

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

MINUTES OF MEETING¹

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

Date: Thursday, June 6, 2024

Time: 10:00 a.m.

In-Person Meeting Location: King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Virtual: Zoom Webinar
<https://dcca-hawaii-gov.zoom.us/j/89002375214>
Phone: (669) 444-9171
Meeting ID: 890 0237 5214

Zoom Recording Link: <https://youtu.be/DFN6QraiYWo>

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

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

In-Person Guests: Ha Kyung Yoon
Esther Brown, RICO

Virtual Guests: James Warton
Steven Pannone
Stef Goodenow, NCEES
Zachary Druga, CLARB
Shaylon Vaughn

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

Virtual Meeting
Instructions:

A short video regarding virtual meetings was played for attendees.

The Chair provided information on internet and phone access for today's virtual meeting and announced that today's meeting was being recorded and that the recording will be posted on the Board's web page.

Call to Order:

The Chair took roll call of the Board members and excused Mr. Kurokawa.

There being a quorum, the Chair called the meeting to order at 10:08 a.m.

Approval of
Minutes:

Approval of the Open and Executive Session Minutes of the April 11, 2024 meeting

The Chair asked if there were any corrections to or discussion of the open session or executive session minutes for the April 11, 2024 meeting.

There was none.

Upon a motion by Mr. Fujiwara, seconded by Mr. Ishibashi, it was voted on and unanimously carried to approve the open session minutes of the April 11, 2024 meeting.

Upon a motion by Mr. Tony Lau, seconded by Mr. Howard Lau, it was voted on and unanimously carried to approve the executive session minutes of the April 11, 2024 meeting.

New Business:

**Presentation from the Regulated Industries Complaints Office ("RICO")
Regarding the Disciplinary Process for Administrative Boards**

The Chair welcomed Esther Brown, Complaints and Enforcement Officer from the Regulated Industries Complaints Office ("RICO"), in-person.

Ms. Brown explained that a "regulated industry" is an industry that is regulated by the state because policy makers have determined that the services provided to consumers in the industry impacts consumers' health, safety, and/or welfare. The Department of Commerce and Consumer Affairs' ("DCCA") Professional and Vocational Licensing Division ("PVL") has 52 Boards, Commissions, and Programs that oversee practitioners in regulated industries through the licensure processed. RICO partners with PVL to regulate misbehaving licensees.

RICO is an umbrella enforcement agency and covers all 52 licensing boards/programs. RICO operates as an independent agency, separate from the PVL division and the boards. This protects the board in its decision making because the board is not involved in the investigation and prosecution of the case. Therefore, when the board is presented with the final results of an investigation, they can make a neutral, unbiased decision.

RICO's work product is also confidential and not disclosed to the press, licensees, or the public. RICO communicates with the boards through formal public action, such as a filed settlement agreement or filed petition for disciplinary action – both are available to the public/press. The board's communication with RICO is also through formal public decision. This method of communication makes decisions defensible.

There are three "steps" in the regulatory process:

1. Established standards for licensure; issue, deny, and renew licenses
2. Misconduct allegations that may lead to informal actions or formal investigations and prosecutions
3. License encumbered for proven or admitted/accepted misconduct (condition, fine, suspend, revoke)

Steps 2 and 3 are not automatic. They are activated when allegations of misconduct arise. During their careers, most licensees will interact with the Board at Step 1 only. Step 2 is when RICO is involved in investigations and prosecutions. If a RICO case is prosecuted, the licensing board is the decision-maker (judge).

From RICO's perspective, "enforcement" is the process of helping to get disciplinary action imposed for proven or admitted acts of misconduct by a licensee in a regulated industry. It may also involve education and/or rehabilitation of licensees.

Mr. Fujiwara asked how long the process typically takes – for example, from initial complaint to settlement agreement.

Ms. Brown replied that it depends. For simple cases where there is clear evidence, like misrepresentation on a licensing application, RICO can clear the complaint in about six (6) months. Ms. Brown stated that timelines are also in the context of the overall case load; RICO receives about 2,500 cases a year. RICO tries to prioritize in cases of severe harm or threat to public protection.

