

**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 8, 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

Present: Janet Primiano, Public Member, Chair  
Kevin Katayama, Mechanical Engineer Member, Vice Chair  
Nancy Cassandro, Landscape Architect Member  
Brian Fujiwara, Architect Member  
Dan Hirota, Land Surveyor Member  
Alan Inaba, 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

Members Excused: Joel Kurokawa, Landscape Architect Member  
Roberto Yumol, Architect Member

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

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

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

Chair's Announcements: **Welcome to New Board Members: Nancy Cassandro, Landscape Architect and Alan Inaba, Surveyor Member, Hawaii County**

The Chair announced that two new Board members have been appointed and confirmed to the Board – Nancy Cassandro, landscape architect from

O'ahu, and Alan Inaba, surveyor from Hawaii County.

The Chair welcomed the new members and invited them to share a few words of introduction.

Approval of  
Minutes:

**Approval of the Open and Executive Session Minutes of the June 6, 2024 meeting**

The Chair asked if there were any corrections to or discussion of the open session or executive session minutes for the June 6, 2024 meeting.

There was none.

Upon a motion by Mr. Howard Lau, seconded by Mr. Pang, it was voted upon and carried to approve the open and executive session minutes of the June 6, 2024 meeting with Mr. Fujiwara, Mr. Hirota, Mr. Inaba, Mr. Ishibashi, the Vice Chair, Mr. Howard Lau, Mr. Tony Lau, Mr. Lucas, Mr. Pang, and the Chair voting to approve, and Ms. Cassandro abstaining.

Chapter 91,

Adjudicatory Matters: **In the Matter of the Architect License of William W. Wong ENG 2022-10-L; Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order; Stipulations to Modify Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order; Board's Final Order**

Mr. Howard Lau stated that he will recuse himself from all discussion, deliberation, and voting on this agenda item.

*Mr. Howard Lau left the meeting room at 10:06 a.m.*

The Chair stated that the Board will recess into Adjudicatory Session at 10:06 a.m. in accordance with Chapter 91, Hawaii Revised Statutes to discuss and deliberate on the adjudicatory matter below.

William W. Wong ENG 2022-10-L; Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order; Stipulations to Modify Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order; Board's Final Order

The Chair stated that the Board now reconvenes to its Chapter 92, HRS meeting at 10:25 a.m. In Adjudicatory Session, after due consideration of the information received, the Board accepted the Recommended Order as the Board's Final Order in the matter of the architect license of William W. Wong ENG 2022-10-L.

*Mr. Howard Lau re-entered the meeting in-person at 10:25 a.m.*

*Licensing Administrator Ahlani Quioque left the meeting at 10:25 a.m.*

New Business:

**National Council of Architectural Registration Boards (“NCARB”) 2024 Annual Business Meeting Report from Board Attendees**

The Chair stated that Board members Brian Fujiwara, Jonathan Lucas, and Roberto Yumol represented the Board along with EO Choy at NCARB’s 2024 Annual Business Meeting in Chicago, Illinois from June 13 to 15, 2024. The Chair invited the representatives to share a brief report.

Mr. Fujiwara stated that this year, NCARB introduced two new “Director-at-Large” positions on the NCARB Board of Directors. The NCARB members voted on seven proposed measures. The measure proposing regional re-alignment was particularly contentious and did not pass.

Mr. Lucas stated that this was his first NCARB Annual Meeting. He had the opportunity to learn more about NCARB as an organization and to hear the perspectives of architect in other jurisdictions. He found the session on the implications of AI in the profession helpful with regards to the future of regulation.

EO Choy stated that Mr. Yumol is excused from this meeting but emailed his report. In 2022 NCARB Board of Directors created a task force to study and develop a Competency Standard for architects that will define the knowledge, skills, and behaviors required for entry to the practice of architecture.

The status of the task force’s development was presented at the Annual Meeting, and membership was solicited for additional comments and questions.

The Standard is currently divided into three categorical domains:

1. Design and Documentation Domain
2. Construction Administration Domain
3. Practice and Project Management

EO Choy reported that, as Mr. Lucas mentioned, one of the notable sessions discussed the impacts of AI on the architecture regulatory system.

