

BOARD OF ELECTRICIANS AND PLUMBERS
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: Tuesday, August 9, 2011

Time: 10:30 a.m.

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

Present: Lindsey Kimura, Public Member, Chair
Maurice Torigoe, Industry Member, Vice-Chair
Peter Akamu, Industry Member
Randall Kaya, Public Member
Morris Kaneshiro, Industry Member
Vernon Ta'a, Public Member
Rodney J. Tam, Deputy Attorney General
Charlene L.K. Tamanaha, Executive Officer
Lesley Matsumoto, Secretary

Excused: Matt Brady, Industry Member

Guests: Ryan Takahashi – Hawaii Electrical Market Enhancement Program
Alan Nakamura – City and County Plumbing Inspector
Gregg Serikaku – Plumbers and Mechanical Contractors Association
David Lovelace – Hawaii Electrical Training Fund

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by section 92-7(b), Hawaii Revised Statutes ("HRS").

Call to Order: There being a quorum present, Chair Kimura called the meeting to order at 10:58 a.m.

Additions/
Revisions to
the Agenda: It was moved by Mr. Kaya, seconded by Vice-Chair Torigoe, and unanimously carried to add the following agenda items:

12. Scope

c) Inquiry from Larry Stark

d) Inquiry from Romaldo Valenzuela, Request for Extension

Approval of
the Minutes: It was moved by Mr. Kaya, seconded by Mr. Kaneshiro and unanimously carried to approve the minutes of the June 14, 2011 meeting as circulated.

Executive

Officer's Report:

a. Office of Information Practices

None.

b. Ethics Commission

None.

c. Board Policies and Procedures

None.

d. Aloha – Peter Akamu, Matt Brady, and Vernon Ta'a

The Executive Officer welcomed the new members Peter Akamu, electrician licensee, Vernon Ta'a, public member, and Matt Brady, plumber licensee to the Board. Mr. Brady was unable to attend today's meeting. The Executive Officer informed members that she and Mr. Tam met with the new members to review Board policies and procedures, appropriate statutes and the responsibilities of being a Board member. Each member was also provided with an operational manual.

The Board thanks them for their commitment to public service and willingness to serve.

e. Other

None.

Chapter 91, HRS,

Adjudicatory

Matters:

None.

Examinations:

a. The Executive Officer distributed the following results of the Electricians' and Plumbers' examination:

Electricians' Exam (administered July 2011)

	<u>EJ</u>	<u>ES</u>	<u>EJI</u>	<u>ESI</u>	<u>EJS</u>	<u>ESS</u>	<u>EM</u>
Exams Administered	70	6	1	1	16	0	5
Successful	36	1	0	0	4	0	2
Unsuccessful	34	5	1	1	12	0	3

Plumbers' Exam (administered July 2011)

	<u>PJ</u>	<u>PM</u>
Exams Administered	17	0
Successful	4	0
Unsuccessful	13	0

b. Prometric fka Thomson Prometric Report/Announcements

None.

Appearances: None.

Applications: It was moved by Mr. Kaya, seconded by Mr. Akamu and unanimously carried to **approve/defer** the following applications as noted:

a. ELECTRICIANS

1. Journey Worker Electrician ("EJ") – Approved

ABBOTT, Jon W.
AGCANAS, Alexander A.
AKANOA, David T.
AOKI, George K.
AUGUSTINE, Blue
BETHEL, Brandon R.C.K.P.
BOWES, Ronald L.
BUSOT, Adriana C.
CACHO, Daniel N.
CONSTANTINE, Michael A.
DOWNING, Marcus C.
DURAN, Francisco M.
GAMPONG, Nelson F.
GUERRERO, Mark L.
HAN, Myung Soo
HEADLEY, John A.
IBANEZ, Celso I.
IRIE, Jamie B.
LEE, Byung Chang
LOPEZ, Ryan K.
MAGALLANES, John E.
MAIKUI, Mason K.
MARTINEZ, Mario M.
NOPENS, David M.
PACI, Joseph S.
PADILLA, Gabriel Z.
PASI, Raymond L.
POKIPALA, Laamai K.
REEDER, Bradley J.
RIBAO, Allence B.
SHIGETA, Brent S.
SLONE, John Henry
SUYAMA, Corey S.
TAFT, Christian R.
WHITE, Otega C.
WHITTEMORE, Paul

2. Supervising Electrician ("ES") – Approved

KRATKY, Steven
MASCOLO, Joel S.
WALDRIP, Mitchell D.

3. Journey Worker Industrial Electrician ("EJI") - Approved

BUKOSKI, Darwin P. - The Board felt the applicant qualifies for a EJI license and has approved the applicant to sit for the EJI examination; however, deferred the applicant's application for a EJ license.
KILGORE, Daniel P. - The Board felt the applicant qualifies for a EJI license and has approved the applicant to sit for the EJI examination; however, deferred the applicant's application for a EJ license.
VIERRA, Robert A.

4. Supervising Industrial Electrician ("ESI")

None.

