

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 filed with the Office of the Lieutenant Governor, as required by Section 92-7(b), Hawaii Revised Statutes.

Date: Monday, April 17, 2017

Time: 9:00 a.m.

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

Present: Joel Kurokawa, Chairperson, Landscape Architect Member
Joyce Noe, Vice Chairperson, Architect Member
Demetrio Constantino, Public Member
Alan Inaba, Land Surveyor Member
Ron Iwamoto, Secretary, Structural Engineer Member
Kevin Katayama, Mechanical Engineer Member
Benedict Lee, Landscape Architect Member
Clayton Pang, Electrical Engineer Member
Richard Suzuki, Civil Engineer Member
Marc Ventura, Architect Member
Rodney J. Tam, Esq., Deputy Attorney General
James Kobashigawa, Executive Officer
Sandra Matsushima, Executive Officer
Terry Akasaka-Toyama, Secretary

Excused: Ken Ota, Public Member

Guests: Kristine Harding, AIA, NCARB, President/Chair of the Board of Directors
Michael Armstrong, NCARB, CEO
Joshua Batkin, NCARB, Director of Council Relations

Call to Order: There being a quorum present, the meeting was called to order at 9:12 a.m. by Chair Kurokawa.

The Board greeted and welcomed Ms. Harding, Mr. Batkin, and Mr. Armstrong to the meeting.

Agenda: Additions and Revisions: None.

The following was moved as the next order of business:

Applications: a. Ratifications

It was moved by Mr. Suzuki, seconded by Mr. Constantino, and unanimously carried to ratify the following:

APPROVED STRUCTURAL ENGINEER BY ENDORSEMENT

- BYROM, Bradley

b. Professional Engineer Committee Recommendations

Mr. Suzuki presented the PROFESSIONAL ENGINEER COMMITTEE REPORT and recommended action as follows:

APPROVE CHEMICAL ENGINEER BY ENDORSEMENT

- IQBAL, Qamer

APPROVE CIVIL ENGINEER BY ENDORSEMENT

- COLE, Katy
- ENGLAND, Jeffrey
- HICKSON, Frank
- LOMBARDI, Vincent
- YOUNG, Lee Ann

APPROVE ELECTRICAL ENGINEER BY ENDORSEMENT

- DEVORE, Eric
- JAMES, Jonathan
- LEDET, Troy
- MAY, Benny
- NELSON, Tyler
- SIDOTI, John
- SMITH, Robert
- THOMAS, John

APPROVE MECHANICAL ENGINEER BY ENDORSEMENT

- HIPSKY, Kenneth
- HOAG, James
- HORA, Gregory
- KUROMOTO, Glen
- LOWELL, Troy
- NAKHLA, Michael

APPROVE STRUCTURAL ENGINEER BY ENDORSEMENT

- CAMPBELL, Stephen
- JUNG, Young
- PHAUP, William

APPROVE ENGINEER BY EXAM (PE)

- VAITUULALA, Kimberly (EE)

DEFER CIVIL ENGINEER BY ENDORSEMENT

- PHAUP, William

DEFER ELECTRICAL ENGINEER BY ENDORSEMENT

- BOUSQUET, Kenneth
- MONTGOMERY, Ray
- PINUELAS, Pablo

DEFER MECHANICAL ENGINEER BY ENDORSEMENT

- HUR, Jaeho
- SCHAFER, Steven
- SMOTHERS, Justin

DEFER STRUCTURAL ENGINEER BY ENDORSEMENT

- BAJAJ, Brian
- DILLEN, Sean

It was moved by Mr. Inaba, seconded by Mr. Iwamoto, and unanimously carried to accept the PROFESSIONAL ENGINEER COMMITTEE REPORT.

c. Professional Architect Committee Recommendations

Ms. Noe presented the PROFESSIONAL ARCHITECT COMMITTEE REPORT and recommended action as follows:

APPROVE ARCHITECT BY ENDORSEMENT

- ANDERSON, Jon
- BRENNAN, Ross
- COLES, Robert
- DuBOIS, Cornelius

- EDWARDS, Patrick
- EHRET, Nicholas
- PEYTCHINOV, Augustin
- SHUTT, David
- STRINGER, David
- WEIR, John
- ZANE, Chad

APPROVE ARCHITECT BY EXAM

- ABREU, Mikel
- KAMO, Ryan
- NII, Laurie
- TAMAYORI, Mayu
- VAVE, Sese

DEFER ARCHITECT BY EXAM

- AGARAN, Mark

DENY ARCHITECT BY ENDORSEMENT

- CHERNOFF, Russell

It was moved by Mr. Inaba, seconded by Mr. Katayama, and unanimously carried to accept the PROFESSIONAL ARCHITECT COMMITTEE REPORT.