The immediately apparent impacts of AI are in automated compliance check and on the understanding of “responsible charge.” Currently, regulation assumes the responsibility and oversight for architecture projects resides

with an individual. However, AI is already being utilized to auto-check plans for compliance, accelerate the project lifecycle, and has the potential to increase levels of design accuracy. However, the current debate centers around whether AI code-checking will require full human oversight and considering dataset limitations and copyright issues.

Additional questions discussed in breakout groups included – if companies should have to certify their use of AI (post-licensure regulation); what aspects of AI use should be regulated, and what should be left to free markets; if AI will change the competencies needed for safe practice (licensure experience and exam requirements); if ethical use of AI should be industry or regulatory-driven.

EO Choy also attended a legislative session for member board executives and legal counsel. The session provided expert guidance on navigating changing laws, rules, and legislative priorities.

The presenters shared data and supporting anecdotes from their experiences as Member Board Executives (MBEs) during the 2024 legislative session. NCARB's advocacy team assisted 40 member boards with navigating 240 bills this past session. The trends towards deregulation and weakening licensure continued; though NCARB supported member boards with defending the importance of licensure, especially for the professions. The presenters highlighted the legislative tools available to MBEs to support state Boards throughout the legislative session.

### **Report from the Engineering Experience Permitted Interaction Group ("PIG")**

The Chair stated that EO Choy will provide general information on Permitted Interaction Groups ("PIGs") and Mr. Tony Lau will present the Engineering Experience PIG report as this PIG Chair.

EO Choy stated that a "Permitted Interaction Group" or "PIG" is authorized by Hawaii Revised Statutes, §92-2.5(b). PIGs may be formed by State boards to investigate specified issues outside of regularly scheduled board meetings under certain conditions.

The PIG process involves three board meetings:

1. At the first meeting, the Board votes to establish the PIG, PIG members (less than quorum), and the scope of investigation;

2. At the second meeting, the PIG presents its report, public testimony may be received, but the Board cannot discuss or vote on the PIG findings and recommendations at this time;
3. At the third and final meeting, public testimony is again open, and the Board can discuss and vote on the PIG findings and recommendations.

The Board voted to establish the Engineering Experience PIG at its June 22, 2023 meeting (Meeting #1). The current agenda item is for the PIG report at Meeting #2.

Mr. Tony Lau reported that the PIG members are Mr. Hirota (surveyor and civil engineer), the Vice Chair (mechanical engineer), Mr. Howard Lau (structural engineer), Mr. Pang (electrical engineer), and himself (civil engineer) as PIG Chair. At its June 22, 2023 meeting, the Board tasked the PIG with the following investigation:

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 “plan reviewers;” and
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.

The PIG report opens with a summary of organization and history of the PIG. Mr. Tony Lau reminded the Board that it initiated the PIG in response to bills in the 2023 and 2024 legislative sessions, particularly H.B. 1758 in 2024, that proposed amending the EASLA statute. The Board opposed H.B. 1758 and related bills for health, safety, and welfare reasons, noting that the human resource challenges mentioned by the bills’ proponents should not be solved by lowering licensure standards at the expense of consumer safety. Ultimately, H.B. 1758 did not move out of Conference, and the Conference Committee requested the PIG conclude its investigation and present a report to the legislature prior to the 2025 legislative session.

The PIG began its research by investigating the national context of engineering licensure standards (PIG objectives #1 & #2). The PIG reached out to individual states' engineering licensure boards, researched the experience requirements in other jurisdictions' laws and administrative rules, and consulted with the National Council of Examiners for Engineering and Surveying ("NCEES").

After establishing a broader, national context for experience requirements for PE licensure, and taking feedback from discussion during the 2024 Legislative Session, the PIG invited public and private stakeholders to serve as consultants for the PIG investigation. The following organizations participated as PIG consultants:

1. City & County of Honolulu, Department of Planning & Permitting ("DPP")
2. County of Hawaii, Planning Department ("Hawaii County")
3. County of Kauai, Public Works Department ("Kauai County")
4. County of Maui, Department of Public Works ("Maui County")
5. Hawaii Department of Transportation ("HDOT")
6. Honolulu Board of Water Supply ("BWS")
7. University of Hawaii at Manoa, Engineering Department ("UH Manoa")
8. American Public Works Association, Hawaii Chapter ("APWA")
9. American Society of Civil Engineers, Hawaii Section ("ASCE")
10. American Society of Mechanical Engineers, Hawaii Section ("ASME")
11. American Council of Engineering Companies of Hawaii ("ACECH")
12. Structural Engineers Association of Hawaii ("SEAOH")
13. Institute of Electrical & Electronic Engineers, Hawaii Section ("IEEE")
14. Society of Fire Protection Engineers, Hawaii Chapter ("SFPE")
15. American Institute of Architects, Hawaii ("AIA")

The PIG met virtually with PIG consultants at monthly meetings from June to September 2024. Consultants were invited for the PIG to get a broad sampling of feedback on current engineering experience requirements and concerns, with equal representation from both the public and private sector (PIG objectives #3 & #4).

Since the concerns raised during the 2023 and 2024 legislative sessions were initiated by county agencies, the PIG also requested individual meetings with each of the county consultants represented. The PIG extends a warm mahalo to all the PIG consultants who participated in this process.

Two guiding questions were asked for national research of state board laws/rules:

1. Does the jurisdiction allow for 100% plan review to count as the total qualifying experience required for PE licensure?
2. Does the jurisdiction issue any type of conditional PE license for government employees?

Requests for response were sent to all 55 NCEES engineer licensure boards, which includes all 50 states, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the US Virgin Islands. Additionally, the PIG members researched the state laws and administrative rules for each jurisdiction with regards to PE licensure experience requirements.

Upon review of the results of individual jurisdiction responses and review of each jurisdiction's laws and rules, the PIG reports the following:

1. The majority of states do not consider 100% plan review to qualify for the total experience requirements for PE licensure. These results are based on the clear "no" answers/findings.
2. Notably, Alaska, California, Oregon, Washington, Nevada, and Guam do not consider 100% plan review as qualifying for PE licensure. Based on similarities in licensure concerns, these Western Zone jurisdictions typically share similar licensure requirements with Hawaii.
3. Where there was no direct response from a state board, but the jurisdiction's laws/rules indicate that "progressive experience" is required, the PIG considered it likely that 100% plan review would not qualify. This assumption is based on the NCEES Model Law and Rules, particularly Model Rules Appendix A, which evaluates qualifying progressive experience against many different categories requiring application of engineering principles and calculations with increasing responsibility and complexity. Code compliance review falls under only one of the many categories of evaluation.
4. Where no response was received and research unclear on the allowance of a conditional PE license for government employees, the PIG notes that NCEES responded that they are unaware of any jurisdictions that offer conditional licenses of this nature. In responses and research, the PIG notes that there is an important distinction between plan review that offers solutions through calculations and application of other engineering

principles (design and constructability review), and municipal plan review that solely checks for code compliance.

5. In responses and research, the PIG notes that there is an important distinction between plan review that offers solutions through calculations and application of other engineering principles (design and constructability review), and municipal plan review that solely checks for code compliance.

In the monthly meetings with PIG consultants, the main topics of discussion included the following:

1. **Decoupling:** The PIG consultants discussed the possibility of decoupling for the PE license, which would make PE exam registration a separate process from PE licensure. Currently, individuals who wish to sit for the PE exam must submit an application to the Board for approval to test and provide requisite years of lawful experience. If the Board moved to decouple, individuals with an accredited degree who have passed the FE (fundamentals) exam, could register directly with NCEES to test. Decoupling would allow individuals to simultaneously test and accumulate the requisite years of experience needed for licensure. Upon successfully passing the PE exam and accumulating the requisite years of lawful experience needed for licensure, the candidate would then apply for licensure.

Overall, the PIG consultants appeared to support decoupling over any other option.

2. **Differentiating different types of “plan review”:** There was limited discussion on types of plan review being performed in different contexts. For example, the Board of Water Supply noted that its non-licensed engineers do perform plan review; however, they also have other duties in addition to plan review, including solving problems during construction, and providing technical assistance. Board of Water Supply plan review also includes design work, not just reviewing for code compliance.

Additionally, some concern was raised about acceptance of plan review from other jurisdictions outside of Hawaii. While the Board may be aware of the level of plan review performed by in-State applicants, county-level plan review alone differs across jurisdictions.



