

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

MINUTES OF MEETING

Date: Tuesday, February 14, 2012

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
Matt Brady, Industry Member
Morris Kaneshiro, Industry Member
Vernon Ta'a, Public Member
Rodney J. Tam, Deputy Attorney General
Charlene L.K. Tamanaha, Executive Officer
Christine Hironaka, Secretary

Excused: Randall Kaya, Public Member

Guests: David Lovelace – Hawaii Electrical Training Fund
Reginald Castanares – Plumbers Union Local 675
Ryan Takahashi – Hawaii Electrical Market Enhancement Program
Harold McDermott – Plumbers Union Local 675
Kirk Kageno – Plumbers Union Local 675
Chuck Sheam – Plumbers Union Local 675
James Drumgold – Laborers Union 368
Toni Figueroa – Laborers Union 368
Glenn Ida – Plumbers Union Local 675
Peter Lee – Hawaii Laborers – Employers Cooperation & Education Trust
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 10:20 a.m.

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

Appearances:

- a. Ernie Doak, PJ applicant

Correspondence:

- b. University of Hawaii Honolulu Community College letter regarding the approval of the Hawaii Electricians Training Fund curriculum to meet the Continuing Education Competency requirements.

Legislation

- f. HCR 45

Approval of the Minutes:

It was moved by Mr. Akamu, seconded by Vice Chair Torigoe, and unanimously carried to approve the minutes of the December 13, 2011 meeting as circulated.

Executive Officer's Report:

- a. Office of Information Practices

The Open Line Newsletter for December 2011 was distributed to the Board members.

- b. Ethics Commission

The Executive Officer reminded the Board members that their disclosure forms are due on May 31, 2012. As it is an even numbered year, the "long" form is required. While the forms are fillable, it must be printed and mailed to the Ethics Commission.

- c. Board Policies and Procedures

None.

- d. Other

The Executive Officer announced that the Tuesday, June 5, 2012 meeting date has been rescheduled to Tuesday, May 29, 2012.

Examinations:

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

Electricians' Exam (administered January 2012)

	<u>EJ</u>	<u>ES</u>	<u>EJI</u>	<u>ESI</u>	<u>EJS</u>	<u>ESS</u>	<u>EM</u>
Exams Administered	45	4	6	0	3	0	2
Successful	34	2	2	0	1	0	0
Unsuccessful	11	2	4	0	2	0	2

Plumbers' Exam (administered January 2012)

	<u>PJ</u>	<u>PM</u>
Exams Administered	26	1
Successful	7	1
Unsuccessful	19	0

b. Prometric fka Thomson Prometric Report/Announcements

None.

Appearances: Ernie Doak, PJ applicant.

Mr. Doak had requested to appear before the Board regarding his journey worker plumber application but was not present at this meeting.

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

a. ELECTRICIANS

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

BACKEN, Steven L
BAL, Clayton J H K
BUSH, Michael A
CAMPBELL, Colin R
CAPRON, David L
COLTON, Claude P
FARRELL, Steven S
FAWCETT, Anthony F
GAUSS, Jordan L
HEIDT, Leland B
HEWAHEWA, David Kamuela K
HIRATA, Sean M A
HOWARD, Lani A
IKARI, Andy S
IMAMURA JR, Allen S
KEEFER, Gregory L
KEYES, Clayton M
KONIA, Matthew K
KRAMER, Iokepa C
KUTCH, Jeffrey J
LACIO, Chad U K
LAIDLAW, Christopher M
LANA, Ferdinand S
LAUSTERER, Robert S
LESLIE, Mark T
LYNCH, John J
LYONS, Kenneth W

MANCHESTER, Stephen
MANT, James L
MCINTOSH, Phillip P
MENDIJA, Brian O
PORTILLO CRUZ, Gerson A
PUJOHAU, Jason S
ROBINSON, Asher
SCHUMAN, Michael J
THOMAS, Gordon M
TURNER, Justin
UYEUNTEN, Randal J A
VALENZUELA, Romaldo P
WALTHER, Ronald W
YOWAYS, Robert S
ZELLER, Christopher A

