.

- d. Darin J. Mingo, RME
Engie Services U S Inc.
"B" General building

Executive
Session:

At 11:15 a.m., it was moved by Mr. Isemoto, 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 11:24 a.m., it was moved by Mr. Isemoto, 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. Isemoto, seconded by Mr. Matsuzaki, and unanimously carried to defer Engie Services U S Inc. and Mr. Mingo's applications for licensure in the "B" General building classification pending the submittal of additional projects (on the Board's form) that may date back beyond ten years, of Mr. Mingo's on-site supervision of his own crews building structures.

- e. Louis Soon (Individual)
"B" General building

Executive
Session:

At 11:25 a.m., it was moved by Mr. Konishi, 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 11:34 a.m., it was moved by Mr. Isemoto, 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. Isemoto, seconded by Mr. Konishi, and unanimously carried to defer Mr. Soon's application for licensure in the "B" General building classification pending the submittal of a revised project list (on the Board's form) that is completely filled out and provide additional "ground-up" projects and/or remodel projects with additions.

- h. Chad A. Mathes, RME
Dragados USA Inc.
"A" General engineering

Mr. Mathes was not present.

- i. Eric K. Olson, RME
Modular Installations LLC
"B" General building

Executive
Session:

At 11:42 a.m., it was moved by Mr. Isemoto, seconded by Mr. Kagawa, 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 12:05 p.m., it was moved by Mr. Isemoto, seconded by Mr. Kagawa, 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. Isemoto, and unanimously carried to defer Modular Installations LLC and Mr. Olson's application for licensure in the "B" General building classification pending the submittal of additional "ground-up" projects (on the Board's form) that may date back beyond ten years, noting trades self-performed and trades subbed to other licensed contractors and also the submittal of verification of financial matters.

- j. Daniel M. Seltzer (Individual)
"B" General building

Executive
Session:

At 12:07 p.m., it was moved by Mr. Isemoto, seconded by Mr. Kagawa, 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 12:18 p.m., it was moved by Mr. Isemoto, seconded by Mr. Kagawa, 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. Isemoto, and unanimously carried to defer Mr. Seltzer's application for licensure in the "B" General building classification pending the submittal of additional "ground-up" projects (on the Board's form).

- k. James S. Garner, RME
Covanta Projects LLC
"A" General engineering

Executive
Session:

At 12:22 p.m., it was moved by Mr. Konishi, seconded by Mr. Isemoto, 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 12:30 p.m., it was moved by Mr. Leong, seconded by Mr. Isemoto, 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. Isemoto, and carried by the majority (with Chairperson Polischek recusing himself) to defer Covanta Projects LLC and Mr. Garner's application for licensure in the "A" General engineering classification pending the submittal of additional projects (on the Board's form), that may date back beyond ten years, verifying "A" General engineering experience and noting trades self-performed and trades subbed to other licensed contractors.

Chairperson Polischek called for a short recess at 12:32 p.m.

The Board reconvened at 12:47 p.m.

Executive
Session:

At 12:48 p.m., it was moved by Mr. Isemoto, seconded by Mr. Konishi, and unanimously carried to enter into executive session pursuant to HRS section 92-5(a)(4) to consult with Christopher Leong, Deputy Attorney General, on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

At 12:56 p.m., it was moved by Mr. Konishi, seconded by Mr. Isemoto, and unanimously carried to move out of executive session and to reconvene to the Board's regular order of business.

Committee Reports:

2. Examination Committee:
Tyrus Kagawa

The Contractors Examination Summary for January 2019 was distributed to the Board for their information.

3. Recovery/Education Fund Committee:
Zale T. Okazaki, Esquire

The Recovery Fund Litigation Report dated February 11, 2019 prepared by Ms. Okazaki, was distributed to the Board.

5. Legislative Committee:
Candace Ito, Executive Officer

Executive Officer Ito presented the Legislation Committee Report:

Relating to Contractors

a. House Bill No. 69/Senate Bill. No. 767

Raises the threshold under the contractor licensing law's handyman exemption from \$1,000 to \$1,500 and makes it applicable only to the cost of labor.

The Board previously testified in strong opposition to bills that proposed to raise the exemption from \$1,000.00 to \$5,000.00 for the following reasons:

- raising the exemption will increase the likelihood of consumer harm and contribute to the problem of unlicensed activity;
- unlicensed individuals who have not met the Board's experience, examination, and insurance requirements will legally be able to perform much more work than is currently allowed;
- negatively impacts small contractors, particularly in the specialty contractor classifications, as they will have difficulty competing with unlicensed individuals who do not have to pay license fees and maintain liability insurance; and
- consumers will not be able to file complaints with the Regulated Industries Complaints Office for poor workmanship or other problems.

After discussion, the Board could not come to a consensus on a position.

Board position: No position on these bills.

b. House Bill No. 81 - (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 (2) specifies that the performance of work in certain crafts or trades shall not be considered incidental and supplemental.

On January 29, 2019 the House Committee on Labor and Public Employment ("LAB") held a hearing on H.B. No. 81. The Board testified that it has strongly opposed similar measures in the past for the following reasons:

- Too many variables exist in construction work to carve out specialty classifications that cannot be performed as incidental and supplemental work.
- The Board's Final Order Upon Remand issued October 18, 2013 (BFO), should remain the current standard in the construction industry for incidental and supplemental work.

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, 129 Hawai'i 281, 298 P.3d 1045 (2013) (DC 50). The Board determined that to qualify as incidental and supplemental work, that work must be subordinate to, directly related to, and necessary for the completion of the work of greater importance that is within the scope of the licensee's license (i.e., the primary work the specialty contractor is licensed to perform), and that work must represent less than 50 percent of the project (as measured in relation to the project's total cost or extent).

- Since October 2013, the Board has consistently applied this standard to numerous scope of work inquiries and carefully considers each inquiry pertaining to incidental and supplemental work and studies each project's plans and specifications. Factors considered include: life safety; cost; extent of work; number of man hours; amount of materials involved; proximity of other specialty contracting work to the primary work; and whether the work is less than a majority of the project. The Board's current implementation of its BFO is comprehensive, fair, and protects the public's health and safety.
- The bill eliminates the ability of specialty contractors acting as prime contractors to perform any incidental and supplemental work.

