

BOARD OF ELECTRICIANS AND PLUMBERS
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: Tuesday, March 29, 2022

Time: 10:30 a.m.

In-Person Meeting Location: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Present: Phillip Lucero, Industry Member, Chairperson
Sheung Wong, Industry Member, Vice Chairperson
Charles Tanabe, Industry Member
David Kamakea III, Industry Member
Robert Barrett, Public Member
Jason Takara, Public Member
Christopher Leong, Deputy Attorney General (“DAG Leong”)
John Cole, Deputy Attorney General (“DAG Cole”)
Lei Ana Green, Executive Officer
Candace Ito, Executive Officer
Lei Fukumura, Staff Attorney
Kellie Teraoka, Secretary
Marc Yoshimura, Secretary
Jaymie Nakama, Secretary

Excused: None

Guests: Ryan Takahashi, Hawaii Electricians Market Enhancement Program

Agenda: 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”).

Call to Order: There being a quorum present, Chair Lucero called the meeting to order at 10:32 a.m.

Chair Lucero, Vice Chair Wong, Mr. Tanabe, Mr. Kamakea, Mr. Takara, and Mr. Barrett confirmed that they were present.

Approval of
Minutes:

Chair Lucero asked if any members of the public would like to provide oral testimony on this agenda item.

It was moved by Vice Chair Wong, seconded by Mr. Tanabe, and unanimously carried to approve the open session minutes of the February 1, 2022, Board meeting as distributed.

Chapter 91,
Adjudicatory
Matters:

Chair Lucero called for a recess from the meeting at 10:33 a.m. to discuss and deliberate on the following adjudicatory matter pursuant to Chapter 91, HRS.

- a) In the Matter of the Journeyman Electrician's License of Devin C. Deuter, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "A" – "C"

DAG Leong entered the meeting room at 11:09 a.m.

It was moved by Mr. Barrett, seconded by Vice Chair Wong, and unanimously carried to reject the aforementioned Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "A" – "C".

Following the Board's review, deliberation, and decision on these matters pursuant to Chapter 91, HRS, Chair Lucero announced that the Board will reconvene to its regular Chapter 92, HRS, meeting at 11:26 a.m.

DAG Cole left the meeting room at 11:27 a.m.

Ms. Fukumura left the meeting room at 11:27 a.m.

Executive
Officer's Report:

Chair Lucero asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

- a) Exam Results for Electricians and Plumbers

Ms. Green shared that no examination results were provided as the test was administered a week later this month. The exam results will be provided at the next meeting.

2022 Financial
Disclosures:

Ms. Green reminded the Board members to submit their 2022 financial disclosures by May 31, 2022.

Executive
Session:

At 11:29 a.m., it was moved by Vice Chair Wong, seconded by Mr. Tanabe, and unanimously carried to move into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with HRS section 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 section 92-5(a)(4).

At 11:33 a.m., it was moved by Vice Chair Wong, seconded by Mr. Tanabe, and unanimously carried to return to the Board's order of business.

Applications:

Chair Lucero asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

It was moved by Vice Chair Wong, seconded by Mr. Tanabe, and unanimously carried, to approve/defer/deny/ratify the following applications and exam waiver, as noted.

a) Electricians

Journey Worker Electrician (EJ)

AGONOY, FERNANDEZ – APPROVED
AGUILAR, JUSTIN – APPROVED
ALU, JOSHUA – APPROVED
CABUS, CHESTER – APPROVED
CERNAL DAY, ZAYLAN – APPROVED
CHON, JASON – APPROVED
COLON, LORAN – APPROVED
CONEY, TYLER – DEFERRED
CORPUZ, ALADIN – DEFERRED
CUENCA, ROGELIO – APPROVED
FASEL, JASON – APPROVED
KAMELO, CHRISTIAN – APPROVED
KEOHOHINA-KAAIKALA, KALENA – APPROVED
KERR, DUANE – DEFERRED
KIHARA, KALVIN – APPROVED
KISS, PETER – APPROVED
MARTINEZ, NOLAN – APPROVED
MATSUSHIMA, KYLE – APPROVED
MONTILLIANO, KEONI – APPROVED
MULLER, JORGE – DEFERRED
MURAOKA, TRAVIS – APPROVED
OLSZEWSKI, BRANDON – APPROVED
PASCUA, MICHAEL – APPROVED