2. Supervising Electrician ("ES") – Approved

ALFONSO, Daniel A
CULVER, James D
DIJOSEPH, Philip A
GIFFORD, Christopher L
GLOVER JR, Thomas J
HALE, Jack R
HASHIMOTO, Glenn M
OSAKODA, Randall P
RICHARDS, Matthew B
SELISKER, James G

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

BUMATAY, Arturo L

4. Supervising Industrial Electrician ("ESI") - Approved

KEKAHUNA, Barrett H
WARDROP, Todd O

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

AKANA, Darrel A
BALAGSO, Royce I
KAWACHI, Wayne M
KURIHARA, Blaine I
NAKAMURA, Allan S
RAIOLA, Anthony J

6. Supervising Specialty Electrician ("ESS")

None.

7. Maintenance Electrician ("EM") - Approved

HANSEN II, Jack E
LEUNG, Chunfai

b. PLUMBERS

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

AGRES, Alan R
BOKOLAS, Stephen
BRASWELL, Alexander K
BUNG CAYAO, Jason S
CAMPOS, Erika L
DICKSON, Ronald K
DOAK, Ernie L
FURTADO, Jeffrey N
GALISA, Matthew D
GATES, Scott L
HAUANIO, Micah K
KEANE, Auikekailoa
KEMA, Carlos a
KENNY, Darren J
LUDRICKS, Vincent M
OMOSO, Nicholas K
ORELLANA, Joe M
SALMO III, Benjamin S
TSUKAMOTO, Jarren D
WHITFORD IV, Joseph K
YOSHIMURA, Matt J

2. Master Plumber ("PM")

BUSTOS JR, George D

c. Deferred Applications

CATUGAL, Keoni E (EJ)
ELLIS, Brice T (EJ)
FUNTANILLA, Harold J (EJ)
GRIFFITHS, Cameron (EJ)
KOSEV, Milen G (EJ)
MANUEL JR., Eduardo (EJ)
MESA, Shayne L (EJ)
PICO, Mika C (EJ)
SCOLLON, John D (EJ)
SLECHTA, Todd W (EJ)
SONG, Han Ho (EJ)
STROUMBOS, Duff J (EJ)
TUZON, Brian (EJ)
WINGATE, William E (EJ)

XUE, Jianwei (EJ)
AUKAI, Brandon-Wallace K (PJ)
BURGESS, Darryl L (PJ)
DEPONTE, Michael S (PJ)

d. Denials

None.

e. Renewals

None.

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

This issue was deferred to the next meeting.

c. Proposed Amendment to the Honolulu City & County Plumbing
Code

This matter was deferred to the Board's next meeting.

New Business: None.

Correspondence:

a. Letter from Nicanor E. Casumpang, Jr. requesting an exemption
to obtain his electrical journey worker licenses.

Mr. Casumpang requested an examination waiver and that the Board reinstate EJ 6571 and EJI 6447 which expired on June 30, 1999. After review of the letter and Hawaii Administrative Rules ("HAR") §16-80-6, the Board determined that Mr. Casumpang failed to restore his forfeited licenses within one year from the date of forfeiture and therefore should file as a new applicant. In addition, the materials submitted failed to demonstrate good and valid reasons to waive the examination and accordingly, the Board denied the request to reinstate EJ 6571 and EJI 6447 and for an examination waiver for these licenses.

b. Letter from University of Hawaii Honolulu Community College

The Executive Officer stated that the University of Hawaii Community College has approved the curriculum of the Hawaii Electricians Training Fund on the updates to the 2011 National

Electric Code (“NEC”) to meet the Electrical Code Competency Program required for the 2014 renewal. To date, the Honolulu Community College has only approved this curriculum as equivalent to their own.

Scope: None.

Chair Kimura asked the guests to introduce themselves.

Legislation: a. HB 2748 Relating to Professions and Occupations.