LAB passed H.B. No. 81 with an amended effective date of January 1, 2050 to encourage further discussion.

On February 7, 2019, the House Committee on Consumer Protection and Commerce ("CPC") held a hearing on H.B. No. 81, HD1.

CPC passed H.B. No. 81, HD1 as is.

Board position: Oppose this bill for the reasons stated above.

c. House Bill No. 838

Exempts an eleemosynary organization that meets certain conditions from the requirement of licensure as a contractor.

On February 7, 2019, the LAB held a hearing on H.B. No. 838. The Board testified that it would discuss this measure at its February 15, 2019 meeting.

LAB passed H.B. No. 838 with an amended effective date of January 1, 2050 to facilitate further discussion and technical non-substantive amendments for clarity and style.

On February 13, 2019, the CPC held a hearing on H.B. 838 HD1 and passed the bill as is.

Board position: Oppose this bill as this exemption is too broad and puts the public's safety at risk.

Relating to the Contractors License Board

d. 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.

On January 29, 2019, the LAB held a hearing on H.B. No. 156. The Board testified that it has not had an opportunity to review and discuss this bill; however, the Board has strongly opposed similar measures in the past for the following reasons:

- Restricting the specialty contractor Board members from holding a general contractor's license is unreasonable and unnecessary. Although a specialty contractor's license is sufficient for the project, many project owners seem to want a general contractor on the project. Many specialty contractors have obtained or are in the process of obtaining their own general contractor's licenses to bid on specialty projects, even though their primary work is in a specialty classification.
- There is no proof that a specialty contractor Board member who also holds a general contractor's license has been biased toward general contractors or harmed the public. All Board members, regardless of the type(s) of contractor's licenses they hold, are committed to protecting the public and neutral in their decision-making.
- Prohibiting public Board members from having an immediate family member who is a licensee and having any financial interest in the business of a person who holds a license appears to be unnecessary given the conflict of interest provisions that already exist in HRS chapter 84 (e.g., it is a conflict of interest

if a board member takes official action that directly affects a business or undertaking in which the board member, the board member's spouse, or board member's dependent child has a financial interest).

- Proposed subsection 444-4(a) is unnecessary because Hawaii Administrative Rules section 16-77-2 sets forth the primary intent of the Board as protecting the health, safety, and general welfare of the public.

LAB deferred this measure.

Board position: Oppose this bill for the reasons stated above.

e. Senate Bill No. 423

(1) Clarifies that a specialty contractor, acting as a subcontractor, is not prohibited from taking and executing a construction contract involving two or more crafts or trades if the performance of the work is incidental and supplemental; (2) prohibits the performance of incidental and supplemental work on any project requiring the seal or stamp of professional engineer licensed to perform structural engineering; and (3) specifies that the performance of work in certain specialty contractor subclassifications shall not be considered incidental and supplemental.

On February 5, 2019, the Senate Committee on Labor, Culture and the Arts ("LCA") held a hearing on S.B. No. 423.

The Board submitted similar testimony to H.B. 81 with an additional request to delete the scope of work for specialty contractor classifications in proposed subsection (f), as that is already set forth in Exhibit A of Hawaii Administrative Rules chapter 16-77. The Board is currently updating the descriptions of the specialty contractor classifications, and once the relevant rules are promulgated, it will be confusing to have two different descriptions for certain specialty contractor classifications.

The LCA amended this bill by deleting its contents and inserting language specifically prohibiting incidental or supplemental work outside of a specialty contractor's licensure on any work that requires the seal or stamp of a professional engineer licensed to perform structural engineering pursuant to section 464-2, Hawaii Revised Statutes.

Board position: Oppose this bill for the reasons stated above.

Relating to Professional and Vocational Licensing

f. House Bill No. 73/Senate Bill No. 774

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.

The Board was opposed to a similar bill in 2018 (S.B. 2638 S.D. 1) because the

bill only exempts apprentices or trainees who are working toward licensure in an apprenticeship program or clinical program. The Board accepts on-the-job training as qualifying experience and believes it should be exempted as well.

Board position: Oppose these bills for the reasons stated above.

Relating to Mutual Assistance Agreement

g. House Bill No. 1305

Authorizes the State and electrical utilities to enter into a mutual assistance agreement with an out-of-state utility to assist in the restoration of electrical power following a natural disaster or emergency.

On February 5, 2019, the House Committee on Energy & Environmental Protection ("EEP") held a hearing on H.B. No 1305.

EEP amended this bill by changing its effective date to July 1, 2100 to encourage further discussion and making technical, non-substantive amendments for clarity, consistency, and style.

DAG Leong stated that this bill and Senate Bill No. 1293 allows utility workers from other states, pursuant to a mutual assistance agreement, to assist public utilities in the State when the Governor declares a disaster under HRS chapter 127A. HRS chapter 127A permits the Governor to suspend any laws, including licensing laws, that would impede emergency functions. The proposed bill does not conflict with HRS section 444-10.6 which allows for expedited licensure when the Governor declares a disaster under HRS chapter 209.

Board position: No position on this bill.

h. Senate Bill No. 1293

Authorizes the State to enter into a mutual assistance agreement with an out of state utility in order to restore electrical power of the State, without regard to any regulatory law, in times of an emergency or natural disaster.

On February 11, 2019, the joint committees on Public Safety, Intergovernmental, and Military Affairs ("PSM") and CPH held a hearing on S.B. No. 1293 and passed this bill with amendments to include the comments submitted by the Land Use Research Foundation of Hawaii ("LURF"). LURF requested to expand the language to include all energy sources and utilities because in section 1 of the bill (page 2 line 6) it states that the legislature finds that all Hawaii based public utility providers are members of the Western Region Mutual Assistance Agreement ("WRMAA").

Board position: No position on this bill.

Relating to Taxation

i. 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.

On February 5, 2019 the IAC held a hearing on H.B. No. 112 and passed this bill unamended.

On February 12, 2019 the CPC held a hearing on H.B. No. 112 and deferred this bill.