d. Professional Land Surveyor Committee Recommendations

None.

e. Professional Landscape Architect Committee Recommendations

Chair Kurokawa presented the PROFESSIONAL LANDSCAPE ARCHITECT COMMITTEE REPORT and recommended action as follows:

APPROVE LANDSCAPE ARCHITECT BY EXAM

- DeWAELE, Berry (L.A.R.E. and state-constructed exam)

It was moved by Mr. Lee, seconded by Mr. Inaba, and unanimously carried to accept the PROFESSIONAL LANDSCAPE ARCHITECT COMMITTEE REPORT.

- LOFSTEDT, Gavin

It was moved by Mr. Lee, seconded by Mr. Inaba, and unanimously carried to respond to Mr. Lofstedt's letter that: (1) the Board does not have sample questions for the Hawaii Plant Materials Examination; (2) the Board does not allow candidates to review the examination and answers due to examination security; (3) the Board will be requesting DCCA's Examination Branch to review the paper used for the examination and they do not have the capability to administer an online examination; and (4) the Board will be reviewing the Candidate Examination Handout for possible revisions.

Old Business: a. Rules Committee Report

At its March 16, 2017 meeting, the Committee approved the minutes of the Rules Committee meeting on February 9, 2017.

Ms. Sakata had recommended the following: (1) Definition of "AXP" means the Architectural Experience Program [of] by NCARB; (2) Section 16-115-24(b), amending language, "; or if applicable, be currently designated as a model law structural engineer;".

The Committee had a lengthy discussion on electronic signatures as proposed in section 16-115-9(e) and stamping of plans as proposed in section 16-115-9(c)(3). As proposed in section 16-115-9(c)(3), only one original set of plans is required to have every sheet stamped and contain the original signature or have a digital signature. Ms. Sakata stated that it may not be feasible to have a digital signature on every sheet as the process to place a digital signature may be burdensome. The Committee also discussed whether only the title page should contain the stamp and original signature or digital signature.

The Committee will continue discussions on the stamping and signature requirement at its next meeting.

It was moved by Mr. Inaba, seconded by Mr. Suzuki, and unanimously carried to approve the March 16, 2017 Rules Committee meeting minutes as distributed.

New Business:

a. Professional Engineers Report

- 2017 NCEES Central/Western Zone Joint Interim Meeting

The 2017 NCEES Central/Western Zone Meeting is scheduled for May 18-20, 2017 in Denver, CO and will be attended by Mr. Inaba, Mr. Suzuki, Ms. Matsushima, and Mr. Kobashigawa.

- 2017 NCEES Annual Meeting

The 2017 NCEES Annual Meeting is scheduled for August 23-26, 2017 in Miami Beach, FL.

At 9:28 a.m., Mr. Pang arrived at the meeting.

b. Architects Report

- Visit by NCARB Dignitaries

Ms. Noe presented a letter to both Mr. Armstrong and Mr. Kobashigawa from the University of Hawaii's American Institute of Architecture Students ("AIAS") Chapter regarding the Freedom by Design Project and thanking NCARB for the monetary donation to fund the project. Hokulani Elementary School was selected as the recipient of service where the UH students will work with the school to create a new space for them to grow fruits and vegetables using aquaponics.

Prior to coming to Hawaii, Ms. Harding, Mr. Batkin, and Mr. Armstrong visited the Guam Board of Registration for Professional Engineers, Architects and Land Surveyors. They will also meet with AIA Hawaii State Council/AIA Hawaii after this Board meeting and will be flying to Kona, Hawaii for the NCARB Executive Committee and Board of Directors Meeting later in the week.

Mr. Armstrong spoke to the Board and indicated that many boards are focusing on protecting the profession instead of public safety.

Mr. Armstrong reported on the following:

- ✓ NCARB is collecting the best practices as models among the state boards. In the current political climate, some believe that regulation is becoming an impediment to working.