5. Journey Worker Specialty Electrician ("EJS") - Approved

GONO, Gerald N.
HAITSUKA, Brant N.
ISHIKI, Richard J.
KAPUA, Lucas E.T.
KOPE, Gregory A.
TOMASU, Eric Ken

6. Supervising Specialty Electrician ("ESS")

None.

7. Maintenance Electrician ("EM") - Approved

ARAKAKI, Michael J.K.F.
LEUNG, Chunfai

b. PLUMBERS

1. Journey Worker Plumber ("PJ") – Approved

BELL, Russell V.I.
DUMLAO, Todd D.
ENG, Fong
FITCH-MCCONNELL, Keith W.
GABRIEL, Derek W. Jr.
HILL, Mark A.
KESNER, Denver R. Jr.

NEY, Ben N.
SILVA, Jeremy U.
SPEAR, Phillip J.
VILLALON, Librado III
YANNELL, Bryan H.

2. Master Plumber ("PM")

None.

c. Deferred Applications

AMBELLAS, Shepard L. (EJ)
BLANKE, Phillip E. (ES)
BUKOSKI, Darwin P. (EJ)
CARVALHO, Casey (EJ)
DOBSON, David P. (EJ)
ESPINOZA, Richard (EJ)
HIRANAKA, Scott M. (EJ)
KAWACHI, Roy M. (EJ)
KILGORE, Daniel P. (EJ)
KIPPINS, Troy (EJ)
LAU, Lawrence W.S. (EJ)
OTA, Bradley A.F. (EJ)
PICHL, Stefan E. (EJ)
PRIOR, Steven A. (ES)
RABOT, Alan C. (EJ)
RHODES, Randall K. (ES)
ROMERO, Edwin G. (EJ)
RYSER, Chris (EJS)
TILTON, Nathan L. (EJ)

d. Denials

None.

e. Renewals

It was moved by Mr. Kaneshiro, seconded by Vice-Chair Torigoe, and unanimously carried to **approve/defer** the following renewal applications:

HARTZ, Anthony (EJ 8931) – Deferred for more information
KEANINI, Jonah K. (EJ 10231) – Approved
MILSHAP, Markell P. (EJ 8361) – Approved
MINESHIMA, Hiram (EJ 10049) – Approved a conditional license subject to the following conditions:

1. The applicant shall not be convicted of any further crimes;

2. The applicant shall submit annually, to the Board's Executive Officer, a criminal history record check (i.e., a criminal abstract) from the Hawaii Criminal Justice Data Center. The criminal abstract shall be due on or before January 31 of each year and shall be provided at the applicant's expense;
3. The applicant shall fully comply with all of the terms and conditions of the applicant's probation/parole;
4. The applicant shall submit annually, to the Board's Executive Officer, a letter from the applicant's probation/parole officer attesting to the applicant's compliance with the terms and conditions of the applicant's probation/parole. The letter shall be due on or before January 31 of each year; and
5. The applicant must acknowledge that this conditional license shall be automatically withdrawn without a hearing upon receipt of notice that the applicant's probation/parole has been revoked/terminated, or that the applicant failed to comply with any of the above conditions.

PENA, Mario (EJ 10262) - Approved

Unfinished
Business:

a. Rule Revisions

1. Local 675/PAMCA Proposal to Amend HAR §§16-80-2 and 16-80-3

This issue was deferred to the next meeting.

b. Implementation of Act 35 Update

The Executive Officer informed members that the Honolulu Community College is still working to establish curriculums for each electrician classification. Until curriculums are established, implementation strategies are on the back burner.

c. Notice to Contractors Performing Electrical or Plumbing Work

The Executive Officer provided members with a copy of the final notice mailed on July 1, 2011 to all contractors performing electrical or plumbing work. While the notice is a reminder of existing requirements under the current statute and rules, many think it's something new.

She provided members with an article in Smart Business Hawaii by Sam Slom regarding the notice whereby he questions whether the notice is a part of the continuing battle between the plumbing

and electrical unions since many contractors would now be in violation of laws and would find themselves doing certain work as "unlicensed" contractors unless they employ separate licensed electrical and plumbing contractors.

The Board affirmed its position that while the specialty contractors scope of practice may allow the installation of backflow preventive devices, irrigation control, decorative lamp electrical wiring that will carry 24 volts or less, it still requires these contractors to be in compliance with any other statute or rule affecting the work they do, for example, HRS, chapter 448E. It is not a law or rule change, nor is it a change of the Board's interpretation of the law.

New Business: None.

Correspondence: None.

Scope: a. Inquiry from Boyd Ready, Landscape Industry Council of Hawaii

Members discussed Mr. Boyd Ready's inquiry regarding the "Important Notice to All Contractors Performing Electrical or Plumbing Work".

After much discussion, it was moved by Mr. Akamu, seconded by Vice Chair Torigoe, and unanimously carried to respond to Mr. Ready's questions as follows:

Q1: Is the notice everyone received a result of a change in the law, or a change in your division's official interpretation of the law?

A1: No.