Board position: Oppose this bill as it is already difficult to get a tax clearance for contracting entities at renewal due to the Department of Taxation's workload.

Relating to Commerce and Consumer Affairs

j. House Bill No. 1528

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

On February 12, 2019, the IAC held a hearing on H.B. No. 1528. The IAC passed H.B. No. 1528 with amendments.

Board position: Defer to next Board meeting.

Relating to Professional and Vocational Regulatory Programs

k. 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 as the Board has concerns that HRS chapter 444 may be repealed if the auditor does not have the resources to conduct an evaluation.

Relating to the Owner-Builder Exemption

l. 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.

On February 5, 2019, the IAC held a hearing on H.B. No. 1154.

The Board testified that in the past it had supported additional restrictions on owner-builders to prevent abuses of the permit process which foster unlicensed contractor activity.

The IAC amended this bill by changing its effective date to July 1, 3000 and making technical, non-substantive amendments for clarity, consistency, and style.

On February 14, 2019 the LAB held a hearing on H.B. No. 1154 HD1.

Board position: Support the intent of this bill; request clarification as to who the owner is required to provide proof of withholding of applicable taxes and workers' compensation insurance for. For example, whether this requirement pertains to individuals working on the construction activity who are not employed by licensed contractors and are considered as employees of the owner.

Chapter 91, HRS.
Adjudicatory
Matters:

Chairperson Polischeck called for a recess from the Board's meeting at 1:40 p.m. to discuss and deliberate on the following adjudicatory matters pursuant to HRS chapter 91.

1. Settlement Agreements

a. In the Matter of the Contractor's License of Mieto's Corporation doing business as Mieto's Servicemaster; CLB 2017-347-L

RICO received a complaint alleging that on or about June 25, 2017, Mieto's Corporation, doing business as Mieto's Servicemaster ("Respondent") entered into a contract with two individuals for a kitchen renovation.

Respondent's responsible managing employee, Brian T. Yahata, terminated employment with Respondent on June 9, 2017, and Respondent did not have a responsible managing employee at the time Respondent entered into the above contract on June 25, 2017.

If proven at an administrative hearing, the allegations would constitute violations of the following: HRS §§444-17(9) (direct management of the contracting business of a corporation), 436B-19(17) (chapter, laws, rules or order of the licensing authority) and HAR § 16-77-64(e) (bid or enter into contracts without having a principal RME).

Respondent agrees to the voluntary surrender of Respondent's license.

b. In the Matter of the Contractor's License of DCK Pacific Construction LLC; CLB 2016-291-L

On or about July 23, 2016, DCK Pacific Construction, LLC ("Respondent") entered into a contract with Paul's Electrical Contracting, LLC ("Paul's") for the installation of a lighting system for a State of Hawaii project.

The project was thereafter completed.

On or about October 20, 2017, Respondent emailed Paul's indicating that they would begin to make monthly payments to Paul's to satisfy the outstanding balance on the project.

Respondent made three (3) payments of \$8,000.00 each on November 2, 2017, December 4, 2017, and January 5, 2018.

Since January 2018, no further payment has been made by Respondent to Paul's.

If proven at an administrative hearing, the allegations would constitute violations of the following: HRS § 444-17(14) (failure to pay a business debt).

Respondent agrees to pay restitution in the amount of \$170,000.00 and an administrative fine in the amount of \$2,500.00.

After discussion, it was moved by Mr. Isemoto, seconded by Mr. Matsuzaki, and unanimously carried to approve the Settlement Agreement Prior to Filing of Petition for Disciplinary Actions and Board's Final Order in the above cases.

2. Board's Final Order

a. In the Matter of the Contractor's Licenses of Safe Home Control, Inc. and Matthew I. Zupancic; CLB 2017-251-L & CLB 2017-275-L

DAG Leong recused himself from discussion of the Hearings Officer's Findings of Facts, Conclusions of Law, Recommended Order Upon Remand, and Board's Final Order.

Daniel Jacob, Deputy Attorney General, presented the Hearings Officer's Findings of Facts, Conclusions of Law, Recommended Order Upon Remand, and Board's Final Order.

After discussion, it was moved by Mr. Isemoto, seconded by Mr. Konishi, and unanimously carried to reject the Hearings Officer's Final Order with the fine amount increased to \$15,000.00 as the Board's Final Order in this case. DAG Jacob will draft the Board's Final Order to revoke Safe Home Control Inc.'s license and Safe Home Control Inc. to pay a fine of \$15,000.00.

DAG Jacob left the meeting at 2:30 p.m.

DAG Leong re-entered the room at 2:32 p.m.

b. In the Matter of the Contractors Licenses of Chriscontract, Inc. and Christopher R. Johnston; CLB 2016-180-L

Christopher Leong, Deputy Attorney General, presented the Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order.

On or about September 22, 2016 Respondent Johnston, on behalf of himself and Respondent Chriscontract, submitted Respondents' contractor's license Renewal Applications to the DCCA.

Respondent Johnston answered "No" to question number 4 on both Renewal

Applications that asked: "Are there any liens or judgments against you?"

On or about March 28, 2013, Hardware Hawaii filed suit against Respondents alleging a principal balance due of \$84,247.26.

On or about July 26, 2013, Hardware Hawaii obtained a Judgement against Respondents in the principal amount of \$84,247.26 plus attorney's fees and costs of \$2,263.86.

On or about March 25, 2015, Vincent and Jennifer Lowell ("Homeowners") entered into a contract with Respondent Chriscontract.

The Hearings Officer found the following:

- 1) Failure to disclose judgment on renewal applications;
- 2) Contract failed to disclose bond and lien rights and contractor's right to resolve alleged construction defects prior to commencing any litigation in accordance with section 672E-11;
- 3) Failure to timely pay subcontractors and material suppliers;
- 4) Diversion of funds paid to Respondents for personal expenses;
- 5) Failure to complete the project;
- 6) Violating terms and conditions of project manual; and
- 7) Restitution should be paid.