- ✓ NCARB is evolving as an organization by providing guidance to streamline licensure in all states to avoid deregulation, and is also taking on a more public role in advocacy.
- ✓ NCARB is watching the "Right to Living" issue and waiting to see what happens next.
- ✓ The Architectural Experience Program ("AXP") Portfolio was created for people who do not follow the traditional path of obtaining experience and can still get experience verified beyond five years that would be acceptable.
- ✓ The NCARB Certificate is also available for those without a National Architectural Accrediting Board ("NAAB") degree. Architects can satisfy the education requirement by either documenting two times the requirements of AXP or for those who hold less than a four-year architecture-related degree, will be able to submit an education portfolio. A review Committee will determine if there are any deficiencies in the education and if so, those differences can be made up with additional experience via the portfolio.
- ✓ Through the Integrated Path to Architectural Licensure ("IPAL") initiative, students are allowed the opportunity to complete the requirements for licensure (taking the A.R.E. exam and obtaining experience for the AXP) while earning their degree. The University of Hawaii has not opted in yet as they are focusing on establishing a Master of Landscape Architecture program.
- ✓ Some licensing boards are sharing their licensing data with NCARB to enhance NCARB's database.

It was questioned what the differences were between a single vs. a multi-disciplined board to which Mr. Armstrong reported that Virginia is a multi-discipline board where each profession will meet separately before meeting together as a whole board. Ms. Harding indicated that Alabama is currently an all architect board, but is looking to add a public member seat.

On a separate topic, Mr. Kobashigawa questioned whether Hawaii's requirements are too restrictive and whether it could lead to de-regulation, similarly as attempts are made in more and more states.

Ms. Noe inquired when would NCARB be revisiting the University of Hawaii School of Architecture again. Mr. Armstrong indicated that visitations to NAAB schools are normally done every two or three years.

Ms. Noe reported that there will be a symposium this coming weekend at the State Capitol to discuss resiliency in architecture.

Ms. Harding thanked Ms. Noe and Mr. Yumol for their hard work serving on NCARB Committees.

- Report on NCARB Regional Summit Meeting

Ms. Noe, Mr. Ventura, and Mr. Kobashigawa attended this meeting held in Jersey City, NJ.

As reported last month, during the Regional Meeting, a letter from the Arizona Board of Technical Registration was discussed where they objected to the proposed bylaws amendment regarding membership requirements because of their concern about the additional dues requirement to pay to WCARB. The Arizona board suggested that membership in regions be voluntary should a state wish to remain part of a regional structure.

It was explained that for some state boards, they have to request for funding and having to request for NCARB and WCARB fees separately was questioned by the legislature. To solve the matter, NCARB will be working with those boards by sending a combined invoice for both dues.

Mr. Kurokawa explained that CLARB too had issues with states not being able to fund for members to attend both a Mid-Year and the Annual Meetings. Thus, CLARB no longer physically meets for the Mid-Year Meeting, but instead meet monthly via web meetings.

- 98th NCARB Annual Business Meeting

This meeting is scheduled for June 21-24, 2017 in Boston, MA and will be attended by Ms. Noe, Mr. Ventura, and Mr. Kobashigawa.

- Release of Additional A.R.E. 5.0 Score Reports

Scores from the Project Development & Documentation ("PDD") division and the Practice Management ("PcM") divisions were recently released.

- NCARB Update (March 2017)

Highlights from the newsletter:

- ✓ In the first five months after the launch of A.R.E. 5.0, over 200 candidates have successfully completed the examination requirement by transitioning from ARE 4.0 to 5.0.
- ✓ There is also a surge of interest for NCARB certification from architects without degrees from NAAB-accredited programs and foreign-licensed architects indicating that the new alternatives are favored over the previous Broadly Experience Architect ("BEA") and Broadly Experience Foreign Architect Programs ("BEFA").
- ✓ NCARB launched its updated website on April 10, 2017. It includes a streamlined look and feel, user-friendly text about licensure and certification, and simplified navigation.
- ✓ NCARB exclusively offered to newly certified architects a free *Architectural Record* subscription, which generated 1,600 positive responses.
- ✓ NCARB published an OpEd article in the *Oregonian* in support of recent enforcement action by the Oregon Board of Architect Examiners against illegal representation of architectural practice, which is the subject of an Oregon Supreme Court hearing.

c. Surveyors Report

- The National Society of Professional Surveyors announced that National Surveyors Week will be celebrated annually beginning the third Sunday in March.