The Executive Officer informed the Board that testimony to the House Committee on Consumer Protection and Commerce stating that the Board has not met as a whole to discuss H.B. No. 2748, but will at its next scheduled meeting on Tuesday, February 14, 2012 was submitted on March 22, 2012. As this bill proposes to license air conditioning pipefitters, fire sprinkler technicians, and solar technicians, there is a concern that these are new regulatory areas which would not fit within the regulatory scheme of Hawaii Revised Statutes, chapter 448E, and instead would require sunrise analysis and enactment of new regulatory chapters.

As with any proposed regulation, the Board and Legislature must consider whether there is a demonstrated need for these licenses and if consumers have been harmed. Mr. Akamu asked why more classifications are needed? The plumbing union responded that it is for public safety. With the new plumbing codes allowing the use of reclaimed water there is danger of cross contamination. The 2006 UPC references reclaimed water for commercial use and the 2012 UPC references reclaimed water for residential use. Currently, only potable water is piped into residential and commercial buildings, but this will change with the need to protect and conserve our drinking water responded Mr. Serikaku. Mr. Brady indicated that fire sprinklers can use reclaimed water too and that is justification to require licensed trades people. Mr. Ta’a explained that over the course of history, technological changes forced the plumbing industry to separate the trades. It is still “piping” that these trades are doing and it is still considered “plumbing” work and this bill is an attempt to play catch up with the plumbing industry. Mr. Torigoe concurred that plumbers can do fire sprinkler, chill water line and solar thermal and thus the PJ/PM can do it all and therefore questioned the need for additional licenses. Mr. Castanares indicated that post 911, it is even more important to ensure that untrained people do not have access to our potable water system. Requiring licensed people will insure public safety and avoid public harm.

Mr. Tam questioned whether the current state licensing scheme of requiring licenses for the air conditioning, fire sprinkler, and solar contractors is not enough and whether a rule change might address the problem in lieu of licensing these areas. This bill

requires that the individual trades people also be required and is this necessary since public safety is a balance of cost to consumers too. Requiring licensed trades people could potentially drive up the cost for the consumer which could also be construed as consumer harm. The Board must consider all aspects.

The Executive Officer voiced concerns/questions with the bill as follows:

- Scope of each practice area?
- What are the “applicable” codes? How often are they updated?
- Would the update to these codes fit within the Board's current triennial renewal?
- CE requirements must be met by June 30, 2015 or June 30, 2018?
- Section 6 requires one (1) year experience or two (2) years of schooling; however July 1, 2013 it is one (1) year and 100 hours of academic coursework. Requirements change within one year.
- Are courses available for these areas to meet the July 1, 2013 date and at what cost?
- The Honolulu Community College reported that no courses are available for the fire sprinkler technicians. Courses are available for air conditioning and refrigeration and solar; however not 100 hours worth for solar.
- No delayed implementation date and the Board would be unable to license anyone by July 1, 2013.

Mr. Castanares provided the Board with a proposed draft which they will be requesting that Representative Herkes consider and indicated that many of the Board's concerns are addressed. The new draft:

- (1) Repeals the educational component for all classifications which will alleviate the Board's concern with regards to cost and affordability,
- (2) Amends the titles of these classifications to a journey worker plumber air conditioning and refrigeration pipefitter, journey worker plumber fire sprinkler pipefitter, and a journey worker plumber solar-thermal technician to clarify that these areas are part of the plumbing industry;
- (3) Provides that renewal for these three license types shall commence with the July 1, 2015 renewal period; and
- (4) Requires CE on the updates to the Uniform Plumbing Code, Uniform Mechanical Code, Uniform Solar Energy Code and the National Fire Prevention Code.

The Board discussed the proposed draft and that it still provides no delayed implementation as the act takes effect upon its approval, still leaves a question as to when the CE requirements would take effect in 2015 or 2018; and whether the Codes listed above fit within a triennial renewal. Mr. Brady commented that he is in favor of requiring licenses for these areas but wants the licensing requirements to be effective 2015 with the CE to be effective in 2018. Mr. Torigoe commented that plumbers can do all of the work and would support tiered requirements for these new areas. Mr. Kaneshiro agreed and noted that implementation should be later than 2015. Mr. Akamu and Mr. Ta'a agreed with Mr. Brady that license requirements should commence in 2015 and CE requirements to commence in 2018.