The Hearings Officer found that Respondent Chriscontract and Respondent Johnston jointly and severally violated Hawaii Revised Statutes ("HRS") and Hawaii Administrative Rules ("HAR") as follows:

- a. HRS § 436B-19(2) (Making untruthful or improbable statements);
- b. HRS § 436B-19(5) (Procuring a license through fraud, deceit, or misrepresentation);
- c. HRS § 436B-19(8) (Failure to maintain a record or history of competency, trustworthiness, fair dealing, and financial integrity);
- d. HRS § 436B-19(17) (Violating Chapter 436B or applicable licensing laws);
- e. HRS § 444-17(1) (any dishonest, fraudulent, or deceitful act as a contractor that causes substantial damage to another);
- f. HRS § 444-17(4) (Wilful diversion of funds or property received for prosecution or completion of a specific construction project);
- g. HRS § 444-17(5) (Wilful departure from or willful disregard of plans or specifications in any material respect without consent of the owner that is prejudicial to a person entitled to have the construction project completed in accordance with those plans);
- h. HRS § 444-17(10) (Misrepresentation of any material fact by an applicant in obtaining a license);
- i. HRS § 444-17(11) (Failure to complete in any material respect a construction project for the agreed price if the failure is without legal excuse);
- j. HRS § 444-17(12) (Wilful failure in any material respect to comply with Chapter 444 or rules adopted thereto);
- k. HRS § 444-17(13) (Wilful failure or refusal to prosecute a project to completion with reasonable diligence);
- l. HRS § 444-17(14) (Wilful failure to pay when a debt incurred for services or materials rendered or purchased in connection with the licensee's operations

- when the licensee has received sufficient funds thereof as payment for the particular operation for which the service or materials were rendered or purchased);
- m. HRS § 444-25.5(b)(1) (Failure to disclose bond and lien rights in the written contract to homeowner);
 - n. HRS § 444-25.5(b)(2) (Failure to contain notice of the contractor's right to resolve alleged construction defects in accordance with HRS § 672E-11 in the written contract to the homeowner); and
 - o. HAR § 16-77-80(a)(7) (Failure to include a provision within the homeowner contract explaining the lien rights of all parties performing under the contract).

For the multiple and repeated violations found, the Hearings Officer recommends that the Respondents' licenses be revoked; Respondents be ordered to pay a fine in the amount of forty-one thousand dollars (\$41,000.00) within ninety (90) days of the Board's Final Order.

The following parties were in attendance to present oral arguments: Mike Okazaki, Chuck Choi, Esq. and Chris Johnston, for ChrisContract, Inc.; Ryan Markham, Esq., attorney for Mr. and Mrs. Lowell. The Lowells were not present, though; and John Hassler, Supervising Attorney, Regulated Industries Complaints Office.

Mr. Markham stated that the Lowells have entered into a Settlement Agreement with Mr. Johnston for \$310,000.00 spread out over a number of years. He also stated that the settlement amount is non-dischargeable in bankruptcy. Mr. Markham stated that the violations are serious and egregious, and caused serious harm to his clients however, the Lowells feel that Mr. Johnston can meet that obligation if he is allowed to continue working. Mr. Markham stated that the Lowell's contract with Mr. Johnston was front loaded. Mr. Markham wanted some assurance that Mr. Johnston would not front load his contracts to pay his clients and not be able to complete his projects for other clients. He reviewed some of Mr. Johnston's contracts and they are earned progress payments. Chairperson Polischek asked Mr. Markham if he looked at all of Mr. Johnston's contracts; his concern is that Mr. Johnston still may have other front loaded contracts. Mr. Markham stated that he only looked at some of Mr. Johnston's contracts. Mr. Markham asked the Board to let Mr. Johnston keep his license.

Mr. Hassler objected to the introduction of new evidence. The Board is only allowed to look at the evidence that was presented to the Hearings Officer at the hearing.

Mr. Choi reiterated that Mr. Johnston entered into a Settlement Agreement with the Lowells and that the judgement is not dischargeable in bankruptcy. Mr. Choi asked the Board to consider that Mr. Johnston is a first-time offender with thirty years of experience. He stated that revocation of Mr. Johnston's license and a \$41,000.00 fine is too high for technical violations. Mr. Choi added that there was one small defect; workmanship was not an issue.

Mr. Hassler acknowledged that there is overlap in RICO's case and the civil action. He explained to the Board that RICO's case is separate from the civil lawsuit. Mr. Hassler informed the Board that the Hearings Officer listened to

three days of testimony before coming to his decision that revocation and a civil fine was appropriate. Mr. Hassler asked the Board to make a decision that is consistent with its prior decisions. Mr. Johnston must pay the judgment whether or not his license is revoked. Mr. Hassler stated that the Board is aware of other individuals who apply for licensure after their license has been revoked and the Board requires these individuals to pay the judgments to get re-licensed.

After discussion, it was moved by Mr. Kagawa, seconded by Mr. Isemoto, and unanimously carried to defer the Hearings Officer's Findings of Fact, Conclusions of Law, Recommended Order, and Board's Final Order in the above case.

Following the Board's review, deliberation and decisions in these matters, pursuant to HRS chapter 91, Chairperson Polischek announced that the Board was reconvening to its open meeting at 3:30 p.m.

6. Conditional License Report:
Charlene Tamanaha, Executive Officer

None.

7. Applications Committee Report:
Charlene Tamanaha, Executive Officer

- a. MKEX Inc.
Moses N. Kalilikane, RME
C-3 Asphalt paving & surfacing
C-17 Excavating, grading & trenching

It was moved by Mr. Isemoto, seconded by Mr. Konishi, and unanimously carried to approve MKEX Inc. and Moses N. Kalilikane's application for licensure in the C-3 Asphalt paving & surfacing and C-17 Excavating, grading & trenching classifications.

- b. Pacific Pool & Spa LLC
Clifton B. Crawford, RME
Frank Fontana, RME (Dual status – Pacific Aquascapes
C-23 Gunite Inc./Maui Waterscapes LLC)
C-27 Landscaping
C-31 Masonry
C-49 Swimming pool
C-51 Tile

It was moved by Mr. Isemoto, seconded by Mr. Konishi, and unanimously carried to defer Pacific Pool & Spa LLC and Frank Fontana's dual RME application for licensure in the C-23 Gunite, C-27 Landscaping, C-31 Masonry, and C-49 Swimming pool classifications pending the submittal of documentation that Mr. Fontana qualifies to be the RME for Pacific Pool & Spa LLC, Pacific Aquascapes Inc. and Maui Waterscapes LLC.