3. **Addressing hiring and retention challenges:** There was a general consensus that hiring and retention challenges are faced by both the public and private sectors. DPP reiterated its opinions from the legislative discussion of H.B. 1758 that changing PE licensure standards would allow its plan reviewers to qualify to sit for the exam and for PE licensure. It was expressed that having a pathway to PE licensure was crucial for hiring and retaining workers at DPP, because it would allow entry level engineers the ability to make career advancements to supervisory positions that currently require a PE license.

There were mixed responses from the other county representatives regarding changing licensure standards to address HR concerns. For example, Maui County stated that while they also face personnel shortages, they do not think that changes to the licensure requirements is the solution; they are exploring other options to tackle this challenge. Hawaii County noted that the experience requirements are important, but that they would like to provide their employees a pathway to licensure through plan review, if possible.

4. **Clarity requested on pathways to licensure:** Based on discussion, the PIG noted that there was some confusion about the different pathways to PE licensure, including the exam registration process and the definition of lawful experience.

Each of the PIG consultants were requested to conduct a poll of their members/employees regarding the issues discussed during the first PIG consultant meeting. The PIG suggested the following questions; however, PIG consultants were welcome to adjust in any way they felt appropriate:

1. Yes or No: 100% of code compliance review of plans for construction as a municipal employee should qualify an individual for PE licensure
2. Yes or No: I support decoupling (i.e. allowing an individual with an accredited degree who has passed the FE to test while still accumulating experience required for licensure)
3. Yes or No: Passing the PE exam alone is sufficient to determine if an individual is qualified for licensure (i.e. experience is not needed to determine readiness for licensure).
4. Yes or No: One type of experience alone would be sufficient for someone to practice as a PE.
5. Open-ended: Questions I have about PE licensure in Hawaii.

In averaging the responses received from the PIG consultants' organizations, the overall opinion was:

1. Lack of consensus on the issue of 100% plan review meeting the experience requirements for PE licensure;
2. In favor of decoupling;
3. Against the PE exam alone qualifying an individual for PE licensure;
4. Lack of consensus on whether one type of experience alone would qualify an individual for licensure.

The PIG recognizes that recent legislative action to amend PE licensure requirements was initiated at the county-level. Therefore, in addition to inviting the counties to participate as PIG consultants, the PIG also requested individual meetings with each of the counties to address county-level concerns.

To date, Kauai County and Maui County PIG consultants responded to the invitation for an individual meeting. Responses from the City and County of Honolulu and Hawaii County are still pending.

Based on the individual meetings with Kauai and Maui counties, and from the PIG consultant meetings, it appears there are differences in responsibilities and minimum qualifications for the "plans reviewer" level positions across state and county agencies. To better understand these differences, the PIG requested position descriptions for "plans reviewer" positions (or equivalent) from state and county agencies represented amongst the PIG consultants.

Upon examination of the position descriptions made available, the PIG notes the following:

- 1) Kauai County: A PE license is not required for the supervisor level of plans examiners. Instead, the county requires that an in-house exam on codes, etc. is passed to qualify for supervisor.
- 2) Kauai County: The county is working on in-house promotions to fill more technical positions. There is an option for existing employees interested in more engineering-related positions to receive the requisite training in-house.
- 3) Maui County: The county is considering rotating non-licensed engineers through different areas of the department to gain the necessary experience to qualify for PE licensure. Although they are experiencing

workforce shortages, they do not believe the solution is to amend the PE licensure requirements.

- 4) Maui County: A PE license is not required for the Chief Building Plans Reviewer supervisor position.
- 5) Honolulu Board of Water Supply: Plan review is a percentage of a broad range of other activities - including site visits, design, and consultation - performed by non-licensed engineers.

Based on the information from research and PIG consultant feedback, the PIG proposes the following recommendations:

### **1) Decoupling**

The PIG recommends the Board support an administrative rules revision of HAR 16-115 to allow for decoupling of the PE exam.

Decoupling would separate the exam approval process from the licensure process. This would allow individuals with an accredited engineering degree who have passed the Fundamentals of Engineering ("FE") exam to register directly with NCEES to sit for the PE exam without first going through the Board. Decoupling has become a commonly accepted policy in other jurisdictions nationwide and is recommended by NCEES in its Model Law.