Mr. Hirota asked if RICO also addresses unlicensed activity, and if such investigations ever come back to the board.

Ms. Brown confirmed that RICO also addresses unlicensed activity. These investigations do not go to the board and instead go straight to circuit court for decision by a judge.

Mr. Howard Lau asked if the board members have any exposure to liability.

DAG Yee responded that for any decisions the board makes, including on RICO recommendations, the board members do not have liability since they are making such decisions in their scope of work as a board member.

EO Choy asked Ms. Brown to share common misconceptions from the public about RICO/the disciplinary process.

Ms. Brown replied that one misconception is that licensees think it is RICO who takes away licenses. However, only the board has the authority to revoke or encumber a license. There may also be a misconception that RICO is “purposefully” dragging its feet in prosecuting cases. However, the public usually doesn’t understand the level of work that must go into RICO investigations and prosecution. An additional misconception arises when RICO does not prosecute a case and the complainant, or the public, thinks RICO has not done its work. However, the RICO staff is very cognizant that the public has legitimate grievances and works to address concerns accordingly. If a case is closed, the board will not see the case and the public has no recourse. However, Ms. Brown noted that they regularly re-open cases and discuss to see if there is anything that merits further investigation.

Mr. Howard Lau stated that there is a high-profile case open right now that involves bribery by a licensed architect. He asked why the case has not yet come before the Board.

Ms. Brown stated that she cannot address pending cases. However, generally in cases where a licensee has been convicted of a crime, that is typically grounds for action against their license. From an evidentiary perspective, the criminal proceeding is very technical. RICO will defer to criminal prosecutors so as not to negatively affect the case. However, they are in constant communication with prosecutors and are monitoring the proceedings. A licensee can plead guilty; however, the licensee can withdraw the plea at any time. Therefore, RICO typically waits until the criminal proceedings are concluded to move so they can be sure that a final criminal judgment has been entered, usually with a formal sentence.

Mr. Howard Lau asked if criminal convictions provide clear grounds for board action against a license.

Ms. Brown replied that historically there is a very good rate of upholding disciplinary action based on criminal conviction. The board is the only one who has the authority to impose the discipline.

Mr. Pang asked if a case has not come to the board, does that mean the licensee under investigation still maintains their license.

Ms. Brown confirmed that no action is taken against the licensee until the matter comes before the board for final decision making. Most of the time in criminal cases, the individual is no longer practicing because they know they are being watched or they are already incarcerated.

Mr. Ishibashi asked what happens if the criminal judgment is appealed.

Ms. Brown stated that RICO would still proceed on the basis of the final criminal judgment, even if the case is in appeal.

The Chair asked in the case of high-profile cases where the timeline of investigation is lengthy, would legislative interjection make a difference.

Ms. Brown reiterated that RICO is an independent agency so legislative or other outside pressure does not affect the investigative proceedings. There are many legal factors that the public does not see that affect the speed of the process. For example, sometimes the licensee is advised by legal counsel not to cooperate with RICO, or the Attorney General's office will file a motion to halt RICO's investigations in the case of investigative overlap.

EO Choy asked what information, if any, is available to the public regarding ongoing investigations. At what stage does information about the case become public record.

Ms. Brown stated that the RICO website provides many resources for the public. One of the resources allows you to search a complaints history database to see if a licensee has previous or pending complaints against their license. When RICO investigators determine there is legitimate issue, the pending complaint is entered into the system. RICO has to balance legitimate complaints that affect public welfare with vexatious individuals who may simply have a personal grievance with a company or licensee.

The Chair thanked Ms. Brown for her presentation and time.

EO Choy stated that the Board packets contained the slides for the RICO presentation, a flowchart of the disciplinary process for administrative boards, and various Hawaii laws and rules that relate to the process.

To file a complaint with RICO, visit: <https://cca.hawaii.gov/rico/file/>. To check on a business or worker, visit: <https://cca.hawaii.gov/rico/check/>. For all other information on RICO, visit: <https://cca.hawaii.gov/rico/>.