- c. Dragados/Hawaiian Dredging/Obayashi Joint Venture
Leonard J. Dempsey, RME

"A" General Engineering

Dragados USA Inc.
Chad A. Mathes, RME
"A" General Engineering

City Center Connection Group LLC
Chad A. Mathes, RME
"A" General Engineering

It was moved by Mr. Isemoto, seconded by Mr. Konishi, and unanimously carried to (1) defer Dragados/Hawaiian Dredging/Obayashi Joint Venture's application pending the submittal of documents as requested by the Board; (2) defer Dragados USA Inc's and Chad Mathes' applications for licensure in the "A" General engineering classification pending the submittal of documents as requested by the Board and a revised project list verifying Mr. Mathes' forty-eight months of on-site supervision and direction of employees, including the work that was self-performed and the work or trades that were subcontracted to other contractors; and (3) defer City Center Connection Group LLC's and Chad Mathes' applications for licensure in the "A" General engineering classification pending the submittal of a revised project list verifying Mr. Mathes' forty-eight months of on-site supervision and direction of employees, including the work that was self-performed and the work or trades that were subcontracted to other contractors, and documentation that Mr. Mathes qualifies to be the RME for City Center Connection Group LLC and Dragados USA, Inc.

8. Applications Committee:
Tyrus Kagawa, Chairperson

It was moved by Mr. Isemoto, seconded by Mr. Konishi, and unanimously carried to approve, defer, deny or withdraw the license applications as indicated on the Applications Committee License Application Recommendations 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. Eric V. Tollestrup
- b. Christian Viverito
- c. Stegan G. Comsa
- d. Carley Fonville & Emily DuBois

It was moved by Mr. Isemoto, seconded by Mr. Konishi, and unanimously

carried to approve the above owner-builder exemption applications.

Other Business: None.

Open Forum: None.

Next Meeting: Friday, March 15, 2019

Adjournment: There being no further business to discuss, the meeting was adjourned at 3:35 p.m.

Taken and recorded by:

/s/ Candace Ito
Candace Ito
Executive Officer

3/14/19

Minutes approved as is.

Minutes approved with changes. See minutes of March 15, 2019.

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

February 15, 2019

APPLICATIONS COMMITTEE ATTACHMENT

8.a.

Request for Change in Business Status:

- SC-1 Stephen W. Conn, RME
Pan-Pacific Mechanical LLC
Licensed: C-52 Ventilating & air conditioning
Request: Dual status -Critchfield Pacific Inc.
Recommend: Approval
- SC-2 Xavier R. Cuellar (Individual)
Licensed: C-33 Painting & decorating
Request: Reactivate
Recommend: Approval
- SC-3 Haseko Construction Kipuka LLC
Peter Kwan, RME
Licensed: "B" General Building
Request: Reactivate
Recommend: Approval subject to \$37,000 bond
- SC-4 Borko Ijadic (Individual)
Licensed: "B" General Building
Request: Reactivate
Recommend: Deferral
- SC-5 Kaktovik Telecom LLC
Duane J. Werner, RME
Licensed: "B" General Building
C-68TN Communication tower
Request: Dual status – Marsh Creek LLC
Recommend: Deferral
- SC-6 Joseph Koh, RME
Pan-Pacific Mechanical LLC
Licensed: C-4 Boiler, hot-water heating, hot water
supply & steam fitting
C-37 Plumbing
Request: Dual status – Critchfield Pacific Inc.
Recommend: Approval
- SC-7 P2S Servtech LLC
Jeffrey E. Norris, RME

Licensed: C-56 Welding
C-68RH Refinery & resource recovery equipment
Request: Dual status – Brinderson LLC
Recommend: Deferral

SC-8 Richard M. Papa, RME
Three Line Construction LLC
Licensed: "B" General Building
Request: Dual status – Rpapa Construction LLC
Recommend: Approval

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

WB-1 Hawaii Fireplaces Inc.
Dale M. Harrington, RME
Licensed: C-52 Ventilating & air conditioning
Request: Waiver of \$36,000 bond
Recommend: Deferral

WB-2 Makana Construction LLC
Frank R. Alexander II, RME
Licensed: "B" General Building
Request: Waiver of \$14,000 bond
Recommend: Denial

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

Applications

A:

1. Akagi Builders and Painters LLC
Bryan M. Akagi, RME
"B" General Building
C-33 Painting & decorating
Bond: \$21,000
2. C E M Maintenance Inc.
Arthur R. McDonald, RME
C-49 Swimming pool
3. Carrion Construction Inc.
Mark A. Carrion, RME
"B" General Building
4. R Casido Construction LLC
Robert Casido, RME
"B" General Building
5. Cedillos Tile Marble and Granite LLC
William A. Cedillos, RME
C-31b Stone masonry
C-51 Tile
6. Charles W. Chamberlain, RME
Haseko Construction Management
Group Inc.
"B" General Building
(Dual status – Haseko
Construction Kuapapa, LLC/
Haseko Construction Lei
Pauku/Wai Kai Residential

Construction, LLC/Haseko
Construction Kipuka)

7. Creative Builders Maui LLC
Fernando G. Aguirre, RME
"B" General Building
C-5 Cabinet, millwork & carpentry remodeling & repairs
8. Crown Construction Inc.
Steven N. Wormser, RME
"B" General Building
9. Norberto A. Dela Cruz (Individual)
C-37 Plumbing
C-61a Solar hot water systems
C-61b Solar heating & cooling systems
Bond: \$10,000
10. Dragados/Hawaiian Dredging/Obayashi
Joint Venture
Leonard J. Dempsey, RME
"A" General Engineering
11. Emax Electric LLC
Rickey E. Bishop, RME
C-13 Electrical
12. Haseko Construction Kipuka LLC (Reactivate)
Peter Kwan, RME (Dual status – Haseko
"B" General Building Construction Management
Bond: \$37,000 Group Inc./Haseko
Construction Kuapapa LLC/
Haseko Construction Lei
Pauku LLC)
13. Hydroworks Mechanical Inc.
Rodolfo Q. Agustin, Jr., RME
C-37 Plumbing
C-52 Ventilating & air conditioning
14. Intercession Limited Liability Company
Ronald C. Inter, RME
"B" General Building
Bond: \$17,000
15. Strahil K. Iskrov, RME
Cool Stone LLC
C-51 Tile
16. Johnson Brothers Tree Service LLC
Taj Martin Johnson, RME
C-27b Tree trimming & removal
Bond: \$9,000
17. Mark J. Kennedy, RME (Dual status – Haseko

