

**BOARD OF PROFESSIONAL ENGINEERS, ARCHITECTS,  
SURVEYORS AND LANDSCAPE ARCHITECTS**

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

MINUTES OF MEETING

The agenda for this meeting was posted to the State electronic calendar as required by Hawaii Revised Statutes ("HRS") section 92-7(b).

Date: Thursday, August 10, 2023

Time: 10:00 a.m.

Place: King Kalakaua Conference Room, First Floor  
HRH King Kalakaua Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

Present: Clayton Pang, Electrical Engineer, Chair  
Joel Kurokawa, Landscape Architect Member, Vice-Chair  
Brian Fujiwara, Architect Member  
Dan Hirota, Land Surveyor Member  
Jay Ishibashi, Public Member  
Kevin Katayama, Mechanical Engineer  
Howard Lau, Structural Engineer  
Tony Lau, Civil Engineer  
Benedict Lee, Landscape Architect Member  
Janet Primiano, Public Member  
Marc Ventura, Architect Member  
Roberto Yumol, Architect Member

Members Excused: Ken Ota, Public Member

Staff: Sheena Choy, Executive Officer ("EO Choy")  
Chelsea Fukunaga, Executive Officer ("EO Fukunaga")  
Lee Ann Teshima, Executive Officer ("EO Teshima")  
Christopher Leong, Deputy Attorney General ("DAG")  
Kawehi Mau, Secretary

Guests: None

Call to Order: The Chair took roll call of the Board members and excused Mr. Ota.

There being a quorum, the Chair called the meeting to order at 10:02 a.m.

Chair's Report: **Announcements**

The Chair announced that effective August 9, 2023 the Governor's Office issued a Third Proclamation Relating to Wildfires on Maui and Hawaii Island. This Third Proclamation suspends Hawaii Revised Statutes (HRS) §464-4

“Public Works” until August 31, 2023.

### **Approval of the Minutes of the June 22, 2023 meeting**

The Chair asked if there were any corrections to or discussion of the open session or executive session minutes for the June 22, 2023 meeting.

There being none, upon a motion by the Vice Chair, seconded by Mr. Hirota, it was voted on and unanimously carried to approve the open and executive session minutes of the June 22, 2023 meeting.

### **Recognition of Outgoing Board Member**

The Chair announced that there was a miscalculation regarding the Board term for architect Board member, Marc Ventura. His term expired on June 30, 2023, not 2024, and therefore he has termed out.

The Chair expressed appreciation on behalf of the Board for his service.

EO Choy stated that Mr. Ventura will be mailed a Certificate of Appreciation.

The Chair announced the next agenda item as Welcome of New Board Member.

### **Welcome of New Board Member**

The Chair welcomed Howard Lau as the Board’s newest member. He is a structural engineer, and his term officially began on July 1, 2023.

The Chair announced the next agenda item as Permitted Interaction Group (“PIG”) reports.

EO Choy stated that the Board has been provided with a three-part “Quick Review” from the Office of Information Practices (“OIP”) on Board interactions regarding PIGs.

### Permitted Interaction Groups:

#### **Landscape Architects: Hawaii Plant Materials (“HPM”) Exam PIG**

The Vice Chair reported that the HPM Exam PIG, consisting of himself and Mr. Lee, met with the Professional and Vocational Licensing Division’s (PVL) PSI contact Gina Hoffman, PVL Exam Branch Chief David Grupen, and EO Choy for updates about PSI’s exam proctoring process and recommendations regarding the HPM Exam.

The PIG and three subject matter experts (“SMEs”) have scheduled a review of old exam materials with the PVL Exam Branch. The SMEs are Jason Umemoto, Kyle Sasaki, and Janine Mori who are all practicing landscape architects with licenses that are current, active, and in good standing with no

complaints. The PIG and its SME consultants are scheduled to participate in exam item writing with the new exam proctor, PSI Inc., on August 21 and August 22, 2023.

