

**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, April 11, 2024

Time: 10:00 a.m.

Place: King Kalakaua Conference Room
HRH King Kalakaua Bldg., 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Present: Janet Primiano, Public Member, Chair
Kevin Katayama, Mechanical Engineer Member, Vice Chair
Brian Fujiwara, Architect Member
Dan Hirota, Land Surveyor Member
Jay Ishibashi, Public Member
Howard Lau, Structural Engineer Member
Tony Lau, Civil Engineer Member
Jonathan Lucas, Architect Member
Clayton Pang, Electrical Engineer Member
Roberto Yumol, Architect Member

Members Excused: Joel Kurokawa, Landscape Architect Member
Ken Ota, Public Member

Staff: Sheena Choy, Executive Officer ("EO Choy")
James Paige, Esq., Deputy Attorney General ("DAG")
Cortnie Tanaka, Secretary

In-Person Guests: None.

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

There being a quorum, the Chair called the meeting to order at 10:01 a.m.

Chair's Announcements: **Appreciation for Outgoing Board Member, Ken Ota**

The Chair stated that this is Mr. Ota's last board meeting since he has served two consecutive terms and reached the eight-year maximum, pursuant to HRS §26-24. Unfortunately, Mr. Ota is excused from this meeting because he is sick.

On behalf of the Board, the Chair expressed gratitude for Mr. Ota's service as a public member from Maui county, and indicated that Board staff would be mailing Mr. Ota a Certificate of Appreciation.

Approval of
Minutes:

Approval of the Open and Executive Session Minutes of the February 13, 2024 meeting

The Chair asked if there were any corrections to or discussion of the open session or executive session minutes for the February 13, 2024 meeting.

There was none.

Upon a motion by Mr. Howard Lau, seconded by Mr. Pang, it was voted on and unanimously carried to approve the open session minutes of the February 13, 2024 meeting.

Upon a motion by Mr. Fujiwara, seconded by Mr. Hirota, it was voted on and unanimously carried to approve the executive session minutes of the February 13, 2024 meeting.

New Business:

National Council of Architectural Registration Boards ("NCARB") 2024 Regional Summit Report from Board Attendees

The Chair stated that she and Mr. Fujiwara represented the Board at NCARB's 2024 Regional Summit in Savannah, Georgia from March 1 to 2, 2024. She invited Mr. Fujiwara to share a brief report.

Mr. Fujiwara reported that attendees went over several draft resolutions that will be voted upon at the Annual Meeting in June. The resolution that had the most discussion was regarding regional realignment. Currently, there are six (6) NCARB regions; Hawaii is part of Region 6, which has 13 jurisdictions, compared to Region 1, which has six (6) jurisdictions. The resolution proposes an even distribution of 11 jurisdictions across the 5 regions. The resolution appeared to have broad support.

The Chair reported that the resolution proposes merging Regions 1 and 2 and Regions 4 and 5; two jurisdictions from Region 6 will be moved. This will create greater parity between all the regions.

The Chair also reported that there was a presentation and significant discussion on the role of artificial intelligence ("AI") in the profession. As a public member, she found the discussion very interesting.

Applications:

Ratification Lists

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

and unanimously carried to approve the attached ratification list.

Recommendations from Application Review Committees

Upon a motion by Mr. Tony Lau, seconded by Mr. Pang, 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 10:16 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 10:37 a.m., upon a motion by Mr. Howard Lau, seconded by Mr. Hirota, it was voted on and unanimously carried to move out of executive session.

The Chair summarized that in Executive Session, the Board considered and evaluated personal information relating to individuals applying for licensure and consulted with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities. The Board will now vote in Open Session.

Engineer Applications

Benjamin Garcia

Upon a motion by Mr. Howard Lau, seconded by Mr. Fujiwara, it was voted on and unanimously carried to approve the application for Mr. Garcia.

Steven Pannone

Upon a motion by Mr. Tony Lau, seconded by Mr. Lucas, it was voted on and unanimously carried to defer the application for Mr. Pannone for more information.

James Warton

Upon a motion by Mr. Tony Lau, seconded by Mr. Lucas, it was voted on and unanimously carried to defer the application for Mr. Warton for more information.

Executive Officer's
Report:

Legislation

EO Choy stated that the Board has been given a copy of the Legislative Reference Bureau's "A Bill's Journey" resource:
<https://lr.b.hawaii.gov/par/overview-of-the-legislative-process/a-bills-journey/>.

The 2024 legislative session is more than halfway through. Bills that are still alive have "crossed over" and have been heard by referred committees in the opposite chamber. Any amendments must be agreed upon by the two chambers, or else the House and Senate can try to reconcile their differences in conference committees.

EO Choy thanked the Board's legislative liaisons for their support thus far, as well as Mr. Tony Lau for testifying on the Board's behalf for H.B. 1758.

SB 2697, SD 1, HD 1 – Relating to Professional Licensure

Description: Requires the Department of Commerce and Consumer Affairs to revoke the licenses of architects who have been, or caused a government employee to be, convicted of a criminal offense involving the acceptance of a bribe. Effective 7/1/3000. (HD1)

EO Choy reported that this bill crossed over to the House, was heard by CPN, but was not heard by its second referral to JHA and is therefore dead.

