

**CONTRACTORS LICENSE BOARD**  
Professional and Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii

Rules Committee Meeting Minutes

Date: Friday, August 23, 2013

Place: King Kalakaua Conference Room  
King Kalakaua Building  
Department of Commerce and Consumer Affairs  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

Present: Randall B. C. Lau, Chairperson  
Guy Akasaki, Vice Chairperson  
Leslie A. Botelho, Member  
Tyrus Kagawa, Member  
William Kamai, Member  
Nathan T. Konishi, Member  
Peter Lee, Member  
Kent Matsuzaki, Member  
Aldon Mochida, Member  
Daryl Suehiro, Member  
Gerald Yamada, Member  
Verna Oda, Executive Officer  
Charlene L.K. Tamanaha, Executive Officer  
Rodney J. Tam, Deputy Attorney General  
Jan Shimizu, Secretary

Excused: Anacleto "Joey" Alcantara, Jr., Member  
John Polischeck, Jr., Member

Guests: Sam Spencer, Local #3  
Walter Caraang, Local #3  
Kenta Saito, Local #3  
Carleen Elvenia, Local #3  
Paulette Dabil, Local #3  
Darolee Prewitt, Local #3  
Aaron Costa, Local #3  
Arnold Wong, Ironworkers Stabilization Fund, Local 625  
Ron Amemiya, Ironworkers Stabilization Fund, Local 625  
Mel Kahele, Ironworkers Stabilization Fund, Local 625  
Makana Paris, Ironworkers Stabilization Fund, Local 625  
Joseph O'Donnell, Ironworkers Union Local 625  
Mitchell Shimabukuro, DC 50, Local 1791  
Michael Lilly, Esq., DC 50  
Kika Bukoski, HBCTC  
Ken Takenaka, General Contractors Association

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Glen Ida, Local 675  
Gladys Marrone, Building Industry Association  
Dwayne Arelliano, District Council 50 ("DC 50") Glaziers 1889  
Lorna Woo, IUPAT, District Council 50  
Malcolm Ahlo, Jr., DC 50  
Joe Gonsalves, DC 50, Local Union 1944  
Ryden Valemoj, DC 50  
John D. Frigillona, Jr., DC 50, Local Union 1944  
Michael Yee, CCH/Civil Div.  
Shannon Alivado, General Contractors Association  
Leonard Leong, General Contractors Association  
Joby S. North, Laborers Union Local 368  
Tony Figueroa, Laborers Union Local 368  
Al Lardizabal, Hawaii Laborers Union Local 368  
Troy Silva, HEMEP  
Peter Akamu, IBEW Local 1186  
Pane Mendoza, Local 3  
Mel Silva, Masons Union  
Daryl Correa, Jr., Masons Union  
El John Wong, Masons Union  
Ricky Tamashiro, Masons Union  
Leonard Hoshijo, Carpenters HRCC  
David W. Samson, HRCC  
Mark Gaspar, HRCC

Call to Order:

Chairperson Lau called the Rules Committee meeting to order at 1:06 p.m.

Chairperson Lau announced that because the Board's report on SCR 84 (2013) is due to the Legislative Reference Bureau by November 1, 2013, this will be the last Rules Committee meeting to accept testimony or comments specific to SCR 84 to aid in drafting their report. He asked that testimony be limited to one person per group and to be considerate of the time.

He also announced that at this morning's Board meeting, he had appointed six Board members to an Investigative Committee as follows: two general contractor members (Gerald Yamada and himself); two specialty contractor members (Kent Matsuzaki and Guy Akasaki); and two public members (Peter Lee and William Kamai). The Committee will gather and review all testimonies/comments and bring their findings to the Board for approval.

Chairperson Lau then opened the floor for any testimonies.

Michael Lilly, attorney representing the International Painters and Allied Trades, DC 50, stated that they have been working with other subcontractor associations and their concern is they do not want to see the expansion of the "A" and "B" contractors having more "C" specialties

assigned to their scope of work. The area of concern is for public health and safety.

Kika Bukoski of the Hawaii Building Construction and Trades Council, which represents various trade organizations, provided written testimony and summarized some important points. In their review of past minutes the C specialties were added to the "A" and "B" contractors in the 1950's and soon after the Board was established. "Incidental and supplemental" as stated in the rules do not refer back to the laws. Suggestion was made to clarify in the rules that "incidental and supplemental" only applies to subs. He also mentioned the consolidation of C-5, C-5a, and C-5b, taking out "incidental and supplemental" from the C-5 definition, and reassigning the scope of work to a C-30 classification on home improvement, which was in effect at one time. Garage door work can also go under home improvement. The C-42a and C-42b should also be deleted in conformance with Chapter 444.

Executive Officer Oda announced that all written comments have been posted to the website, and if their submission is not posted, to please let her know.

Ron Amemiya of the Ironworkers Stabilization Fund, Local 625 stated that because the Board does not consider the extent and cost of work, the Board's interpretation is contrary to the law and its primary purpose regarding the license. Incidental and supplemental work regarding all "C's" must be limited.

Shannon Alivado of the General Contractors Association stated that their letter was sent jointly with other members and asked that the Board respectfully consider their testimonies. Their goal was to identify issues everyone is facing. The main point of the Resolution is to ask whether the rules reflect the legislative intent. The Board is always challenged with scope issues and Ms. Alivado stated that Exhibit 7 of their letter are the guidelines the Board used to determine the appropriate license that is required based on the scope of the project. They also included the Board's declaration of what the "A" and "B" licensees can perform.

After additional general comments from the audience, Chairperson Lau reiterated the Investigation Committee's task and that it understands the difficulties and issues with certain areas in the rules that everyone is dealing with and will try to keep this in mind when finalizing their report to the Legislative Reference Bureau. He also stated that the Board's primary responsibility is for consumer protection, health and safety, which will be their first criteria when finalizing their report.

Mr. Wong asked if a draft will be made available to the public. Chairperson Lau felt that when the Board is finalizing the draft report, a copy may be released to the public at that time.

Chairperson Lau thanked everyone for their comments.

Adjournment: The meeting was adjourned at 1:56 p.m.

Taken and recorded by:

\_\_\_\_\_/s/ Jan Shimizu  
Jan Shimizu  
Secretary

Reviewed and approved by:

\_\_\_\_\_/s/ Verna Oda  
Verna Oda  
Executive Officer

[ X ] Minutes approved as is.

[    ] Minutes approved with changes. See Minutes of \_\_\_\_\_.

9/19/13