QUIZON, ROYSON – APPROVED
REILLY, JASON – APPROVED
ROWLAND, MATTHEW – APPROVED
SANCHEZ, CHRISTOPHER – APPROVED
SERA, TODD – DEFERRED
SIMENTAL, LEVI – DEFERRED
TAEA, BRANDON-APPROVED
TANAKA, KELLY – DEFERRED
TILTON, NATHAN – APPROVED
WALL, RYAN – APPROVED
WESSELING, RAMON – APPROVED
WISEMAN, DANIEL – APPROVED

Journey Worker Industrial Electrician (EJI)
NONE

Journey Worker Specialty Electrician (EJS)
NONE

Supervising Electrician (ES)
PASAMONTE, PATRICK – APPROVED

Supervising Industrial Electrician (ESI)
NONE

Supervising Specialty Electrician (ESS)
MOCZYGEMBA, JARED – APPROVED

Maintenance Electrician (EM)
ILDEFONSO, BILLY RAY – APPROVED

b) Plumbers

Journey Worker Plumber (PJ)
CHEN, DAI PING – DEFERRED
DELAURA, JOSHUA – DEFFERRED
GOMES, CAMERON – APPROVED
HALL, WILLIAM – APPROVED
KASHIMA, AKONI – APPROVED
MCCLEARY, JESSE-LEE – APPROVED
MELLO, JR., RICHARD – APPROVED
MOSER, JOEL – DEFERRED
RAMAN, RUBEN – APPROVED
RELLIN, JULIUS – APPROVED
SWOBODA, JAMES – APPROVED

TAPADO, REMELITO – APPROVED
WEBB, JONATHAN – DEFERRED
WEBSTER, DANE – APPROVED

Master Plumber (PM)

BASTATAS, DUKE – APPROVED
BATES, JAMES – APPROVED
DENNIS, BRANDON – APPROVED
KULINICH, VITALIY – APPROVED

- c) Ratifications
RAMIREZ, CHANSE (PJ) – APPROVED
- d) Requests for Exam Waiver
TILTON, NATHAN (EJ) – APPROVED

Act 35, SLH 2010
Update Regarding
Electrical Academic
Coursework:

- a) Chair Lucero asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

University of Hawaii Honolulu Community College
Approved Curricula

- Independent Electrical Contractors Western Colorado Chapter and Goldstar, Inc.
- Northwest Education Services Career Tech (Formerly TBA CTC)

2022 Legislation:

Chair Lucero asked if any members of the public would like to provide oral testimony on this agenda item. Ryan Takahashi, Hawaii Electricians Market Enhancement Program (“HEMEP”), requested to provide oral testimony.

- a) S.B. 170, Relating to Electricians and Plumbers

Establishes license requirements for electrician apprentices and plumber apprentices.

Mr. Takahashi introduced himself and stated that it is their intention to let this bill die. He hopes to propose the bill in the future when they are better prepared and have more time to work with their industry partners. There will be no further action taken on this bill.

- b) S.B. 2644, S.D. 2, H.D. 1, Relating to Electrical Contractors

Ms. Green advised the Board members that the H.D. 2 draft has been put forth, which was distributed prior to the meeting.

The purposes of this bill are to: (1) extend until June 30, 2028, Act 65, Session Laws of Hawaii 2013, as extended by Act 60, Session Laws of Hawaii 2018, which provides a limited exemption to the licensing requirements for certain individuals in situations when an electric utility must retain qualified individuals to work with high voltage (six hundred volts or higher) who are not licensed in the State but are otherwise deemed qualified by the electric utility, provided that the public utility certifies to the Board that, after a hiring call, no electrician sufficiently qualified and licensed in the State to perform high voltage electrical work applied to timely perform or complete the necessary job or task before the public utility recruited outside the State; and (2) make permanent the requirement for the Board to submit to the Legislature annual reports relating to high voltage electrical work.

The Board opposed S.B. 2644, S.D. 2, H.D. 1, as the exemption for employees of electrical contractors retained by the public utility to perform transmission and distribution line construction and maintenance and substation work, as high voltage (six hundred volts or higher) electrical work, is too broad. Under this measure, the work that licensed journey workers are currently performing will be exempt from the requirements of licensure. Electricians are licensed to perform work under the National Electrical Code ("NEC"), which covers voltages over six hundred volts, and a journey worker electrician license is required to perform any electrical work, including overhead and underground high voltage electrical work.