HB 1758, HD 1 – Relating to Professional Engineers

Description: Clarifies that code compliance review of plans for construction applicable to the specific engineering field is considered lawful experience in engineering work. Effective 7/1/3000. (HD1)

EO Choy reported that this bill crossed over to the Senate and was heard by CPN on March 28, 2024. An SD1 was posted which, "Clarifies that code compliance review of plans for construction applicable to the specific engineering field is considered lawful experience in engineering work for employees of municipalities. Effective 7/1/3000."

EO Choy reminded the Board that at its February 13, 2024 meeting, the Board voted and unanimously carried to oppose this measure.

EO Choy stated that the Board's testimony in the CPC (House) and CPN (Senate) hearings highlighted the Board's concerns that the bill would allow an individual with only one type of experience to qualify for licensure. It is imperative that applicants have the full depth and breadth of experience required as, once licensed, HRS §464-1 allows professional engineers to

provide the full range of engineering services including: “consultation, investigation, evaluation, planning, design, or observation of construction or operation, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects, wherein the safeguarding of life, health or property is concerned or involved.”

While the Board understands the bill’s supporters’ concerns about a shortage of engineers, the Board’s testimony suggests that other solutions to this issue be pursued which do not result in adjusting licensure standards in a manner which jeopardizes public safety.

Mr. Tony Lau expressed concern that the bill’s supporters were advocating for the bill based on recruitment and retention. For example, the Department of Planning and Permitting testified that their employees cannot advance to a supervisory position without being licensed. However, he stated that the purpose of licensure is first and foremost to ensure the health, safety, and welfare of the public. Additionally, the legislators in the CPC hearing pointed out that city and county hiring practices are administered by the city and county, not by the Board or the State.

EO Choy stated that, based on the questions during the hearings, it seems there is a misconception about how the exam approval process works. EO Choy clarified that in some states, the exam and experience requirements are “decoupled” – qualifying individuals can register directly with NCEES to sit for the PE exam. However, in Hawaii, all individuals must submit an application to the Board and meet the experience requirement to qualify to sit for the PE exam; if the individual passes the PE exam, they are eligible for Hawaii licensure. If an individual does not meet Hawaii’s requirements, the Hawaii Board has no restrictions on individuals testing in another jurisdiction where they do qualify.

Mr. Howard Lau asked what the process would be if Hawaii were to move to “decouple” the exam and experience requirements.

EO Choy stated that the Board could move to decouple through the rules revision process. This can be considered by the Board’s Rules Permitted Interaction Group (“PIG”).

EO Choy stated that if the bill moves to conferencing, she will submit conference letters expressing the Board’s continued opposition to this measure for public health, safety, and wellness concerns.

HB 2614, HD 1, SD 1 – Relating to Renewable Energy

Description: Requires government entities in the State that issue building permits to implement, by 1/1/2025, SolarAPP+ or a functionally equivalent online automated permitting platform that verifies code compliance and issues permits to licensed contractors for solar distributed energy resource

systems in real time. Requires government entities in the State that issue building permits in areas served by an investor-owned electric utility to adopt a self-certification process for solar distributed energy resource systems that are not SolarAPP+ compatible. Takes effect 1/1/2060. (SD1)

EO Choy reported that this bill crossed over to the Senate and was heard by EET/GVO and CPN/WAM. An SD2 was posted which, 1) requires government entities in the State that issue building permits to implement, by 1/1/2025, SolarAPP+ or a functionally equivalent online automated permitting platform that verifies code compliance and issues permits to licensed contractors for solar distributed energy resource systems in real time; 2) requires government entities in the State that issue building permits in areas served by an investor-owned electric utility to adopt a self-certification process for solar distributed energy resource systems that are not SolarAPP+ compatible; and 3) requires the Hawai'i State Energy Office to develop a plan for the State to achieve its energy goals with deadlines, including the Renewable Portfolio Standards, before 1/1/2025. Takes effect 1/1/2060.

EO Choy reminded the Board that at its February 13, 2024 meeting, the Board voted to appreciate the intent of the bill and offer comments. She stated that the SD2 amendments address the Board's comments:

- 1) that licensed engineers and architects should not be installing solar distributed energy resource systems; and
- 2) emphasizing the importance of a final inspection.

2024 EASLA License Renewals

EO Choy stated that all EASLA licenses will expire on April 30, 2024. Pursuant to HRS §464-9, all EASLA licenses must be renewed by April 30 of every even-numbered year, regardless of when the licensee was licensed. Licensees may renew online through their MyPVL account, or by requesting a hard-copy renewal form.

Although a reminder postcard was sent to the licensees' mailing address on file, it is ultimately each licensee's responsibility to renew their license in a timely manner.

EO Choy reported that a renewals FAQs document was posted on the Board's website, including Continuing Education ("CE") requirements for architect licensees: <https://cca.hawaii.gov/pvl/boards/engineer/>.

Additionally, since she last reported to the Board, a yellow notice has been included on the landing page of the Board's website with some summarized renewal information, including response to inquiries about retiring or placing licenses on "inactive" status. There is no option to "retire" or "inactive status" EASLA licenses. Licensees may simply let their license lapse past the renewal deadline and their license will be considered "forfeit" in our system.

