

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

MINUTES OF MEETING

Date: Tuesday, December 13, 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
Morris Kaneshiro, Industry Member
Randall Kaya, Public Member
Rodney J. Tam, Deputy Attorney General
Charlene L.K. Tamanaha, Executive Officer
Lesley Matsumoto, Secretary

Excused: Matt Brady, Industry Member
Vernon Ta'a, Public Member

Guests: Ryan Takahashi – Hawaii Electrical Market Enhancement Program
David Lovelace – Hawaii Electrical Training Fund
Peter Lee – Hawaii Laborers – Employers Cooperation & Education Trust
Toni Figueroa – Laborers Union 368
Kimo Drumgold – Laborers Union 368
Harold McDermott – Plumbers Union Local 675
Gregg Serikaku – PAMCA

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 10:50 a.m.

Chair Kimura moved out of order of the agenda to discuss item #5 Adjudicatory Matters.

Recess: Chair Kimura recessed the chapter 92 meeting at 10:50 a.m. to discuss the following adjudicatory matter, pursuant to chapter 91, HRS.

RECESS

Chapter 91, HRS,
Adjudicatory
Matters:

- a. In the Matter of the Electrician's License of Markell P. Milsap; ENP 2008-32-L
Deputy Attorney General Rod Tam summarized the above Settlement Agreement.

The Executive Officer informed members of the following two minor non substantive corrections which should be reflected in the minutes and which should not invalidate the Settlement Agreement.

- 1) Page 1, paragraph A1, last sentence, Mr. Milsap's license expires on June 30, 2011. The date should reflect June 30, 2014.
- 2) Page 2, #3, correct the Criminal No. from 08-00592 to 1:08CR00592-001.

The Deputy Attorney General concurred that the minor corrections could be reflected in the minutes and would not invalidate the Settlement Agreement.

It was moved by Mr. Akamu, seconded by Mr. Kaneshiro and unanimously carried to approve the Settlement Agreement with amendments.

Reconvene: Chair Kimura reconvened to the Board's regular order of business at 11:00 a.m., pursuant to Chapter 92, HRS.

Additions/
Revisions to
the Agenda:

It was moved by Mr. Akamu, seconded by Mr. Kaya and unanimously carried to add the following agenda items as follows:

9. Unfinished Business
 - c) Ready, Boyd "Getting Amped Up", Landscape Industry Council of Hawaii, October/November 2011
10. New Business
 - b) Electrician Continued Competency – Updates to the 2011 NEC required for the 2014 Renewal

Approval of
the Minutes:

It was moved by Mr. Akamu, seconded by Mr. Kaya and unanimously carried to approve the minutes of the October 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. Other

None.

Examinations:

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

Electricians' Exam (administered November 2011)

	<u>EJ</u>	<u>ES</u>	<u>EJI</u>	<u>ESI</u>	<u>EJS</u>	<u>ESS</u>	<u>EM</u>
Exams Administered	74	5	7	1	7	2	2
Successful	50	2	1	0	3	2	1
Unsuccessful	24	3	6	1	4	0	1

Plumbers' Exam (administered November 2011)

	<u>PJ</u>	<u>PM</u>
Exams Administered	26	2
Successful	18	1
Unsuccessful	8	1

b. Prometric fka Thomson Prometric Report/Announcements

None.

Appearances:

None.

Applications:

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

a. ELECTRICIANS

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

ACASIO, Lloyd K.
AMION, Steven D. Jr.
ASUNCION, Jonathan T.
BARCO, James C.
BOOKLAND, William
BOWES, Matthew A.
CAMERON, Christopher I.

COPE, Wally W.
CRABBE, Kanoheaponoalii B.
CUMBERLAND, Matthew A.
DEBOMA, Eric L.
DUPAYA, Aldrin U.
ESPINOZA, Richard
FRENCH, Chris E.
GARCIA, Thomas M.
HAWKINS, Jordan P.
HEICHELBECH, Anthony R.
ITAGAKI, Matthew Y.
JOHNSON, Christopher R.
JOHNSON, Rodan
KREIDER, Jeffrey D.
LEUFFGEN, Mark A.
MAFOA, Bryon E.
MANABE, Travis J.
MURAKAWA, Ryan M.
NIELSEN, Craig E.
ONISHI, Rusti J.
PICONES, Juancho N.
PRIMACIO, John M.
RABOY, Donovan B.
STEPHENS, Patrick W.
TEIXEIRA, Sonny L.P.
TILTON, Nathan L.
UNO, Thomas A.
WILLIAMS, Dana K.
WOLFF, Richard O.H.
WONG, Jit W.
YOSHIMOTO, Jordan K.