The Vice Chair left the meeting at 11:10 a.m.

Consideration of “decoupling” the experience requirement to sit for the Principles and Practice of Engineering (“PE”) exam, Principles and Practice of Surveying (“PS”) exam, and Landscape Architect Registration Exam (“LARE”)

The Chair asked EO Choy to share some background on this matter and noted that representatives from the National Council of Examiners for Engineering and Surveying (“NCEES”) and the Council of Landscape Architectural Registration Boards (“CLARB”) have joined the call to serve as a resource during the discussion for any NCEES or CLARB-specific matters.

EO Choy stated that under current Hawaii Administrative Rules (“HAR”) §16-115, applicants who wish to sit for the PE, PS, or LARE exams must submit an application to the Board and provide verification of the respective experience requirements in order to test. If an applicant is approved for any of these exams and “passes,” their same application for exam qualifies them for licensure through the Board’s “via exam” pathway.

EO Choy stated that the nationwide trend for all four EASLA professions is towards “direct registration” or “decoupling” the exam and experience requirement. Decoupling would allow individuals with an appropriately accredited degree to register directly with the testing administrators (NCEES and CLARB) to sit for the exams without submitting an application with the Board for exam approval. Individuals would still have to meet the lawful experience requirements for licensure.

EO Choy stated that the ARE exam for architects is already decoupled pursuant to HAR §16-115-54(b)(3); individuals with a NAAB-accredited degree can register for the ARE exam directly with the National Council of Architectural Registration Boards (“NCARB”). She suggests that the Board consider aligning with the growing trend towards decoupling for the PE, PS, and LARE exams as well.

A summary of the history of decoupling for the PE exam has been provided in the Board’s packet. Arizona was the first state to decouple in 2005, allowing graduates to take the PE at any time once they passed the FE exam. There were several early proposals to amend the NCEES Model Law towards decoupling, but they met significant opposition. After several studies were commissioned and data from the Arizona Board post-decoupling became available, the attitude towards decoupling shifted and the NCEES Model Law was amended to decouple with broad support at the 2013 Annual Meeting.

CLARB has also provided data that shows the vast majority of CLARB jurisdictions allow for direct registration in the last few years. Hawaii is one of only seven remaining jurisdictions that require pre-approval to sit for the LARE exam.

Current statistics for state boards (US jurisdictions) received from NCEES and CLARB are:

- PE Exam:
 - Decoupled: 31
 - Considering decoupling: 5
 - Not decoupled: 19
- PS Exam:
 - Decoupled: 20
 - Considering decoupling: 34

- Not decoupled: 1
- LARE Exam:
 - Decoupled: 48
 - Not decoupled: 7

Mr. Tony Lau stated that he leans in favor of decoupling. However, if the Board does move to decouple it will be important for the Board to do public outreach to ensure that there is awareness of this change, and that there are still three components – education, exam, and experience – that will be evaluated for licensure.

Mr. Hirota stated that his concern is after someone passes the engineering exam, are they gaining the right experience to go into a particular discipline, since Hawaii is a discipline-specific jurisdiction.

EO Choy agreed that it is important for the Board to conduct more outreach. She noted that in the Board's meeting packet, NCEES shared a white paper for boards to use if they move towards decoupling. Engineering applicants often don't realize Hawaii is a discipline-specific state for PE licensure. This sometimes causes issue for applicants who apply from a jurisdiction where there is no clear differentiation between civil and structural engineering; Hawaii considers civil and structural as separate and distinct disciplines and applicants must verify lawful experience in the discipline for which they are applying. The Board will try its best to do proper outreach and provide information to applicants, but it is ultimately incumbent on the licensee to do their due diligence to check that they meet the licensure requirements in the jurisdiction with which they are applying.

Mr. Tony Lau agreed that there is sometimes misunderstanding around licensure requirements. Applicants often don't take the time to read the Board's laws and rules and just go off of word-of-mouth information.