Mr. Takahashi stated that HEMEP is standing by their prior position in opposition of this bill. He appreciates that substation work was removed from the exemption in the H.D. 2 as HEMEP felt strongly that substation work requires a licensed electrician. Mr. Takahashi further explained that the H.D. 2 references transmission and distribution line work, which is still too broad, as it could include underground work that licensed journey worker electricians are currently

performing. This exemption would allow unlicensed workers to perform the same duties.

Mr. Takahashi stated that in HECO's prior testimonies, they have also referred to high voltage electrical lineman work performed in remote mountain areas normally only accessible by helicopter, also known as high-lining work and he believes that that high-lining work is not covered under the jurisdiction of the journey worker electrician license, so an exemption isn't necessary for it. Mr. Takahashi requested that the Board oppose S.B. 2644, S.D. 2, H.D. 2, as the terminology in the bill is still overly broad.

Chair Lucero stated that the Board appreciates that substation work was removed from the exemption as journey worker electricians are licensed to perform that work and are currently performing that work in the State for licensed contractors. The language in the bill is still too broad with the exemption for transmission and distribution lines, as that broad definition of electrical work can include underground or above ground work that requires a journey worker electrician license to perform. High voltage electrical work performed in remote mountain areas normally only accessible by helicopter is specialty high voltage electrical work that not many individuals are currently qualified to perform. He believes that type of remote specialty electrical work may not require an exemption. The Board would like a more clearly defined description of the specific transmission and distribution line work for which the public utilities need unlicensed workers so that the Board can better determine the electrical work that should be included in the exemption.

Vice Chair Wong asked if HECO currently subcontracts with licensed electricians to perform the type of work included in the exemption.

Mr. Takahashi explained that when HECO needs to perform pole and line work, they use contractors in the State who are licensed to perform that work. Linemen, as a profession, travel to where the work is, often responding to emergencies and weather conditions. They're ready and waiting any time HECO has some work they need to do in the mountains. HECO works with the licensed contractors who will work with the IBEW in the other states to bring in the linemen to perform the work. Mr. Takahashi reiterated that those

linemen are not journey worker electricians and have a separate scope of work.

Vice Chair Wong asked if HECO is supplementing the workforce by bringing in the specialty linemen, if what they do isn't what the licensed journey worker electricians in the State normally do.

Mr. Takahashi expressed previous concerns that HECO has been moving towards self-performing projects including owning and operating renewal energy plants and the exemption would allow them to bring in unlicensed workers to perform electrical work.

Chair Lucero stated that the Contractors License Board has discussed that the public utilities develop a list of qualified licensed contractors in the State that employ licensed journey worker electricians who are also qualified to perform the high voltage electrical work, such as distribution line, transmission line, and substation work. To do this, the public utility should reach out to the contractors to inform them of the type of electrical work the public utility will be soliciting and the qualifications that the public utility requires of the contractor's electrician employees to perform this work. In addition, the public utilities will need to keep its list current, and the list should be updated annually with the electricians' qualifications. The Board supports this proposal as the public utilities may find that licensed electricians in the State can perform the work they require, that they may not need to bring in unlicensed workers to perform all the work encompassed by the bill, and there may be no need for this exemption.

Chair Lucero asked if there are training programs in Hawaii to certify licensed electricians to meet these requirements that the public utilities may have for the high voltage electrical work they need performed. He stated that licensed electricians can perform high voltage work but, for example, need additional certifications to be qualified to perform lineman work.

Ms. Green noted that if there are no qualified licensed electricians available through the proposed database, then when the public utilities need the work performed, they can

bring in unlicensed workers to perform the electrical work as permitted by the exemption.

Chair Lucero stated that high voltage contractors in the State hold a C-62 Pole and line and/or C-63 High voltage electrical contractor license, which is different from the C-13 Electrical contractor license. He reiterated that there are currently licensed contractors in the State that employ licensed electricians who are performing the work specified in the bill's exemption and that the exemption is too broad.

Mr. Takara asked how the exemption would affect us in an emergency situation, to which Ms. Green explained that during emergencies, the Governor may issue an Emergency Proclamation ("EP") that would cover this scope of work.

Mr. Takahashi explained that there is another option if the Governor does not issue the EP. The Board can approve to override the licensing requirement if additional emergency workers are needed.