2. Supervising Electrician (“ES”) – Approved

MOLINA, Duane M.

3. Journey Worker Industrial Electrician (“EJI”) - Approved

AGLUGUB, Renante U.
MALDONADO, Roel
RAGSDALE, Jay C.

4. Supervising Industrial Electrician (“ESI”) - Approved

WALSH, Brian D.

5. Journey Worker Specialty Electrician (“EJS”) - Approved

HATCH, Nathan A.

6. Supervising Specialty Electrician (“ESS”)

None.

7. Maintenance Electrician (“EM”) - Approved

BURTON, Scott C.M.
MEDINA, Arthur Jr.
WARD, Jason L.

b. PLUMBERS

1. Journey Worker Plumber (“PJ”) – Approved

BADUA, Avelino
BALIOS, Robert O.
CABANIZAS, Modesto C.
GOMBAN, Justin R.
HENDERSON, Matthew J.
HOY, Ian A.
KEENE, Gordon K.
LAU, Kai K.
MATSUDA, Jadd S.
SANCHES, Ricky A.
SMITH, Anthony G.
SYLVA, Joseph D.
SYLVESTER, Scot
VINORAY, Guy S.

2. Master Plumber (“PM”)

None.

c. Deferred Applications

BALI, Steven J. (EJS)
BOKOLAS, Stephen (PJ)
BURNS, Jack A. (PJ)
BUSTOS, George D. Jr. (PM)
DEPONTE, Michael S. (PJ)
LACADEN, John V. (EJS)
MCINTOSH, Phillip R. (EJ)
MILLER, Nicholas P. (EJ)
MIYAKE, Warren K. (EJS)
MURPHY, Sean C. (EJ)
PARKINSON, Bryan R. (ES)
SHIRLEY, Michael J. (EJ)
SOMERA, Mechael V. (EJS)
UYEUNTEN, Randal J.A. (EJ)
VALLARIN, Jose A. Jr. (EJ)
WESCOTT, Phillip S. (EJS)

d. Denials

None.

e. Renewals

It was moved by Mr. Akamu, seconded by Vice Chair Torigoe and unanimously carried to ratify the following renewal:

HARTZ, Anthony

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 she will be meeting with Honolulu Community College ("HCC") today in regards to the electrician curriculum required pursuant to Act 35. She stated that HCC has finalized the electrician curriculum for the EJ, EJI, and EJS, and EM classifications.

The Executive Officer will provide the curriculum at the next meeting for the Board's review. This issue was deferred to the next meeting.

c. Ready, Boyd "Getting Amped Up", Landscape Industry Council of Hawaii, October/November 2011

The Executive Officer informed members that this issue was deferred from the October meeting. She recommended that the Board state for the record its interpretation of HAR, §16-80-3, "Electrical Equipment" as the Board is charged with interpreting its laws and rules.

Mr. Ready noted his interpretation in the article. Mr. Ready states his interpretation of this definition as a blanket exemption for all installations using less than 30 volts.

Mr. Akamu and Mr. Kaneshiro commented that their interpretation of the less than 30 volt exemption in the definition of "Electrical equipment" only applies to central and substations. They indicated that the language of HAR, §16-80-3, coincides with the exemption for employees of a public utility or community antennae television company in HRS, §448-E-13.

Executive Session: It was moved by Chair Kimura, seconded by Mr. Akamu, and unanimously carried to enter into executive session pursuant to HRS §§92-4 and 92-5, to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities at 11:22 a.m.

EXECUTIVE SESSION

It was moved by Mr. Akamu, seconded by Vice Chair Torigoe, and unanimously carried to reconvene to the Board's regular order of business at 11:39 a.m.

After a lengthy discussion, it was moved by Mr. Akamu, seconded by Mr. Kaya and unanimously carried that the less than 30 volt exemption for "telephone, call bells, signal systems, or other purposes in connection with which electromotive force does not exceed 30 volts" as noted in the definition of "Electrical Equipment" in HAR, §16-80-3, applies only to electrical equipment when used in central stations or substations.

New Business: a. Proposed Amendment to the Honolulu City & County Plumbing Code

The Executive Officer informed members that she received a phone call from Alan Nakamura, City and County of Honolulu's Chief Plumbing Inspector, informing her of the County's proposed amendment to its plumbing code to require licensed plumbers to perform any plumbing installation from the property line.