Haseko Construction Kipuka LLC
"B" General Building

Construction Kuapapa, LLC/
Haseko Construction Lei
Pauku, LLC/Haseko
Construction Management
Group Inc./Wai Kai
Residential Construction,
LLC)

18. Mikey G Construction Inc.
Michael A. Gualdarama, RME
C-5 Cabinet, millwork & carpentry remodeling & repairs
19. PLS Renewables LLC
PLS Power LLC
Crisanto A. Ramos, RME
C-13 Electrical
20. Pacific Coatings Inc.
Shane A. Pope, RME
C-33 Painting & decorating
21. Pacific Northern Environmental LLC (Additional classification)
Adam C. Hamer, RME
C-13 Electrical
22. Parsons Construction Group Inc. (Dual status – Parsons RCI Inc.)
Julie M. Sankey, RME
"A" General Engineering
"B" General Building
C-31 Masonry
C-37e Treatment & pumping facilities
23. Precise Wiring System LLC
Mario V. Tejero, RME
C-13 Electrical
24. Adam L. Sagon, RME
Tropical Plumbing Inc.
C-37 Plumbing
25. D Taniyama Builders Inc.
David R. Taniyama, RME
"B" General Building
C-5 Cabinet, millwork & carpentry remodeling & repairs
Bond: \$22,000
26. Three Line Construction LLC (Dual status - Rpapa Construction LLC)
Richard M. Papa, RME
"B" General Building
27. WJ's Home & Landscape Services LLC
Walberto S. Sumagit, RME
C-27 Landscaping

Applications
B:

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

1. A & I Floor Covering Inc.
Israel Kingston, RME
C-21 Flooring
2. Nicholas M K Ah Yo II (Individual)
"B" General Building
3. All Aloha Plumbing and Drain Cleaning LLC
Deven S. Tells, RME
C-37 Plumbing
4. Aloha Aina Landscaping LLC (Additional classification)
Stuart C. Rinehart, RME
"B" General Building
Bond: \$44,000
5. Eric D. Bass, RME
Vertical Construction Corporation
"B" General Building
6. Wei H. Chen (Individual)
"B" General Building
7. Designers Choice Furniture Finishing Inc.
Wilfredo Flores, RME
C-33 Painting & decorating
8. Floor Expert LLC
Pavel Didok, RME
C-21 Flooring
Bond: \$9,000
9. Herling Construction Inc.
Jerry L. Herling, RME
"A" General Engineering
10. Industrial Light & Energy Inc.
Leonard S.J. Anterola, RME
C-13 Electrical
11. Integrity Services LLC
Jered K.K. Jeremiah, RME
"B" General Building
12. JJC Builders LLC
Joshua J. Ayisworth, RME
C-5 Cabinet, millwork & carpentry
remodeling & repairs
"B" General Building (deny 11/18)
C-37 Plumbing (approve 11/18)

13. Kohls Foam Systems Inc.
Patrick L. Kohls, RME
C-42e Urethane foam
C-42g Roof coatings (defer)
14. Lincoln Hancock Restoration LLC
Sean T. Fee, RME
"B" General Building
Bond: \$1,245,000
15. Joel A. Lopez, RME
Hawaii Unified Industries LLC
C-13 Electrical
16. MKEX Inc.
Moses N. Kalilikane, Jr., RME
C-3 Asphalt paving & surfacing
C-17 Excavating, grading & trenching
17. Mauiscapes LLC
Olin M. Erickson, RME
C-27 Landscaping
18. Mauiscapes LLC
Torsten P. Erickson, RME
C-27 Landscaping
19. Gabriel J. McVey (Individual)
"B" General Building
20. NR Windows Inc.
Krishna V. Kondakrishnamurthy, RME
C-22 Glazing & tinting
21. NR Windows Inc.
Santhoshini Rajkumar, RME
C-22 Glazing & tinting
22. Igor A. Nikitskiy (Individual)
C-33 Painting & decorating
Bond: \$22,000
23. Oahun Tile LLC
Janos Recski, RME
C-51 Tile
24. Pacific General Contractor LLC
Roman Knyaz, RME
"B" General Building
25. Pacific Solar Pools LLC
Michael Roy K. Moylan, RME
C-49 Swimming pool
Bond: \$5,000

26. Plenary Infrastructure Honolulu LLC
Terry R. Ostrom, RME
"A" General Engineering
"B" General Building
27. Robert H. Richardson, RME
Anderson & Wood Construction Co. Inc.
C-62 Pole & line
28. Monti Sinclair LLC
Hamish A. Day, RME
"B" General Building
Bond: \$15,000
29. Klayton D. Soucy, RME
The Davey Tree Expert Company
C-27 Landscaping
30. Sun Up Pools LLC
Teren Watumull, RME
C-61 Solar energy systems
C-15 Electronic systems (defer)
31. TMS Construction Inc.
Tony M. Stefanik, RME
C-22 Glazing & tinting
32. True Line Construction Services LLC
Reynaldo U. Tabura, RME
C-10 Scaffolding
C-1 Acoustical & insulation (approve 11/18)
C-6 Carpentry framing (approve 11/18)
C-21 Flooring (approve 1/19)
33. SJ Valdez Builders LLC
Sonny P. Valdez, RME
C-9 Cesspool
34. Dandy S. Velasco (Individual) (Additional classification)
"B" General Building
35. Ryan E. Villanueva (Individual)
C-33 Painting & decorating

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. Action Group LLC
Simote Vea, RME
"A" General Engineering
"B" General Building (defer)