Decoupling would still require all individuals to apply to the Board for PE licensure. Applicants must still meet the applicable experience, education, and exam requirements to qualify for licensure; decoupling does not change these core requirements. Therefore, decoupling will allow more flexibility for individuals who wish to sit for the exam, and because licensure requirements would remain the same, it does not appear to pose any health, safety, or welfare concerns for the public.

The PIG also notes a strong consensus amongst the PIG consultants regarding decoupling for the PE exam.

### **2) Observations regarding Hawaii government agencies**

In comparing the position descriptions received from different State of Hawaii and county agencies, the PIG notes significant differences in the responsibilities and qualifications of employees who perform plan review.

The PIG suggests the Board encourage State and county agencies whose employees are interested in pursuing a path to PE licensure to reach out to the Board to confirm that their current experience will qualify as lawful experience towards licensure.

For those positions which do not currently provide qualifying lawful experience, the PIG sees the following as creative options for consideration:

- Establishing a “rotation” across departmental divisions or departments that will allow for cross-training of non-licensed engineers who seek PE licensure. The PIG notes that Maui County already indicated that they may be pursuing this training idea. The PIG further notes that a training program used to be in place in the City and County of Honolulu in the 1980s. Allowing cross-division or cross-departmental training will expose non-licensed engineers to valuable engineering practices such as construction observation, design, consultation, etc. which will better equip them with the necessary skills to be a professional engineer in responsible charge of projects once licensed.
- Eliminating the PE licensure requirement for supervisory-level positions. The PIG notes that the supervisor level positions for the building code enforcement sections of Kauai and Maui counties do not require a PE. To ensure technical competency, the PIG highlights Kauai County’s in-house exam, which tests for competency in areas of daily concern in the plans examining process. The PIG further comments that it is the individual counties, not the Board, which have the authority to adjust position descriptions or salaries.
- Making ICC certification, instead of PE licensure, the aim of plan examiners whose routine duties do not include the execution of engineering principles and practices. International Code Council (“ICC”) Credentialing provides nationally recognized credentials that demonstrate a confirmed commitment to protecting public health, safety, and welfare. The PIG notes that the ICC certification seems to be the more appropriate credentialing for many county-level plans examiner positions based on position descriptions.

The PIG encourages the counties to consider offering incentives based on ICC certification versus PE licensure.

ICC is, “the leading global source of model codes and standards and building safety solutions that include product evaluation, accreditation, technology, training, and certification. The Code Council's codes, standards, and solutions are used to ensure safe, affordable, and sustainable communities and buildings worldwide.”

### **3) Outreach**

The PIG recommends the Board conduct ongoing outreach to the public regarding general PE licensure requirements.

The PIG noted confusion regarding exam and experience requirements throughout the PIG consultant discussion. Presentations to student, professional, and government organizations will help further disseminate the information already available on the Board’s website. In addition, the Board can refresh information available online for greater clarity.

The organizations represented by the PIG consultants span the entirety of the licensure pipeline from engineering students to non-licensed engineers in training, to licensed professionals at various stages in their careers. The discussions regarding this particular PIG will serve as a good launch pad for future outreach.

### **4) Legislation**

Where concerns about qualifying lawful experience for PE licensure cannot be sufficiently addressed through decoupling, informal clarification with the Board, internal training adjustments, or changes to position descriptions or incentives, the PIG makes the following legislative recommendations:

#### **- Comments on H.B. 1758**

After careful consideration of its national research and local-level input from the public and private sector PIG consultants, the PIG recommends that the Board maintain its position in opposition to H.B. 1758 for health, safety, and welfare concerns. This is based on the fact that the current wording of H.B. 1758 would require the Board to accept 100% code compliance review of plans for construction as the total qualifying experience for PE licensure.

The PIG reminds the Board that all PE licensure applications are evaluated to determine if an individual is minimally competent to perform the engineering actions outlined in chapter 464-1, HRS as a professional engineer in responsible charge of engineering work.