This amendment will effectuate a conflict between HAR, §16-80-3, which requires licensed plumbers be used within five feet of the building line and the Honolulu County plumbing code. She suggested that the Board consider amending its rules to align with the County's ordinances should this proposal be adopted. This matter was deferred to the Board's next meeting.

b. Electrician Continued Competency – Updates to the 2011 NEC required for the 2014 Renewal

The Executive Officer informed members she received the 2011 Electrician Continued Competency curriculum on the updates to the 2011 NEC required for the 2014 renewal from the HCC.

Chair Kimura called for a recess at 12:00 p.m.

Chair Kimura reconvene at 12:13 p.m.

After review, it was moved by Mr. Akamu, seconded by Mr. Kaneshiro and unanimously carried to approve the curriculum on the updates to the 2011 NEC required for licensees to renew in 2014. This curriculum outline will be forwarded to Prometric for

creation of the examination on the updates to the 2011 NEC which may also be used to meet the continued competency requirement for the 2014 renewal.

Correspondence: None.

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

Members reviewed Mr. Ready's email inquiry which asked the Board to answer a few questions to aid the landscape industry compliance. As indicated at the October meeting, the Executive Officer provided the following draft response to Mr. Ready:

Q1: Authority. Where in the HRS, and where in the HAR, are the passages stating that low voltage wiring and irrigation pipe/fittings/heads within 5 feet of a building require licensed electrician/plumber respectively to do any work on them? Could you quote us chapter and verse, so to speak? Or do these requirements stem from the generic requirement that, if there's wiring, electricians are required? How about the plumbing requirement within 5 feet of a building, where is it stated?

A1: Hawaii Administrative Rules ("HAR") section 16-80-3 defines "plumbing work" as:

"[T]he business, trade, or work having to do with the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: Sanitary drainage or storm drainage facilities, venting systems, potable water-supply systems, and fuel systems within or adjacent to any building, or conveyance; also the practice of and materials used in installation, maintenance, or extension of any storm-waste, liquid-waste, sewage, or potable water-supply systems of any premises to their connection with any point of public disposal or other acceptable terminal. However, this provision shall not prohibit other properly licensed contractors from performing any exterior piping work five feet or more outside the building line without licensed plumbers. The Uniform Plumbing Code (UPC) with amendments as adopted by each county is recognized as the minimum requirement and standard of performing plumbing work." (Emphasis added).

Also, HAR section 16-80-4(8) states that:

"No plumbing work shall be performed in or within five feet of the buildings in the State by any person who is not licensed as a journey worker plumber or master plumber

provided that such work may be performed by an apprentice, plumber's helper, or other unlicensed person so long as such work is performed under the supervision and within the scope of a person licensed as a journey worker plumber or master plumber; and provided further that while under supervision, the licensee:

- (A) Oversees, reviews, and is responsible for such plumbing work; and
- (B) Is physically present and available at the project site at all times during which the plumbing work is being performed by the apprentice, plumber's helper, or other unlicensed person."

For your information, the requirement that licensed plumbers perform piping work within five (5) feet of the boundary line applies only to plumbers.

For electrical work, HAR section 16-80-4(7) states that:

"No electrical work shall be performed in or about the buildings in the State by any person who is not licensed in any of the journey worker electrician or supervising electrician categories provided in chapter 448E, HRS; provided that such work may be performed by an apprentice, electrician's helper, or other unlicensed person so long as such work is performed under the supervision and within the scope of a person licensed in any of the journey worker electrician or supervising electrician categories provided in chapter 448E, HRS; and provided further that while under supervision, the licensee:

- (A) Oversees, reviews, and is responsible for such electrical work; and
- (B) Is physically present and available at the project site at all times during which the electrical work is being performed by the apprentice, electrician's helper, or other unlicensed person."

Thus, any electrical work performed in or about buildings in the State must be done by a licensed electrician.

Q2: Safety. Is there a public safety issue with low voltage wiring in irrigation controls, in outdoor low voltage lighting, or in irrigation piping/heads/valves within 5 feet of a building? If there are safety issues, what are they?

A2: Any electrical work (less than 50 volts requires an ESS, EJS, EJ or ES) (more than 50 volts requires an ES or EJ, ESI, EJI) requires a licensed electrician in an appropriate classification.

Q3: New vs. Repair. Is there any distinction between repair work and new installation work that would affect the requirement that licensed electricians/plumbers be used?

A3: No.