2. Custom Fence Co. (Additional classification)
Fred L. Cheal, RME
"B" General Building
"A" General Engineering (deny 11/18)
3. Sacha N. Estrada, RME
Elements of Hospitality Inc.
C-5 Cabinet, millwork & carpentry
remodeling & repairs
"B" General Building (deny 10/18)
4. Mountain States Hydro LLC
Delton S.L. Bonds, RME
"B" General Building
5. Oahu Professional Services Inc.
Todd D.C. Mendonca, RME
C-31 Masonry
6. Oceanic Companies Inc. (Additional classification)
Geoffrey Chu, RME
C-52 Ventilating & air conditioning
7. Parker Construction Group LLC
Christopher C.B. Parker, RME
"B" General Building
8. Probst Electric Inc.
Karl W. Studer, RME
C-62 Pole & line
DN Tanks Inc.
Michael J. Dufresne, RME
C-68RJ Concrete reservoirs
9. Rising Sun LLC (Additional classification)
Matias I. Besasso, RME
"B" General Building
C-13 Electrical
(Dual status – Rising Sun
Solar Electric LLC)
10. Stone Solutions Incorporated (Additional classification)
Christian Coetzee, RME
"B" General Building

Applications

E:

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

1. 16D Hawaiian Islands LLC
Melvin M. Halili, RME
"B" General Building

C-13 Electrical

2. ABB Inc. (Reactivate)
William M. Hughey, RME
"A" General Engineering
3. Accurate Electric and Solar LLC
Jack R. Morris, RME
C-13 Electrical
4. Action Group LLC
Simote Vea, RME
"B" General Building
"A" General Engineering (deny)
5. Aaron J.K. Agsalda, RME (Additional classification)
Royal Palm Construction
& Landscaping Inc.
"B" General Building
6. All In Construction LLC
Chester G. Jamorabon, RME
"B" General Building
7. Alutiq General Contractors LLC (Reactivate)
Henry J. Rinnert, RME
"A" General Engineering
"B" General Building
8. A Amaral Masonry LLC (Additional classification)
Anthony P. Amaral, RME
C-9 Cesspool
9. Amoroso Hawaii Corporation
Michelle M. Sakamoto, RME
"A" General Engineering
"B" General Building
10. Michael K. Anderson (Individual) (Additional classification)
"B" General Building
11. BBC Builders LLC
Chester J. Badgett, RME
"B" General Building
12. BJ's Excavating & Hauling Co. Inc.
Brysson A. Lorenzo, RME
C-17 Excavating, grading & trenching
C-43 Sewer, sewage disposal, drain & pipe laying
13. BKS Electric LLC
Kent K. Simmons, RME
C-13 Electrical
14. Bailey & Sons Electric LLC
Zachary F. Bailey, RME

- C-13 Electrical
15. Flor M. Barbosa (Individual)
C-36 Plastering
 16. Brahma Group Inc. (Additional classification)
Sean G. Davis, RME
C-4 Boiler, hot-water heating, hot water supply, & steam fitting
 17. Brown Development LLC (Additional classification)
Gregory E. Brown, RME
"A" General Engineering
C-49 Swimming pool
 18. By Design Builders LLC (Dual status – Brian S. Rigney)
Brian S. Rigney, RME
"B" General Building
 19. Donna Jane B. Carrilho (Individual)
C-7 Carpet laying
C-21 Flooring
C-51 Tile
 20. John O. Cavanaugh, RME
ERM-West Inc.
"A" General Engineering
 21. Joe C. Chance (Individual)
C-40 Refrigeration
 22. Michael R. Chavez, RME (Dual status – R D Olson Construction Inc.)
The Robert D. Olson Corporation
"B" General Building
 23. Charlene K. Chon (Individual)
"B" General Building
 24. City Center Connection Group LLC (Dual status – Dragados USA Inc.)
Chad A. Mathes, RME
"A" General Engineering
 25. Construction Ahead LLC
Reyna Y. Kim, RME
"B" General Building
 26. Conway-Phillips Holding LLC
Leonard M. Phillips, RME
"A" General Engineering
 27. Covanta Projects LLC (Additional classification)
James G. Garner, RME
"A" General Engineering
 28. Daniel Z. Dang (Individual) (Additional classification)

"B" General Building

29. David A. Dunham, RME (Dual status – Surface
Kawika's Painting Inc. Preparation & Coating
"B" General Building Technologies Inc.)
C-31a Cement concrete
C-31d Tuckpointing & caulking
C-33 Painting & decorating
C-42g Roof coatings
C-55 Waterproofing
30. Enable Energy Inc. (Additional classification)
Timothy J. Lilien, RME
C-13 Electrical
31. Fa'amanuia Engineering and Construction Inc.
Steven C. Price, RME
"A" General Engineering
"B" General Building
32. Chris L. Farrow (Individual)
C-13 Electrical
33. Alfred J. Figueroa (Individual)
C-17 Excavating, grading & trenching
34. Floors By Jordan Inc.
Allison M. Jordan, RME
C-7 Carpet laying
35. Jacob R. Freeman, RME (Additional classification)
CDF Engineering LLC
"B" General Building
36. Global Construction Contracting LLC
Frank E. Dugger, RME
"B" General Building
37. Hardscape Design Build LLC (Additional classification)
Richard T. Cozzo, RME
"B" General Building
38. Hawaiian Isles Interiors LLC (Additional classification)
Henry Maio III, RME
"B" General Building
39. Hal Hays Construction Inc.
Kirby S. Hays, RME
"A" General Engineering
40. Thomas J. Higgins, RME
Johnson Controls Security Solutions LLC
C-15 Electronic systems
41. Palmer S. Hironaga, RME
Pacific Preferred Cont Corp.