Specifically, the PIG highlights the following findings from its investigation:

- The majority of jurisdictions nationwide do not consider 100% plan review as qualifying experience for PE licensure. Amending the PE licensure requirements to allow for 100% plan review as qualifying experience would place Hawaii out of step with the regulatory practices of the majority of the US, including the west coast jurisdictions who typically share similar licensing concerns.
- There are differing levels of plan review throughout the public and private sector. Some plan review (e.g. Board of Water Supply) involves the application of other engineering principles in addition to checking for code compliance (design and constructability review). At the county level, plan review primarily, or in most cases solely, involves checking for code compliance. The PIG notes that the codes are only one of many aspects that factor into public health, safety, and welfare. This is why the Board currently will credit some, but not 100%, of plan review as qualifying lawful experience for licensure.
- Based on the practices shared from the different county and state agencies participating as PIG consultants, there seem to be several options that can serve as a model for tackling hiring and retention challenges that do not involve changes to current licensure requirements.

Such strategies include: the rotation model previously maintained by the City and County of Honolulu and proposed by Maui County, changes to position requirements that allow for upward mobility that do not require PE licensure, and taking advantage of shortage differentials or other budgetary measures that can address salary incentives.

- Specifically, in discussion with DPP during the PIG consultant meetings, it seemed that one of DPP's primary concerns was providing a pathway for their employees to sit for the engineering exams. While it was clarified that individuals who do not meet Hawaii's requirements to test can currently get test approval from another jurisdiction and sit for that exam in a Hawaii testing location, the PIG believes its decoupling recommendation might more immediately address the concerns raised, particularly as it is non-controversial and widely supported by the industry.

- **HAR revisions of lawful experience for code review: white paper/FAQs and provision for plan review**

In PIG consultant discussions, clarification was requested regarding what qualifies as "lawful experience." The PIG understands that applicants want to ensure that they have qualifying experience before applying for licensure. Therefore, the PIG recommends the Board consider issuing a white paper or FAQs clarifying the experience evaluation portion of the licensure process.

The PIG also comments that lawful experience is already defined in the Board's administrative rules ("rules"), Hawaii Administrative Rules §16-115-39. The PIG considered including specific experience requirements in the rules but reports that no other jurisdiction requires specific percentages for experience categories, as it would be prohibitively onerous for applicants to further breakdown each experience record in their application, thereby causing unnecessary and impractical restrictions for determining qualification for licensure since each individual's experience record is so unique. The PIG notes that nationwide, all engineer licensing boards' laws and rules afford discretion to the professional expertise of appointed board members in determining an applicant's qualifications for licensure and place the onus on the applicant to demonstrate to the board that they are appropriately qualified for licensure.

However, because there appears to be confusion regarding "plan review" qualifying as "lawful experience," and recognizing that Board members do rotate on and off the Board, the PIG also recommends that the Board consider the following Rules revision to HAR 16-115-

39, to clarify its current practice of accepting some, but not 100%, of plan review as qualifying experience, subject to the discretion of the Board:

§16-115-39 Lawful experience. (a) The following may be acceptable lawful experience subject to the evaluation and approval of the board:

(1) Field, including construction, and office training or experience in engineering; under the supervision of licensed professional engineers who are in the same branch in which the person seeks licensure;

(2) Compliance review of plans for construction may be acceptable lawful experience for some of the required minimum years of lawful experience, subject to the evaluation and approval of the board;

~~[(2)]~~ (3) For structural engineering applicants from a jurisdiction in which structural engineering is considered a part of civil engineering, field and office training in structural engineering under the supervision of a licensed professional civil engineer in that jurisdiction; or

~~[(3)]~~ (4) Teaching in an accredited institution, school, or college of engineering. Maximum experience credit for teaching shall be one year of teaching third, fourth, or fifth year courses. One year of teaching shall be considered to be a total teaching load of twenty semester credit hours or thirty quarter credit hours. The teaching credit can be applied only where minimum full-time lawful experience requirements are more than two years...

- **Proposed language for limited & temporary license type**

If all above recommendations are rejected and no further options exist for addressing legislative proposals like H.B. 1758 which seek to amend the Board's HRS to allow for 100% plan review to qualify an individual for PE licensure, the PIG recommends the Board consider the creation of a limited and temporary PE license. Suggested language is included in the Report Appendix J.