- NCEES launched the 2017 Surveying Education Award on March 21, 2017. This award recognizes surveying/geomatics programs that best reflects NCEES' mission to advance licensure for surveyors in order to safeguard the health, safety, and welfare of the public. The programs compete for cash prizes with the grand prize at \$25,000, up to three programs will receive \$15,000, and up to three will receive \$10,000. Details can be found on NCEES's website at <http://ncees.org/education/ncees-surveying-education-award/>.

d. Landscape Architects Report

- Report on CLARB "In the Know" Webinar

This was a Mid-Year Membership Update webinar.
Discussed were:

- ✓ Professional licensure is under attack across the U.S. and the threat is very dynamic and is a growing concern across the spectrum of regulated professions. There were bills to de-regulate landscape architecture in Montana, Virginia, Washington, and Illinois, but de-regulation challenges were defeated.
- ✓ Washington D.C. recently adopted licensure for landscape architects.
- ✓ There is a legislation called the "right to earn a living" that seeks to reduce the number of licensed occupations by reassessing them against a higher standard and apply the "least restrictive regulation" option and shifts the burden of proof from the citizen to the regulator through provisions that enable dissatisfied citizens to challenge what is perceived as an unreasonable barrier in the courts. One variation of this legislation is sponsored by the Goldwater Institute, while another is sponsored by the Institute for Justice. These are championed by state groups, think tanks and politicians and have been introduced in Arizona, Arkansas, and Nevada.

CLARB's Board of Directors questioned "What can and should CLARB do to defend the integrity of regulation to protect the public?" In response, two strategies emerged:

- 1) Empower member boards to defend the integrity of regulation in the public interest.

This would be achieved by optimizing members' abilities to prepare for and respond to current and future threats to regulation designed to protect the public.

- 2) Rethink the process and structure of licensure.

By designing a simpler, more frictionless framework and complimentary process for licensure would result in an enhanced experience, improved credibility and confidence among stakeholders.

Correspondence: None.

Executive Officer's Report:

a. Board Member Nominees

Mr. Kobashigawa reported a hearing was scheduled for the following board membership nominations:

- Mr. Richard Suzuki for a second term to expire on June 30, 2021.
- Mr. Ken Ota for a second term to expire on June 30, 2021.
- Mr. Roberto Yumol as an architect member to expire on June 30, 2019.
- Mr. Dan Hirota as a land surveyor member to expire on June 30, 2021.
- Mr. Robert Eggleston as a public member to expire on June 30, 2019.

b. Results of March 2017 Landscape Architect – Hawaii Plant Materials Exam

Number of Candidates: 2
Number Passed: 1

Executive Session: At 10:55 a.m., it was moved by Mr. Inaba, seconded by Mr. Suzuki, and unanimously carried to move into executive session pursuant to HRS §92-5 to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities, as provided in HRS §92-5(a)(4) regarding the Executive Session minutes.

At 10:55 a.m., the guests were excused from the meeting room.

At 10:58 a.m., it was moved by Mr. Inaba, seconded by Mr. Suzuki, and unanimously carried to move out of executive session.

Approval of
Minutes:

It was moved by Mr. Lee, seconded by Mr. Suzuki, and unanimously carried to approve the March 16, 2017 Board meeting minutes as distributed.

It was moved by Mr. Inaba, seconded by Mr. Suzuki, and unanimously carried to approve the March 16, 2017 Executive Session minutes as amended.

Chapter 91, HRS,
Adjudicatory
Matters:

At 10:58 a.m., Chair Kurokawa recessed the Board's meeting to discuss the following adjudicatory matter pursuant to Chapter 91, HRS:

- a. In the Matter of the Professional Engineer's License of Randall A. Nelson – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

It was moved by Mr. Suzuki, seconded by Mr. Constantino, and unanimously carried to approve the above settlement agreement.

- b. In the Matter of the Professional Engineer's License of Theresa R. Nunan – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

After discussion, it was moved by Mr. Suzuki, seconded by Mr. Inaba, and unanimously carried to reject the above settlement agreement.

- c. In the Matter of the Professional Engineer's License of John G. Rohner – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

After discussion, it was moved by Mr. Suzuki, seconded by Mr. Inaba, with Mr. Lee opposing, and carried by a majority to reject the above settlement agreement.

- d. In the Matter of the Architect's License of John C. Schneider – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

It was moved by Mr. Lee, seconded by Ms. Noe, and unanimously carried to approve the above settlement agreement.

At 11:22 a.m., the Board came out of Chapter 91, HRS, and returned to its regular order of business.

Next Meeting: Monday, May 11, 2017
9:00 a.m.
King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Adjournment: The meeting was adjourned at 11:22 a.m.

Taken and recorded by:

/s/ Terry Akasaka-Toyama

Terry Akasaka-Toyama
Secretary

Reviewed and approved by:

/s/ James Kobashigawa

James Kobashigawa
Executive Officer

5/2/17

Minutes approved as is.

Minutes approved with changes; see minutes _____.