EO Choy stated that if the Board decouples, administratively, Board staff can add a cover sheet to the application and update the Board's website to better educate applicants. Generally, the data shows that decoupling seems to be the best way to allow applicants to test when they feel ready. She reminded the Board that they are charged with protecting the health, safety, and welfare of the public. Since decoupling or direct registration does not affect licensure standards, there does not appear to be harm to health, safety, and welfare. However, this is for the Board to discuss.

The Chair asked for clarification if applicants are aware that different states have different licensure and exam approval processes.

EO Choy stated that the national testing organizations all have notices on their websites advising applicants that different jurisdictions have different licensure requirements and to check with state boards directly for guidance.

Mr. Hirota asked if the Board will need a Rules change for decoupling and if the FS/FE exams could be taken concurrently with approval for PS/PE exam.

EO Choy confirmed that the Board would need to go through the Rules revision process to allow for decoupling. The Board could determine the approval process for PS/PE exam, but it seems that most decoupled states require the individual to 1) hold an accredited degree, and 2) have passed the FS/FE exam before an applicant can direct register for the PS/PE exam.

Mr. Tony Lau asked what the current Hawaii law says about the order of taking the FS/FE and PS/PE exams.

EO Choy stated that there is currently no required order – an applicant could technically take the PS/PE before the FS/FE exam, but passage of both are required for licensure.

Mr. Tony Lau stated that he would prefer that direct registration be allowed only for those who have an accredited degree and have already passed the FS/FE exam.

Mr. Yumol asked if NCEES has ever discussed decoupling at a national level.

EO Choy stated that NCEES formally adopted decoupling into its “Model Law” in 2013. It was discussed extensively for over 10 years leading up to the adoption. Multiple taskforces researched the issue, a white paper was released, and data was presented at an annual NCEES meeting where it was voted to formally adopt the practice.

Mr. Yumol stated that Hawaii tends to follow many of the practices outlined in NCARB’s model law.

Mr. Tony Lau asked the architect members if there has been any notable pros or cons since Hawaii architect applicants were allowed to test while gaining the requisite experience for licensure.

Mr. Yumol stated that it takes about 13 years after graduating for an architect to be eligible for licensure. Allowing architect individuals the option for direct registration shortened the timeline for licensure.

Mr. Howard Lau asked if NCEES has any data on exam pass rates based on which year post-graduation an applicant sat for the exam, particularly for the structural exam.

EO Choy stated that she believes the structural exam was the only exam for which data showed higher pass rates for those with more post-graduation experience. She understands that there are concerns that allowing for earlier

test taking may result in higher fail rates, discouraging individuals from pursuing licensure. However, she believes that candidates are able to be resilient and a failed exam may prompt them to gain more experience. Additionally, the Board's laws and rules have no restrictions against re-taking the exam.

Ms. Goodenow (NCEES) stated that NCEES does have data on the exams, however it is difficult to isolate for the effect of decoupling as all the states are decoupling at different times and sometimes with different decoupling provisions. Generally, there is a bell curve on exam results and most people pass the exam at the four-year mark. NCEES advises jurisdictions that decoupling allows individuals to early enter the licensure track and complete the process at their own pace. Most individuals who test early take it at the three-year mark; very few attempt the exam right out of college.

Zach Druga (CLARB) stated that at CLARB, there has not been any difference in LARE pass rates for candidates who are testing while concurrently gaining experience. Therefore, CLARB is in favor of decoupling/direct registration and does not see any benefit towards requiring all candidates to apply with the Board for approval to take the exam once meeting the experience requirements for licensure. Since the exam, experience, and education requirements remain in place for licensure, CLARB encourages state boards to consider allowing candidates with accredited degrees more flexibility in the timeline for exam taking. 92% of Council Record holders do have an accredited landscape architecture degree. Direct registration also alleviates some administrative burden from Board staff.

The Chair requested each Board member to share their initial thoughts on decoupling/direct registration.

The Chair stated that Mr. Kurokawa is excused from today's meeting. However, he provided a statement via email to share regarding his stance in support of direct registration for the LARE exam.