A few highlights of the proposed language:

- The scope of work authorized shall be limited to code compliance review of construction plans only;



- Individuals who hold this license type shall not affix their limited, temporary license number to documents of any kind, nor shall they create a seal or stamp;
- The limited, temporary license shall only be available to county-level employees and shall only be valid while employed by the Hawaii municipal agency.

There were no public comments.

Old Business:

**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 stated that the Board discussed the decoupling matter at its June 6, 2024 meeting. General information was provided by EO Choy, as well as input from representatives from NCEES and CLARB.

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 meeting 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 “decoupling” the exam and experience requirement. Decoupling would allow individuals with an appropriately accredited degree to register directly with the testing administrators (National Council of Examiners for Engineering and Surveying “NCEES” and Council of Landscape Architectural Registration Boards “CLARB”) to sit for the exams without submitting an application with the Board for exam approval. Essentially, decoupling separates the exam approval and licensure approval process.

Individuals would still have to meet the lawful experience and other requirements for licensure. However, decoupling would all individuals to test while also gaining the requisite experience 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.

EO Choy stated that if the Board were inclined to support decoupling at today's meeting, it would not mean that decoupling takes effect immediately. An administrative rules change would have to be initiated, along with outreach to the public and other administrative changes, all which would take time. However, a vote in support would green light the start of this process.

EO Choy reminded the Board that as they discuss, they should keep in mind that their duty is to protect the health, safety and welfare of the public. Therefore, the discussion should include whether decoupling affects health, safety, and welfare, and if so, how.

Mr. Hirota asked if the Board is also discussing decoupling the State Exam for surveyors.

EO Choy clarified that the State Exams for surveyors (Hawaii Description Writing Exam) and for landscape architects (Hawaii Plant Materials) would remain a requirement for LS and LA licensure and the processes for applying for approval to sit for the State exams would remain the same; they would not be "decoupled." An applicant for the State Exams would have to submit an application with the Board, verify the requisite experience, education, exam, and other requirements, and be approved by the Board before they can register for and take the State Exams.

Ms. Cassandro asked for data on A.R.E. decoupling in Hawaii and for when candidates typically start taking the A.R.E. exam for architect licensure.

EO Choy stated that she can research and get back to Ms. Cassandro with that information.

Mr. Hirota asked how decoupling would work for the "no degree" pathways to licensure.

EO Choy stated that decoupling would only affect applicants with an accredited degree. For those applying with a non-accredited degree, such as the “no degree” pathway, those individuals would still have to follow the current process of submitting an application for approval by the Board to sit for the exams.

Ms. Cassandro expressed concerns over the fairness of differing experience requirements for licensure based on access to education.

EO Choy stated that experience requirements for licensure are dictated by the Board’s statutes, HRS 464. Therefore, any changes to the experience requirements would require legislative action, initiated by an independent party. The Board can only propose changes to its administrative rules, HAR 16-115. The process for approval to sit for the exam is authorized by the Board’s administrative rules, which is why the Board can consider decoupling independent of legislative action. Unless the statute is changed, decoupling would only apply to applicants with accredited degrees.

Upon a motion by Mr. Tony Lau, seconded by Mr. Howard Lau, it was voted upon and unanimously carried to support decoupling or direct registration of the PE, PS, and LARE exams for individuals who hold an accredited degree. Additionally, for the PE and PS exams, individuals must also have already passed the FE and FS exams.

Applications:

**Ratification Lists**

Upon a motion by Mr. Howard Lau, seconded by Mr. Pang, 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. Pang, it was voted on and unanimously carried to approve the recommendations from the following Application Review Committees, with the amendment that applicant Gary Tobola was recommended by the Professional Engineer Committee for approval via endorsement for PE-electrical licensure:

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

Executive Officer’s  
Report:

**2024 EASLA License Renewal Audit**

The EASLA renewal deadline for the last licensing biennium was April 30,

2024. Pursuant to HRS §464-9(d), all architect licensees must also meet the Board's continuing education requirements for renewal.

The Board is now conducting a random audit of architect licensees in accordance with 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 have received written notification with instructions on how to comply. Individuals may contact the Board at [EASLA@dcca.hawaii.gov](mailto:EASLA@dcca.hawaii.gov) with any questions.

EO Choy stated she will report to the Board at the December meeting after the audit has concluded.