Chair Kimura called for a recess at 12:35 p.m.

Chair Kimura reconvened the meeting at 12:42 p.m.

Executive Session: It was moved by Vice Chair Torigoe, 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 12:42 p.m.

EXECUTIVE SESSION

It was moved by Vice Chair Torigoe, seconded by Mr. Kaneshiro, and unanimously carried to reconvene to the Board's regular order of business at 1:56 p.m.

After a lengthy discussion, it was moved by Mr. Akamu, seconded by Mr. Brady, and unanimously carried to support the intent of the HB 2748 draft 2, but the Board feels more time is needed to discuss with the stakeholders the public safety concerns and feels the implementation date should be changed to 2015, with the CE requirements to commence with the 2018 renewal.

Mr. Tam noted that more dialogue is needed with the stakeholders to explore available alternatives, rule revisions, and implementation strategies.

b. HB 2257 Relating to Professional and Vocational Licensing.

The Executive Officer stated that the department has already submitted testimony in opposition to this bill that allows licensure to military spouses if the requirements for licensure from the other state are equal to, or greater than the requirements of this state. The Board felt that all applicants should be treated equally and one group should not be given preference or priority.

It was moved by Mr. Akamu, seconded by Mr. Kaneshiro and unanimously carried to oppose HB 2257 which allows the licensing authority to expedite issuance of a license, certification or permit to perform services regulated by the licensing authority to military spouses if the requirements of the other state is deemed equal to or greater than the requirements of this State.

c. HB 2258 Relating to Professional and Vocational Licensing.

The Executive Officer stated that while our laws and rules do not specifically address military experience, the language does not preclude it and in fact the Board currently accepts military experience.

It was moved by Mr. Akamu, seconded by Mr. Brady and unanimously carried to oppose HB 2258 because our current state statute does not preclude military experience and since military experience is already accepted by the Board.

d. SB 2271 Relating to Water Efficiency.

After some discussion, the Board concurred that this bill will add code provisions based on the International Green Construction Code Water Efficiency Provision as published by the International Code Council and that the stated provisions already exist in the UPC which the Board feels is the standard by which all plumbing work should be performed.

It was moved by Mr. Brady, seconded by Vice Chair Torigoe, and unanimously carried to oppose SB 2271 because the provisions already exist in the UPC.

e. SB 2290 Relating to the State Building Code.

The Board concurred that this bill will also add code provisions based on the International Green Construction Code Water Efficiency Provision as published by the International Code Council and that these provisions already exist in the UPC.

It was moved by Mr. Brady, seconded by Vice Chair Torigoe, and unanimously carried to also oppose SB 2290 because the provisions already exist in the UPC which is the standard by which all plumbing work should be performed.

f. HCR 45 Requesting the Auditor to Conduct a Sunrise Review of the Regulation of Air Conditioning Pipefitters, Fire Sprinkler Technicians, and Solar Technicians.

It was moved by Mr. Akamu, seconded by Vice Chair Torigoe, and unanimously carried to support HCR 45 requesting the Auditor to

conduct a sunrise review of the regulation of air conditioning pipefitters, fire sprinkler technicians, and solar technicians.

The Board agreed that a sunrise review will provide clear guidance as to whether the regulation of these trades fall within the regulatory scheme of Chapter 448E, HRS or whether the enactment of new chapters is required.

Announcement: a. Next Applications Committee Meeting

Tuesday, April 10, 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, April 10, 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 2:23 p.m.

Review and approved by:

Taken and recorded by:

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

/s/ Christine Hironaka
Christine Hironaka
Secretary

CLKT:cmh

2/14/12

[X] Minutes approved as is.
[] Minutes approved with changes; see minutes of _____.