EO Choy read the emailed statement from Mr. Kurokawa: "I strongly support 'decoupling' or removing the requirement for landscape architect applicants with an accredited degree to apply and be pre-approved by the EASLA Board to sit for the LARE. Allowing direct registration with CLARB for taking the LARE will remove unnecessary friction to the application process for both the applicant and also eliminates unnecessary work of PVL staff. Taking and passing the LARE is but one step in the three-step requirement in landscape architect licensure process. All landscape architect candidates must still acquire work experience under the supervision of the licensed landscape architect."

Mr. Fujiwara stated that he is currently in favor of decoupling.

Mr. Hirota stated that he is not really in favor. His understanding is individuals can currently get exam approval from another state to test. After they pass the exam in another state and meet Hawaii's experience requirements, then they can qualify for licensure in Hawaii. He questioned if the Board is preventing anything by keeping its current laws and rules as is. His concern is that the trend for decoupling will lead to not requiring the FS/FE exam or allowing testing concurrently with the PS/PE exam.

EO Choy reiterated Ms. Goodenow's information that most candidates test at the four-year mark. Additionally, Hawaii's current laws/rules allow the FS/FE and PS/PE to be taken concurrently or in no required order. She has not heard any suggestions about eliminating the fundamentals exams.

Ms. Goodenow stated that with NCEES, for states that are decoupled, direct application for the PS/PE exam are only allowed after the individual has passed the FS/FE exam. However, each state board can determine state-specific requirements for direct application approval (i.e. there is an option for a board to not require passage of the FS/FE exam for PS/PE registration, but that would be in the minority amongst decoupled states.) She does not foresee the fundamentals exams being eliminated – they serve the purpose of validating what has been learned from the candidate's education, while the PS/PE exam tests more for competency as a practicing engineer or surveyor. Additionally, the Board could opt to decouple for the PS/PE exam, but not the structural exam.

EO Choy stated that she understands Mr. Hirota's concerns and affirms that the exams are an important part of the licensure qualifications. She noted that the discussion around decoupling took over 10 years within NCEES for the organization to adopt a formal position of decoupling. Therefore, if there were ever to be a suggestion about changing or eliminating any part of the exam process, all boards would be provided ample time to consider and discuss.

Mr. Hirota stated that if the Board moved to decouple, they would need to revise the Rules to require passage of the FS/FE exam before an individual could direct register for the PS/PE exam.

Mr. Ishibashi stated that he defers to the majority opinion of the design professionals on the Board.

Mr. Howard Lau stated that the FE exam is crucial as it covers general engineering concepts across all disciplines. He agrees with Mr. Hirota that individuals can already gain approval in other jurisdictions to test early, so Hawaii is not necessarily preventing individuals from testing. He is concerned about test takers taking the exam before they have gained the necessary experience to be ready to pass. Therefore, he would oppose decoupling.

EO Choy clarified that under Hawaii's current laws/rules, individuals with an ABET-accredited degree can already directly register with NCEES to sit for the FS/FE exam. If the Board were to decouple and allow direct registration for the PS/PE exam, the Board would then be reviewing applications for licensure where the exam requirements have already been met, or for those applying with non-accredited degrees. Additionally, the surveyor and landscape architect licenses require passage of a Hawaii State exam. Approval for the State exam would still have to go through the Board.

Mr. Tony Lau stated that he is generally in favor of decoupling. He feels that it strengthens the experience "leg" of licensure. However, he reiterated that the Board would need to do significant educational outreach to inform stakeholders of the changes. Since he personally took the FE and PE exams, the exam has evolved. There used to be one FE exam for all candidates, now there are discipline-specific FE exams. The PE has also evolved to split between depth and breadth sections. He liked that direct registration requires an accredited degree.

Mr. Lucas stated that as an architect, he has only known the option to gain experience while testing, so he would be in support of decoupling for the other professions on the Board.

Mr. Pang stated that he is leaning towards decoupling, provided the FE/FS exams are a requirement to qualify for direct registration.

Mr. Yumol stated that he is in favor of decoupling.