Ms. Ito noted that HECO testified that they are part of a compact, which allows linemen to come in to perform linework through the compact. They are also working with the union to hire linemen as their own employees, rather than through the licensed contractors, as this would allow the linemen to be exempt from licensure as employees of the public utility.

Ms. Ito stated that the Contractors License Board also had concerns regarding the term "hiring call" on page 4, line 12 of the bill. At the March 24, 2022, meeting of the Contractors License Board, HECO stated that the term "hiring call" refers to soliciting requests for proposals ("RFPs"). The Board requests to add this language into the bill.

Mr. Takahashi emphasized that it is important to train licensed electricians in the State, which coincides with the reporting requirement because it will show that public utilities are making efforts to train licensed electricians to become certified linemen. In the past, there was not enough work from HECO, so apprentices needed to move elsewhere to finish the required number of hours needed to become certified.

Ms. Ito asked whether a lineman is required to have an electricians' license.

Chair Lucero explained that a lineman should minimally have a journey worker industrial electrician ("EJI") license, which would allow them to perform work on a state or city street that has pole or line work. However, some work beyond that, such as high-line, long-line, or aerial work in the mountains, may not require a license.

Ms. Ito asked if the definition of an EJI determines that the cut off falls under state or city street line work.

DAG Leong added that the definition of EJI includes substations and work places.

The Board discussed language allowing for unlicensed workers to perform electrical work in remote areas that are not generally accessible by the public. This would include remote mountain areas accessible by helicopter or hiking. The Board also discussed requiring a license based on the height of the electrical line from the ground and/or accessibility by the public in a remote place. Chair Lucero stated that the higher the electrical line is from the ground, the higher the voltage. He referenced a tower near a residential area in Pearl City that is high but not remote. He requested additional time to research more information.

Mr. Tanabe asked if there are discussions with HECO to rebuild the apprentice program in the future to get licensed electricians certified to meet their needs.

Mr. Takahashi explained that at one time, there were 5 or 6 apprentices in the program, but there was not enough work to complete the number of hours required for training, so the apprentices had to move to the mainland for experience. HECO previously testified that it takes 3 years for an apprentice to complete the program. However, an electrician who is already licensed would be able to complete the program sooner to become certified.

Chair Lucero reiterated that licensed electricians employed by contractors are currently performing high voltage electrical work in the State. With the additional training and certification, electricians will be qualified to perform the high

voltage work that the public utilities require when the work is available. When it's not, the electricians are licensed to perform other electrical work in the State and won't need to move around the country to find employment.

Ms. Ito informed the Board that HECO testified that they recently hired 25 apprentices with local addresses in an effort to grow their own workforce. These apprentices will take approximately 3 to 4 years to complete the program.

Ms. Green noted that these apprentices will be employed by HECO so they will be exempt from holding an electrician license. Their intent is not leading to obtaining an EJ or EJI license.

Ms. Ito added that if the public utilities accept the Board's suggestion to reach out to the contractors to get a better view of what kind of work licensed electricians in Hawaii can perform, this would provide an opportunity for contractors to express interest and their electrician employees can join the apprentice program to become certified to perform lineman work.

Chair Lucero is hopeful that after the proposed 5-year extension in this bill, this exemption will not be necessary with a trained workforce and all parties involved will be satisfied.

It was moved by Vice Chair Wong, seconded by Mr. Kamakea, and unanimously carried, to oppose S.B. 2644, S.D. 2, H.D. 2 for the reasons as stated above.

c) H.B. 1597, H.D. 1, Relating to Electrical Contractors

Specifies that the limited exemption under Act 65, SLH 2013, to the electrician licensing requirements for individuals working with high voltage (600 volts or higher) is further limited to only electric transmission and distribution line construction and maintenance and substation work. Extends until 2028 the sunset date of Act 65, SLH 2013, and associated reporting requirements of the exemption under Act 60, SLH 2018. Effective 1/1/2050

Ms. Green reported that H.B. 1597, H.D. 1 was deferred.

Announcements: a) Next Board Meeting

Tuesday, May 31, 2022
10:30 a.m.
King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss, the meeting adjourned at 12:27 p.m.

Reviewed and approved by:

Taken by:

/s/ Lei Ana Green

/s/ Kellie Teraoka

Lei Ana Green
Executive Officer

Kellie Teraoka
Secretary

LG:kt
4/25/22

[X] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____