After the review and exam writing process with PSI, the PIG will be able to present recommendations to the Board regarding rules revisions and update to exam reference materials, as applicable.

### **Surveyors: Hawaii Description Writing (“HDW”) Exam PIG**

Mr. Hirota reported that the HDW Exam PIG, consisting of himself, also met with the Professional and Vocational Licensing Division’s (PVL) PSI contact Gina Hoffman, PVL Exam Branch Chief David Grupen, and EO Choy for updates about PSI’s exam proctoring process and recommendations regarding the HDW Exam.

The PIG’s SMEs are Myer Cummins, Reid Siarot, Andy Harada, and Kendall Hee who are all licensed professional surveyors with licenses that are current, valid, and in good standing with no complaints. The PIG and its SME consultants reviewed old exam materials with the PVL Exam Branch. The PIG and its consultants are also scheduled to participate in exam item writing with the new exam proctor, PSI Inc., on August 21 and August 22, 2023.

After the review and exam writing process with PSI, the PIG will be able to present recommendations to the Board regarding rules revisions and update to exam reference materials, as applicable.

### **Engineering Experience PIG**

Mr. Tony Lau reported that the PIG, consisting of the Chair, Mr. Katayama, Mr. Hirota, and himself, along with Mr. Howard Lau as a consultant, met on August 8, 2023. The PIG appointed Mr. Tony Lau as the PIG chair. He stated that he will be proposing a plan of action and rough timeline for the rest of 2023 and that the PIG plans to begin meeting with relevant stakeholders before the end of this year.

Mr. Tony Lau requested that the Board consider adding Mr. Howard Lau to the PIG so that the PIG has a structural engineer.

Upon a motion by Mr. Tony Lau, seconded by Mr. Katayama, it was voted on and unanimously agreed to add Mr. Howard Lau to the Engineering Experience PIG.

The Chair announced the next agenda item as the Executive Officer’s Report.

EO Choy stated that Board staff is providing the Board with some friendly reminders regarding the Office of Information Practices (OIP) and Sunshine Law Requirements.

1) New Sunshine Law requirement

EO Choy reported that ACT 019 (SB 1513) went into effect on July 1, 2023. It requires Sunshine Law boards to report discussion and any final action taken in executive session when reconvening to public/open session. Moving forward, the Board will briefly summarize what happened after returning from executive session, without disclosing confidential information.

EO Choy stated that the Board has also been provided with an unofficial copy of Sunshine Law, Hawaii Revised Statutes (“HRS”) §92 from the OIP website as a reminder. EO Choy noted that this copy has not yet been updated with the aforementioned Act 019 amendments.

2) Civil Beat Article – “Sunshine Law Complaint Leads To Revote On Changes To Maui Shoreline Rules” (7/25/23)

EO Choy stated that the Board was provided with the July 25, 2023 Civil Beat Article as a reminder of the importance of abiding by Sunshine Law.

EO Choy summarized that the article reports that the County of Maui Planning Commission, which must adhere to Sunshine Law, failed to include some written testimony on a rules revision prior to the Commission’s vote. The complaint was investigated by OIP, and the Commission decided to hold a re-vote.

EO Choy stated that in OIP’s May 1, 2023 “Notice of Appeal” to the Commission, OIP states, “Please remember that OIP is required to interpret the Sunshine Law to favor openness and to disfavor closed meeting provisions...For this reason, when a member of the public complains to OIP that a board’s action was not in compliance with the Sunshine Law, the board has the burden to justify to OIP any departure from the law’s general requirement of openness.”

**Status of Proposed Amendments to HAR Title 16 Chapter 115**

EO Teshima reported that the revised rules are still with the Governor’s Office for approval. Upon initial review, the Governor’s Office found

something on one page that wasn't deleted, so the Administrative Services Office provided a clean page that was transmitted to the Governor's Office.

EO Teshima stated that she was informed that the Governor is currently out-of-town and may not sign anything until the end of the month.