EO Choy stated that she will look into some of the questions the Board raised about decoupling and the direct registration process. She reiterated that for all professions, direct registration is only available to those with accredited degrees; candidates with non-accredited degrees will still have to submit an application with the Board for approval to test. Finally, all experience, education, and exam requirements for licensure would remain the same.

National Council of Examiners for Engineering and Surveying ("NCEES") Western Zone Meeting – Report from Attendees

The Chair stated that Board members Mr. Hirota, Mr. Tony Lau, and Mr. Pang represented the Board at the NCEES Western Zone meeting in Bozeman, Montana from May 16-18, 2024. The Chair invited the representatives to share a brief report.

Mr. Hirota stated that the Western Zone election results were: Elizabeth Johnston from Alaska for President-Elect; Aaron Blaisdell from Washington for Zone Vice President; and Scott Sales from Arizona as Zone Assistant Vice President.

Each Committee discussed their motions for the Annual meeting, which are all available online. He attended the surveying forum; the topics were the trends in surveying exam volume and the PLSS exam. The PLSS exam involves the PLSS system that Hawaii does not utilize, but there has been ongoing discussion around creating a separate PLSS exam over just a PLSS exam module. By 2027, NCEES plans to take out the PLSS questions in the current PS exam and have a separate 75 question, 5-hour PLSS exam which will be required in the states that it applies to. NCEES will replace the PLSS questions in the PS exam with new questions. He does not believe Hawaii will require a rules revision once this change is implemented as Hawaii will not need to require the PLSS exam.

The Mapping Science taskforce discussed certain states pushing a separate mapping science license or a specialty certificate. In general, people were not in favor of the proposals. There was also a talk about decoupling.

Mr. Pang reported that NCEES Model Law term “four-year degree” is being changed to “Bachelor’s or Baccalaureate degree” and “two-year degree” is changing to “Associate’s degree.” There were 34,415 first-time FE exam takers in 2023 and 19,082 first time PE exam takers. There was a higher volume of PS examinations with consistent pass rate.

The Engineering Licensure Task Force agreed that five key competencies apply to all licensure disciplines:

1. Knowledge
2. Engineering Application and Technical Ability
3. Professional Practice and Management
4. Communication
5. Professional and Personal Attributes

NCEES’ operating budget of \$38,684,287 cleared the audit with no adjustments. There will be a Member Board fee increase effective January 1, 2026.

In the Engineering Forum, it was reported that Alaska and Colorado now accept an engineering technology degree with six years of work experience. There was clarification that a construction management degree is not an engineering degree. Another update was that states have seen AI specifications on projects. Finally, there was discussion on retiring a license; however, Hawaii does not have an option for retirees to “inactive” any EASLA license at this time.

Mr. Tony Lau reported that he attended the MBA forum since EO Choy was unable to attend. One of the topics was community outreach; NCEES is encouraging Boards to be more active in outreach so the public is better educated about the licensure laws in their state. Legislative concerns were also shared. Arizona is facing loss of funding that may result in dissolution of their state board and many other states are facing challenges to licensure.

EO Choy provided brief clarification on member board fees.

United States & United Kingdom Mutual Recognition Agreement between NCEES and the UK Engineering Council

EO Choy stated that NCEES has recently entered into a Mutual Recognition Agreement (“MRA”) with its UK counterpart, the UK Engineering Council. The MRA seeks to lift barriers for mobility of registered engineers between the two countries. States who become signatories to the MRA will consider an engineer on the UK register as substantially equivalent to someone on the US register, and vice versa; such individuals would not have to meet additional requirements for licensure in the partner country unless otherwise specified.

EO Choy stated that in the past, the Board has not been able to join similar MRAs or Accords for the other professions due to social security requirements. Pursuant to HRS 436B-10(a)(6), all applicants must submit proof that they are a US citizen, a US national, or an alien authorized to work in the US. The Board therefore has supported many such agreements in spirit but has not been official signatories. It does not appear that this specific MRA would circumvent the Board’s SSN requirements.

If the Board is interested in becoming a signatory to this agreement, EO Choy stated she and DAG Yee can research further if it would conflict with any existing Hawaii laws/rules.