Q4: Electric: Extent of work by licensed individuals, requirement. If contractors who do low voltage irrigation control or night lighting work are required to use licensed electricians for the task, how much of each job must they perform, must they do entirely every task, trenching, transporting cable, bundling, lay-out, placement in trenches, pulling through conduits, dry-splice connections at valves, attaching wires to low-voltage timer output terminals, only the wiring hookups/connections, or to what extent of the work is the licensed electrician required?

A4: Under HAR section 16-80-4(7), all electrical work must be performed by a licensed electrician. (See, A1 above.)

Q5: Plumbing: location of work. On the licensed plumber work within 5 feet of a building, is that measured from the outside wall or from the outside of the footing? do patios and other hardscape count as part of the building, extending the building envelope? Do free standing structures of ornamental or horticultural use in the landscape also trigger the 5-foot requirement? Shade houses? Nursery sheds? Storage sheds?

A5: Under HAR section 16-80-3 above, the five (5) feet of the building line includes patios and other free standing structures (i.e., the five (5) foot line starts from the end of the patio and other free standing structures).

Q6: Plumbing: extent of work. Within that 5 foot area, must each and every task be performed by a licensed plumber, or under the direction of, or partially performed? For example: excavation, cleaning out trench, layout of heads and valve locations, pipe laying on firm bearing soil, PVC pipe and fitting assembly, valve box sump gravel, valve box brick footings, valve box installed to grade, solenoid valve mounting/threading/wiring/adjusting for balance among the sprinkler heads, reduction of misting, pressure testing at sprinkler head, are these tasks exclusively reserved to the licensed plumber or can they be done by other trained and experienced personnel as well?

A6: Under HAR section 16-80-4(8), any plumbing work within 5 feet of the building must be performed by a licensed plumber or by an unlicensed person so long as such work is under the supervision of a licensed PJ or PM who is physically present and available at the project site at all times during which the plumbing work is being performed by the unlicensed person.

Q7: Owner-builder exempt? is there a difference if property owners are doing work with their own personnel?

A7: No. The exemption does not apply to electrical or plumbing work. Please refer to Hawaii Revised Statutes ("HRS") section 444-2.5. All questions pertaining to the owner-builder exemption should be referred to the Contractors License Board ("CLB").

Q8: Resources. Is there a list of licensed electricians and plumbers names/contacts for other contractors to use? I don't see one on the DCCA website. If so could you send one so the Council can help people find vendors for the wiring and plumbing work?

A8: A list of licensed electricians, plumbers, and contractors may be obtained on the Board's website at <http://www.ehawaii.gov/dcca/pvllist/html>

Q9: Credentials. If there is no public list how do contractors ascertain who is a licensed plumber/electrician?

A9: Each journey worker electrician or plumber is required to carry and display their license (pocket card). In addition, the list provided by PVL's list builder will provide names, license numbers, and license type of licensed electricians. The public may search the Board's website at <http://pvl.ehawaii.gov/pvlsearch/app> or call 586-3000.

Q10: Penalties for noncompliance. What are the penalties for doing low voltage wiring work, or irrigation work within 5 feet of a building, without licensed electrician or plumber on the job?

A10: HRS section 448E-10 states that any person who violates any provision of this chapter shall be fined not less than \$100 and not more than \$5,000 for each violation. In addition, HRS section 436B-26.5 provides a civil penalty of not more than \$500 or forty per cent of the total amount of the goods and services provided or to be provided, whichever is greater, for the first violation; not more than

\$1,000 or forty per cent of the total amount of the goods and services provided or to be provided, whichever is greater, for the second violation; and not more than \$5,000 or forty per cent of the total amount of the goods and services provided or to be provided, whichever is greater, for any subsequent violation.

Q11: Limited resources, waivers. If insufficient numbers of licensed electricians/plumbers are in a portion of Hawaii's wide-spread island marketplaces, are waivers available and what is the procedure for securing a waiver from requirements?

A11: There are no waivers under HRS chapter 448E.

After review, it was moved by Mr. Akamu, seconded by Mr. Kaya and unanimously carried to accept the draft as written.

Legislation: None.

Announcement: a. Next Applications Committee Meeting

Tuesday, February 14, 2012
9:30 a.m.
King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, HI 96813

b. Next Board Meeting

Tuesday, February 14, 2012
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
12:21 p.m.

Review and approved by:

Taken and recorded by:

/s/ Charlene L.K. Tamanaha
Charlene L.K. Tamanaha
Executive Officer

/s/ Lesley Matsumoto
Lesley Matsumoto
Secretary

CLKT:ikm

1/13/12

- Minutes approved as is.
 Minutes approved with changes; see minutes of _____.