After the Governor signs the final rules, it will be filed with the Lieutenant Governor's Office and will take effect 10 days after filing with the Lieutenant Governor's Office.

*Mr. Lee arrived at 10:16 a.m.*

### **NCARB Updates**

#### 1) NCARB July 11, 2023 Update: ARE Exam Violations

EO Choy reported that NCARB notified the Board about Architect Registration Examination ("ARE") exam violations by six candidates. NCARB has been investigating the incidents since late 2022, and after due process, each candidate received differing sanctions, including a public reprimand and exam score invalidation, among other disciplinary actions. More information can be found on NCARB's website.

EO Choy stated that none of the six candidates are Hawaii applicants.

#### 2) NCARB July 17, 2023 Update: ARE 5.0 Guidelines

EO Choy reported that NCARB has updated the ARE 5.0 Guidelines to include the latest information and policies, including: rescheduling fees, exam accommodation applications, and American Institute of Architects (AIA) resources. More information can be found on NCARB's website.

#### 3) Clarifying language regarding Hawaii licensure requirements regarding the NCARB Certificate

EO Choy stated that Board staff recently requested that NCARB's online licensure resources be updated to indicate that an NCARB Certificate granted through the foreign architect path to certification is not accepted for reciprocal registration.

EO Choy stated that the Board's laws and rules regarding foreign degrees and the NCARB Certificate have not changed. However, Board staff requested the update to NCARB's online licensure

resources so there is no misconception that the NCARB Certificate alone, through the foreign architect path or otherwise, is acceptable for licensure. Applicants are directed to contact the Hawaii EASLA Board for more information.

EO Choy stated that architects who have obtained initial licensure can apply for an “NCARB Certificate.” Certificate holders have had their education, experience, exam, and licensure documents evaluated by NCARB. Certificate holders essentially have NCARB’s “endorsement” for licensure to licensing jurisdictions.

The Board’s laws/rules do accept the NCARB Certificate (HAR §16-115-47(b)(1)), however, this is in addition to requiring that architecture applicants meet the Board’s education and lawful experience requirements in HRS §464-8(b)(2) to (5).

HAR §16-115-47(d)(1) clarifies that, “if the applicant is educated in a foreign institution, school, or college, the applicant shall submit an official report by a professional service approved by the board which has evaluated the person’s foreign educational credentials.”

On February 8, 2011, the Board voted and unanimously agreed to require foreign architecture degrees to be evaluated by the National Architectural Accrediting Board’s (“NAAB”) Education Evaluation Services for Architects (“EESA”), effective May 1, 2012.

NCARB offers a few “paths” to certification, one being the “Foreign Architect Path.” EO Choy reported that NCARB clarified that the “Foreign Architect Path” does not require an EESA evaluation. Rather, those applying via the “Foreign Architect Path” have their credentials evaluated by an internal NCARB department, which reviews transcripts from a foreign architecture program to see if it led to a registration/license/credential.

### **NCEES Annual Meeting**

EO Choy stated that Mr. Katayama, Mr. Tony Lau, Mr. Pang, and herself will be attending the NCEES Annual Meeting from August 15 to August 18, 2023.

EO Choy stated that since the Board has chosen the three aforementioned members to attend the conference, the Board is delegating these members to make decisions on behalf of the Board. They will give a report to the Board at the next Board meeting.

The Chair announced the next agenda item as Applications: Ratification Lists

Applications:

**Ratification Lists**

Upon a motion by Mr. Yumol, seconded by the Mr. Howard Lau, it was voted on and unanimously carried to approve the attached ratification list.

**Recommendations from Application Review Committees**

Upon a motion by Mr. Fujiwara, seconded by the Vice Chair, it was voted on and unanimously carried to approve the recommendations from the following Application Review Committees:

- 1) Professional Engineer Committee
- 2) Professional Architect Committee
- 3) Professional Surveyor Committee
- 4) Professional Landscape Architect Committee

The Chair asked for a motion to enter into executive session in accordance with HRS §92-4 and §92-5(a)(1) and (4) "To consider and evaluate personal information relating to individuals applying for licensure;" and "To consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities;".