Applications:

Ratification Lists

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

Recommendations from Application Review Committees

Upon a motion by Mr. Howard Lau, seconded by Mr. Fujiwara, 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 11:39 a.m., upon a motion by the Mr. Pang, seconded by Mr. Hirota, it was voted on and unanimously carried to enter into executive session.

At 12:50 p.m., upon a motion by Mr. Howard Lau, seconded by Mr. Fujiwara, 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

Larry Brehm

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

John Maier

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

Steven Pannone

Upon a motion by Mr. Tony Lau, seconded by Mr. Howard Lau, it was voted on and unanimously carried to approve the application for Mr. Pannone with the condition that he appear before the Board either virtually or in-person for a check-in at six-month intervals with a list of Hawaii projects for Board review. The check-ins will be indefinite, with the option to petition for removal of the condition upon Board approval.

James Warton

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

Architects

Thomas Bell

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

Bridget Herdman

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

Loren Kroeger

Upon a motion by Mr. Yumol, seconded by Mr. Lucas, it was voted on and

unanimously carried to approve the application for Mr. Kroeger.

Executive Officer's
Report:

Legislation

EO Choy stated that the last time she reported to the Board at the April 11, 2024 meeting, they were approaching the Conferencing portion of the legislative session. Since then, the 2024 legislative session has come to a close and she is providing updates on the legislation pertinent to the Board.

EO Choy thanked the Board's legislative liaisons Mr. Fujiwara, the Vice Chair, Mr. Howard Lau, Mr. Tony Lau, and Mr. Pang for their support throughout the session, with especial thanks to the Vice Chair and Mr. Tony Lau for testifying and meeting on the Board's behalf for H.B. 1758.

GMs 510, 615, 616, 617, 624, 707

Senate consideration and confirmation of gubernatorial nominations for:

- Jonathan Lucas, Architect Member, Kauai County (1st term)
- Kevin Katayama, Mechanical Engineer Member (2nd term)
- Alan Inaba, Surveyor Member, Hawaii Island County (1st term)
- Joel Kurokawa, Landscape Architect Member (2nd term)
- Nancy Cassandro, Landscape Architect Member (1st term)
- Janet Primiano, Public Member (2nd term)

EO Choy reminded the Board that Board members submit an application, are nominated by the Governor, and must be confirmed by the Senate to serve. She congratulated the Board members who were reappointed for their second term, and Mr. Lucas whose interim appointment was confirmed, and thanked them for continuing their service. She also congratulated the new Board members and stated that they will be joining the Board at its August 8, 2024 meeting, since their terms will begin on July 1, 2024.

HB 1758, HD 1, SD 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 for employees of municipalities. Effective 7/1/3000. (SD1)

EO Choy reminded the Board that at its February 13, 2024 meeting, the Board voted and unanimously carried to oppose this measure. It was passed in the House and Senate and moved to Conferencing.

EO Choy reported that she submitted a Conference letter to all the conferees stating the Board's opposition to and concerns with this measure.

During the Conference hearing for this bill, the House and Senate deferred the measure, requesting that the Board's Permitted Interaction Group ("PIG") finish its investigation related to engineering experience licensure requirements and report back to the CPC House Committee and CPN Senate Committee in October 2024.

EO Choy stated that the PIG has been kept abreast of this request and follow up action. They will be seeking input from external stakeholders, completing research, and writing their report. Due to the timeline for reporting back to the legislature, in order to follow OIP guidance regarding PIGs, the PIG will share its report to the Board at its August 8, 2024 meeting, and the Board will be able to discuss the report at its October 10, 2024 meeting.

EO Choy reminded the Board that they voted and unanimously carried to approve the "Engineering Experience" PIG at its June 22, 2023 meeting with Mr. Hirota, the Vice Chair, Mr. Howard Lau, Mr. Tony Lau, and Mr. Pang as members.