### **Governor's 14<sup>th</sup> Emergency Proclamation Relating to Wildfires**

EO Choy recognized the one-year anniversary of the Maui Wildfires and, with the permission of the Chair, invited the Board to take a moment of silence.

The Board offered a moment of silence for those that lost their lives in the Maui wildfires, and for family, friends, communities, and all others affected.

EO Choy stated that the State is currently operating under Governor Green's 14<sup>th</sup> Emergency Proclamation Relating to Wildfires (“Proclamation”) through September 10, 2024. The exact text of the Proclamation is available at: <https://governor.hawaii.gov/emergency-proclamations/>.

All individuals are advised that, as with previous Proclamations, the 14<sup>th</sup> Proclamation does not exempt any provision for licensure in HRS Chapter 464 or HAR Chapter 115. Anyone who wishes to practice professional engineering, architecture, surveying, or landscape architecture in the State of Hawaii must hold a current and active license that is in good standing.

The Proclamation only suspends HRS §464-4, regarding public works required to be supervised by professional engineers, architects, surveyors, or landscape architects, to the extent necessary to respond to the emergency.

**§464-4 Public works.** (a) Notwithstanding any other provision to the contrary, public works projects involving:

(1) Alteration or new construction shall be required to have:

(A) Plans or specifications prepared by or under the supervision of an

appropriately licensed professional engineer, architect, or landscape architect. The licensed professional engineer, architect, or landscape architect, as the case may be, shall stamp the plans or specifications, and indicate that the licensee has prepared or supervised the preparation of the plans or specifications; and

(B) A licensed professional engineer, architect, or landscape architect designated by the State, county, or political subdivision that is undertaking the public works project to observe the alteration or new construction. For the observation of construction of these types of public works projects, the licensed professional engineer, architect, or landscape architect, as the case may be, shall not be required to stamp the plans or specifications.

(2) Maintenance work shall:

(A) Not be required to have plans or specifications prepared by or under the supervision of an appropriately licensed professional engineer, architect, or landscape architect; and

(B) Be required to have a licensed professional engineer, architect, or landscape architect designated by the State, county, or political subdivision that is undertaking the public works project to observe the maintenance work. For the observation of construction of this type of public works project, the licensed professional engineer, architect, or landscape architect, as the case may be, shall not be required to stamp the plans or specifications.

(b) All land surveys involving property boundaries for public purposes or plans thereof shall be made or supervised by a licensed surveyor. The licensed land surveyor shall stamp the land surveys or plans, and indicate that the licensee has prepared or supervised the preparation of the land surveys or plans.

(c) For purposes of this section:

"Maintenance" means minor repairs or replacement work which do not affect or involve the structural integrity of the public works project.

"Public works projects" means projects undertaken by the State, counties, or any political subdivisions thereof.

All individuals and employers are reminded that pursuant to HRS §464-2 and §464-12 practice without a license is strictly prohibited. Further, HRS §464-10 provides the Board with the authority to suspend, revoke, and/or fine licensees and/or otherwise impose administrative penalties for unauthorized activities.

Election of Officers,  
HRS §464-9:

EO Choy stated that new Board terms started as of July 1, 2024. Therefore, the Board will vote to elect a Chair and Vice-Chair, pursuant to HRS §436B-6(a), "Immediately upon the qualification and appointment of the original members, and annually thereafter, the board shall elect one member as chair and one member as vice-chair. In the absence of both the chair and the vice-chair to preside at a meeting, the members present shall select a

chair pro tem.”

Upon a motion by Mr. Tony Lau, seconded by Mr. Howard Lau, it was voted upon and unanimously carried to elect Mr. Katayama as the new Chair.

Upon a motion by Mr. Katayama, seconded by Ms. Cassandro, it was voted upon and unanimously carried to elect Mr. Tony Lau as the new Vice Chair.

Next Meeting:            Date:            October 10, 2024  
                                 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  
                                 11:33 a.m.

Reviewed and approved by:

Taken and recorded by:

/s/Sheena Choy  
Sheena Choy, Executive Officer

/s/Cortnie Tanaka  
Cortnie Tanaka, Secretary

10/1/24

[ X ] Minutes approved as is.  
[   ] Minutes approved with changes; see minutes \_\_\_\_\_.