Q2: What notice to the affected industry, what opportunity for public comment, was provided before this change was decided upon?

A2: The Board did not send any formal notice requesting public comment since there was no change in the law or the Board's interpretation of the law.

Also, the Board discussed the matter at its February 8, 2011 and April 12, 2011 meetings and the Contractors License Board discussed this matter at its April 21, 2011 Board meeting, which were open to the public.

Q3: What is the decision-making body, who are its members, and when do they meet next, to consider the wisdom of these announced rule changes or changes in interpretation?

A3: For your information, the Board (in conjunction with the Contractors License Board ("**CLB**") sent the Notice as a courtesy reminder to all contractors whose scope of practice allows the performance of electrical or plumbing work. This was done to reaffirm the electrician's and plumber's licenses that are required when contractors perform electrical and plumbing work within their respective scopes.

The Board's next meeting is scheduled for Friday, October 14, 2011, and the CLB's next meeting is scheduled for Friday, September 23, 2011.

b. Inquiry from Jason Lindquist, Vivint Inc.

Members discussed Mr. Jason Lindquist's inquiry requesting an exemption from the journey worker electrician's licensing requirements for your residential burglar/fire alarm installers. Mr. Lindquist's letter indicated the equipment he's installing is "wireless with the exception of the main control unit (keypad is built into our main panel) which in most cases only needs one wire from an existing 120 volts outlet to our control panel/keypad."

Based solely on the information provided, it was moved by Mr. Kaneshiro, seconded by Mr. Kaya, and unanimously carried to reaffirm its April 12, 2011 determination that an electrician's license is required (i.e. journey worker specialty, supervising specialty, journey worker industrial, supervising industrial, journey worker, or supervising electrician's license) to hard wire/terminate the wiring on the control panel/keypad. Accordingly, the Board denied Mr. Lindquist's request for an exemption from licensure.

c. Inquiry from Larry Stark

Members discussed Mr. Larry Stark's inquiry requesting that Mr. John Headley of Pyramid Electric be allowed to continue operating his business while Mr. Headley is in the process of reinstating his journey worker electrician ("EJ") license.

After much discussion, it was moved by Mr. Kaneshiro, seconded by Mr. Kaya, and unanimously carried to determine that Pyramid Electric can continue its electrical contracting business; provided that it hires licensed EJs to perform electrical work until Mr. Headley obtains his EJ license. Thereafter, Pyramid Electric will need to comply with HRS section 444-9.5(a), which provides in relevant part that:

"At least half of all individuals performing electrical or plumbing work employed on a construction job site by an electrical or plumbing contractor shall be licensed in accordance with HRS, chapter 448E."

d. Inquiry from Romaldo Valenzuela, Request for Extension

Members discussed Mr. Romaldo Valenzuela's request for an extension of his approved journey worker application for another two years.

After discussion, it was moved by Mr. Akamu, seconded by Vice-Chair Torigoe, and unanimously carried to deny Mr. Valenzuela's request for an extension beyond the two years currently given to complete the licensing process.

The Board's records reflect that Mr. Valenzuela's application for a EJ was approved at the Board's October 9, 2009 meeting and that his notice of approval was dated October 13, 2009. Therefore, Mr. Valenzuela has until October 13, 2011 to take the examination and move towards completion of the licensing process.

Pursuant to Hawaii Revised Statutes, chapter 436B-9, to extend the two years abandonment period, the Board must adopt rules. To date the Board has not moved to do so and affirmed its position that two years is sufficient.

To commence another two year period, Mr. Valenzuela must take the Board's examination before October 13, 2011. Should Mr. Valenzuela fail to receive a passing score, he will have two years from that date to show continued efforts to complete the licensing process.

The Board directed the Executive Officer to advise Mr. Valenzuela of the law changes effective July 1, 2013, which will add an educational component to the current five years and 10,000 hours currently required for a EJ. Should his application be deemed abandoned, he shall be required to reapply for licensure and comply with the licensing requirements in effect at the time of reapplication.

Legislation: None.

Announcement: a. Next Applications Committee Meeting

Friday, October 14, 2011

9:30 a.m.

King Kalakaua Conference Room

King Kalakaua Building

335 Merchant Street, 1st Floor

Honolulu, HI 96813

b. Next Board Meeting

Friday, October 14, 2011

10:30 a.m.

King Kalakaua Conference Room

King Kalakaua Building

335 Merchant Street, 1st Floor

Honolulu, HI 96813

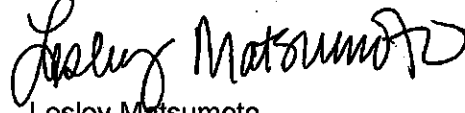
Adjournment: There being no further business to discuss, the meeting was adjourned at
12:04 p.m.

Review and approved by:



Charlene L.K. Tamanaha
Executive Officer

Taken and recorded by:



Lesley Matsumoto
Secretary

CLKT:lkM

9/9/11

☒ Minutes approved as is.

☐ Minutes approved with changes; see minutes of _____.