Scope:

1. Research other state regulations to verify whether they recognize only one type of experience to qualify for PE licensure
2. Research other state regulations to verify whether they issue a conditional license for government employees
3. Have further discussion with counties and other applicable government departments regarding their qualifications for "reviewers"
4. Provide recommendations to the Board and other stakeholders regarding the experience requirements for licensure and applicants submitting only government experience or one type of experience to qualify for licensure

HB 2614, HD 1, SD 2 – 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. 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. (SD2)

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.

However, the bill died in Conferencing.

HB 1597, HD 1, SD 1 – Relating to the Sunshine Law

Description: Clarifies that members of the public may sue a board or alleged board after receiving an adverse Office of Information Practices decision, and that the decision will be reviewed de novo. Establishes a two-year statute of limitations to bring the lawsuit and reaffirms a complainant's right to seek review by the Office of Information Practices first. Recognizes that only a member of the public may recover attorney's fees and costs if that person prevails in an open meetings lawsuit. Requires that persons suing for open meetings law violations notify the Office of Information Practices about the lawsuit so that it may decide whether to intervene. Requires open meetings lawsuits that seek to void a board's final action to be prioritized by the courts. (SD1)

EO Choy stated that the next three bills listed on the agenda are related to the Sunshine Law, which governs much of the procedures of State boards, including the EASLA Board, for openness and transparency.

HB 1597 was passed in both House and Senate Committees and transmitted to the Governor on April 17, 2024. It is awaiting signature or veto.

HB 1598, HD 1, SD 1 – Relating to the Sunshine Law

Description: Requires boards to make available for public inspection board packets, if created, at the time the board packet is distributed to board members but no later than two business days before the board meeting. Provides that public testimony may be distributed to board members before the board meeting. Requires boards to include in the notice to persons requesting notification of meetings, a list of the documents that were compiled by the board and distributed to board members before a board meeting for use at the meeting. Requires boards to post board packets on its website. (SD2)

EO Choy reported that HB 1598 was passed in both the House and Senate Committees. It was signed by the Governor on May 3, 2024 as Act 011 and is effective immediately.

EO Choy stated that no Board member action is needed, the new law will be addressed administratively by Board staff.

HB 1599, HD 1, SD 1 – Relating to the Sunshine Law

Description: Requires public meeting notices to inform members of the public how to provide remote oral testimony in a manner that allows the testifier, upon request, to be visible to board members and other meeting participants. Recognizes a board's authority to remove and block individuals who disrupt meetings. Takes effect 1/1/2025. (SD2)

EO Choy reported that HB 1599 was passed in both the House and Senate Committees. It was signed by the Governor on May 3, 2024 as Act 012 and is effective immediately.

EO Choy stated that no Board member action is needed, the new law will be addressed administratively by Board staff.

2024 Architect License Renewal Audit

All EASLA licenses must be renewed by April 30 of every even-numbered year. Pursuant to HRS §464-9(d), all architect licensees must additionally meet the Board's continuing education requirements for renewal.

The Board will conduct a random audit of 5% of architect licensees, pursuant to HAR §16-115-61(b) – “The Board may audit and shall require any licensee to submit copies of the original documents or evidence of attendance (e.g., certificate of attendance, transcripts, proof of registration, etc.) demonstrating compliance with the CE requirements. The Board may require additional evidence demonstrating the licensee's compliance with the CE requirements.”

Architect licensees randomly selected for audit will receive written notification with instructions on how to comply. Individuals may contact the Board at EASLA@dcca.hawaii.gov with any questions.

Next Meeting: Date: August 8, 2024
 Time: 10:00 a.m.
 Location: King Kalakaua Conference Room
 King Kalakaua Building, 1st Floor
 335 Merchant Street
 Honolulu, Hawaii 96813

Adjournment: There being no further business, the Chair adjourned the meeting at 1:02 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Sheena Choy
Sheena Choy, Executive Officer

/s/ Cortnie Tanaka
Cortnie Tanaka, Secretary

Board of Professional Engineers, Architects,
Surveyors and Landscape Architects
Minutes of the June 6, 2024 Meeting
Page 19

7/26/24

Minutes approved as is.

Minutes approved with changes; see minutes _____.