Executive Session:

At 10:23 a.m. upon a motion by Mr. Tony Lau, seconded by Mr. Fujiwara, it was voted on and unanimously carried to enter into executive session.

At 11:19 a.m., upon a motion by Mr. Tony Lau, seconded by Mr. Hirota, it was voted on and unanimously carried to move out of executive session.

**Engineer Applications**

Joseph Berkey

Upon a motion by Mr. Tony Lau, seconded by Ms. Primiano, it was voted on and unanimously carried to approve Mr. Berkey's application.

Brett Biesemeyer

Upon a motion by Mr. Yumol, seconded by Mr. Ishibashi it was voted on with the Chair, Vice Chair, Mr. Hirota, Mr. Ishibashi, Mr. Katayama, Mr. Howard Lau, Mr. Tony Lau, Mr. Lee, Ms. Primiano, and Mr. Yumol voting yes to defer Mr. Biesemeyer's application for more information, and Mr. Fujiwara voting no. The motion carried.

Adam Fisher

Upon a motion by Mr. Howard Lau, seconded by Mr. Hirota, it was voted on and unanimously carried to approve Mr. Fisher's application.

Reed Jackson

Upon a motion by Mr. Katayama, seconded by Mr. Howard Lau, it was voted

on and unanimously carried to approve the application for Mr. Jackson.

The Chair announced the next agenda item.

### **Formation of Rules Committee**

EO Choy stated that although the Board is still waiting for final approval on the current rules revision, she recommends that the Board form a Rules Committee to begin preparation for a next round of rules revisions.

EO Choy recommended that at least one engineer member, one architect member, one surveyor member, one landscape architect member, and one public member be on the Rules Committee.

Upon a motion by the Vice Chair, seconded by Ms. Primiano, it was voted on and unanimously approved to form a Rules Committee and appoint Mr. Kurokawa, Mr. Yumol, Mr. Tony Lau, Mr. Howard Lau, and Mr. Katayama as Committee members.

The Board announced the next agenda item.

### **Election of Officers in accordance with HRS §436B-6(a)**

The Chair announced that in accordance with HRS §436B-6(a), the Board is annually required to hold an election for the roles of Chair and Vice-Chair.

EO Choy stated that the Board may consider several options for each position – the current Chair/Vice Chair may volunteer again for another year; Board members may nominate someone to the Chair/Vice Chair position; Board members may nominate themselves to the Chair/Vice Chair position.

Upon a motion by Mr. Yumol, seconded by Mr. Fujiwara, it was voted on and unanimously approved to appoint Ms. Primiano as the new Chair.

Upon a motion by Mr. Yumol, seconded by Mr. Fujiwara, it was voted on and unanimously approved to appoint Mr. Katayama as the new Vice Chair.

EO Choy thanked Mr. Pang and Mr. Kurokawa for their service as Chair and Vice-Chair respectively over the past year.

Next Meeting:            Date:            **Thursday, October 12, 2023**  
                                  Time:            10:00 a.m.  
                                  Location:       King Kalakaua Conference Room  
   King Kalakaua Building, 1<sup>st</sup> Floor  
   335 Merchant Street  
   Honolulu, Hawaii 96813

Adjournment:            There being no further business, the Chair adjourned the meeting at 11:34 a.m.



Board of Professional Engineers, Architects,  
Surveyors and Landscape Architects  
Minutes of the August 10, 2023 Meeting  
Page 9

Taken and Reviewed by:

/s/ Sheena Choy

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Sheena Choy  
Executive Officer

9/20/23

[ ] Minutes approved as is.

[ X ] Minutes approved with changes; see minutes 10/12/23.