- C-33 Painting & decorating
42. Borko Ijacic (Individual) (Reactivate)
"B" General Building
 43. Imagine It Builders Corp. (Additional classification)
Ian E. Hollingsworth, RME
"A" General Engineering
 44. Island Independence LLC (Additional classification)
Gabriel Krueger, RME
C-42 Roofing
 45. JPC Enterprises Inc. (Additional classification)
John P. Cieslinski, RME
"A" General Engineering
 46. Yan Sheng Jian (Individual)
"B" General Building
 47. Joseph R. Jossem (Individual)
C-27b Tree trimming & removal
 48. Kaktovik Telecom LLC (Dual status – Marsh Creek
Duane J. Werner, RME LLC)
"B" General Building
C-68TN Communication tower
 49. Kings Island Construction LLC (Additional classification)
Eliesa T. Olive, RME
"A" General Engineering
 50. Kohls Foam Systems Inc.
Patrick L. Kohls, RME
C-42g Roof coatings
C-42e Urethane foam (approve)
 51. Jonathan M. Kosorek (Individual)
"B" General Building
 52. Anthony W. Laglia, RME (Additional classification)
Tesla Energy Operations Inc.
C-13 Electrical
 53. Mark Lee (Individual)
"B" General Building
 54. MZ Flooring Inc. (Additional classification)
Mark S. Zimmerman, RME (Dual status – Mark S.
C-21 Flooring Zimmerman)
 55. Jack K. Manini, Sr. (Individual) (Additional classification)
C-6 Carpentry framing
 56. Hitler R. Manuel (Individual)
C-13 Electrical

57. Daren A. Miller, RME
Insituform Technologies LLC
"A" General Engineering (Dual status – Fibwrap
Construction Services USA
Inc.)
58. Darin J. Mingo, RME
Engie Services U S Inc.
"B" General Building
59. Modular Installations LLC
Eric K. Olson, RME
"B" General Building
60. Mountain To Sea Builders LLC
Jeremiah J. Jones, RME
C-5 Cabinet, millwork & carpentry
remodeling & repairs
C-33 Painting & decorating
61. Natural Structures LLC
Taylor E. Roberts, RME
"B" General Building
62. Shane M. Niau (Individual)
"B" General Building
63. O'Neill Electric Company LLC
Derrick A. O'Neill, RME
C-13 Electrical
64. P2S Servtech LLC
Jeffrey E. Norris, RME (Dual status – Brinderson
LLC)
C-56 Welding
C-68RH Refinery & resource recovery
equipment
65. PLS Construction Limited Liability Company
Francisco Lazo, RME
C-6 Carpentry framing
C-12 Drywall
C-33b Taping
66. Fortunato B.K. Pabre (Individual)
"B" General Building
67. Pacific Pool & Spa LLC
Clifton B. Crawford, RME
C-31 Masonry
C-49 Swimming pool
C-51 Tile
68. Pacific Pool & Spa LLC
Frank Fontana, RME (Dual status – Pacific
Aquascapes Inc./Maui
Waterscapes LLC)
C-23 Gunite
C-27 Landscaping
C-31 Masonry

C-49 Swimming pool

69. Pacific Vista Development LLC (Additional classification)
Jason R. Hulce, RME
"B" General Building
"A" General Engineering (approve 11/18)
C-27 Landscaping (approve 10/18)
C-31 Masonry (approve 10/18)
70. Paivers of Hawaii Inc.
Juanvicente G. Rodriguez, RME
C-31 Masonry
71. Paivers of Hawaii Inc.
Juan M. Rodriguez-Arroyo, RME
C-31 Masonry
72. Jeffrey A. Patoc, RME
Critchfield Pacific Inc.
C-2 Mechanical insulation
73. Pau Pono Construction Inc. (Additional classification)
Oakley A. Lipp, RME
"B" General Building
C-31 Masonry
74. Redi Services Inc. (Additional classification)
Randy Rodriguez, RME
C-25 Institutional & commercial equipment
C-40 Refrigeration
75. Regal Pacific Construction LLC
Jerry K. Aldrich, RME
"A" General Engineering
76. Marcelino U. Reyes, RME
ERM-West Inc.
"A" General Engineering
77. S&S Rebar Corporation
Scott K. Redoble, RME
C-41 Reinforcing steel
78. Robert C. Sare (Individual)
"B" General Building
C-31a Cement concrete
C-41 Reinforcing steel
79. Daniel M. Selzer (Individual)
"B" General Building
80. Sevan Multi-Site Solutions LLC
David A. Huerta, RME
"B" General Building

81. Jarod R. Shinsato (Individual)
C-33 Painting & decorating
82. Jack T. Shizuru, Jr., RME
808 Maintenance & Flooring Inc.
C-7 Carpet laying
C-21 Flooring
C-51 Tile
83. Solomon Electric Services LLC
Vincent J. Solomon, RME
C-13 Electrical
84. South Pacific Concrete & Masonry LLC
Lawrence Ramirez, RME
C-31 Masonry
85. Sun Up Pools LLC
Teren Watumull, RME
C-15 Electronic systems
C-61 Solar energy systems (approve 2/19)
86. Sutton Construction Incorporated (Additional classification)
Waylon M. Helseth, RME
C-51 Tile
87. T & K Plumbers LLC
Kelly L. Zeek, RME
C-37 Plumbing
88. TL AC LLC
Theodore R. Limoz-Hodge, RME
C-44 Sheet metal
C-52 Ventilating & air conditioning
89. TM Landscaping LLC
Pulevai Ngata, RME
C-27 Landscaping
90. K Tahere Solutions LLC
Francis K. Tahere, RME
C-13 Electrical
C-60 Solar power systems (qualify)
91. Louise Soon (Individual)
"B" General Building
92. Jesse S. Terakawa, RME
Critchfield Pacific Inc.
C-13 Electrical
93. J T Thorpe & Son Inc. (Additional classification)

Roberto Robles, RME
C-33 Painting & decorating

94. Mark E. Tippit (Individual)
"B" General Building
95. Trade Mark Construction LLC
Mark J. Wasden, RME
C-5 Cabinet, millwork & carpentry
remodeling & repairs
96. Trew General Contractors LLC
Justin S. McNeal, RME
"B" General Building
97. Viliami Z. Uhatafe (Individual)
C-31 Masonry
98. Westside Refinishing LLC
Gene H. Witte, RME
C-5 Cabinet, millwork & carpentry
remodeling & repairs
99. Younicos Inc. (Additional classification)
Ian C. McFarland, RME
"A" General Engineering