

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 5, 2013

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, Chairperson
Maurice Torigoe, Industry Member, Vice Chairperson
Peter Akamu, Industry Member
Matt Brady, Industry Member
Randall Kaya, Public Member
Vernon Ta'a, Public Member
Rodney J. Tam, Deputy Attorney General
Charlene L.K. Tamanaha, Executive Officer
Christine Hironaka, Secretary

Excused: Morris Kaneshiro, Industry Member

Guests: Al Itamoto – Electrical Contractors Association of Hawaii (“ECAH”)
Peter Lee – Hawaii Laborers Employers Cooperation & Education Trust
 (“LECET”)
Peter Ganaban – LECET
Joby S. North II – LECET
Gregg Serikakau – Plumbing and Mechanical Contractors Association
 (“PAMCA”)
Harold McDermott – Plumbers Union Local 675
Ryan Takahashi – Hawaii Electricians Market Enhancement Program
 (“HEMEP”)
Troy Silva – HEMEP
Glenn Ida – Plumbers Union Local 675
Randy Rhodes – Helix Electric
Jacob Valenzuela – Helix Electric
Alex Schlosser – Helix Electric

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, Chairperson Kimura called the meeting to order at 11:05 a.m.

Additions/

Revisions to the Agenda:

None

Approval of the Minutes:

It was moved by Mr. Akamu, seconded by Mr. Kaya and unanimously carried to approve the minutes of the December 11, 2012 Board meeting as circulated.

Executive Officer's Report

- a. Circuit Court Judgments and Final Orders Against Unlicensed Activity (July – September 2012 and October – December 2012)

The Executive Officer distributed the list of circuit court judgments and final orders against unlicensed activity to the Board and informed the Board that any report of unlicensed activity is investigated by the Regulated Industries Complaints Office and then submitted directly to circuit court.

The Court ordered the following defendants to be enjoined from engaging in the business of a plumber and contractor until they obtain licenses pursuant to HRS chapter 448E and 444:

Dale Maron dba Dreamland Builders (Honolulu)
 Michael Latimore (Honolulu)
 Angelo's Plumbing Service LLC and Angelo L. Gallarde, Jr.
 (Honolulu)

The Director ordered the following defendants to stop engaging in the business of an electrician until they obtain a license pursuant to HRS chapter 448E:

Qiang Qing Wang (Kona)
 Zhu Jin Chen (Kona)

Examinations:

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

Electricians' Exam (administered January 2013)

	<u>EJ</u>	<u>ES</u>	<u>EJI</u>	<u>ESI</u>	<u>EJS</u>	<u>ESS</u>	<u>EM</u>
Exams Administered	53	3	4	0	9	0	2
Successful	30	1	3	0	1	0	0
Unsuccessful	23	2	1	0	8	0	2

Plumbers' Exam (administered January 2013)

	<u>PJ</u>	<u>PM</u>
Exams Administered	18	2
Successful	8	0
Unsuccessful	10	2

Chairperson Kimura announced he was taking the agenda out of order to discuss 8. Legislation, HB1154/SB1301 Relating to Professions and Occupations and the Proposed Draft Relating to HB1154/SB1301.

Legislation: g. HB1154/SB1301 Relating to Professions and Occupations.
 h. Proposed Draft Relating to HB1154/SB1301

Deputy Attorney General Tam advised the Board that at the request of the Governor and Administration he and the Executive Officer were asked to work with the industry proponents to craft a workable bill and noted the following proposed amendments:

- Pipefitter was replaced with plumber for consistency with the chapter.
- Delay the implementation to July 1, 2016 to provide ample notice to contractors.
- Provide the ability to allow currently licensed contractors (for 6 years beginning July 1, 2015) to attest to an applicants experience until there are ample licensees. Thereafter only licensed journey worker air conditioning and refrigeration plumbers and fire sprinkler plumbers shall be deemed qualified.
- Regulated Industries Complaints Office ("RICO") recommended that rather than indicating or listing the type of contractor the language read "any contractor" which broadens the net and clarifies that any contractor performing electrical or plumbing work shall be in accordance with HRS chapter 448E.
- The definition of master plumber was deleted as it already exists.
- Delaying the continued competency requirement to 2021 will provide ample time for the Community Colleges to establish the curriculum and qualify individuals to become instructors.

Mr. Kaya left the meeting at 11:17 a.m.

Peter Lee asked whether the new plumbing categories affected the five foot rule whereby other properly licensed contractors could perform the work without licensed plumbers. Deputy Attorney General Tam indicated that it would not.

Mr. Brady stated that the bill now addresses the Board's concern about a journey worker plumber having to have five years and 10,000 hours to qualify for one of the new classifications. It would take three years of experience with potable water for an air conditioning or refrigeration plumber to qualify to be a journey worker plumber, two years of experience for a journey worker

plumber to qualify to be an air conditioning or refrigeration plumber and two years and 4,000 hours for a fire sprinkler plumber to qualify to be an air conditioning or refrigeration plumber.

Delaying the implementation will provide ample time to: (1) notify affected contractors who perform air conditioning and refrigeration of fire sprinkler work that their installers now need to be licensed (2) set in place the licensing scheme (3) develop license exams (4) effectuate a smooth transition to the triennial renewal cycle, and (5) work with the community colleges and the testing contractor to have the continuing competency courses and exams for these new license types available soon after the June 30, 2018 renewal thereby giving these new licensees sufficient time to meet the continuing competency requirements by June 30, 2021.

Deputy Attorney General Tam stated that in section 448E-8.5, page 18, from line 15, the National Fire Prevention Association 13 (NFPA13) is based on references and asked if there is a more specific title to make reference to. Mr. McDermott responded that NFPA13 is the standard for installation of fire sprinkler systems.

The Executive Officer recommended that the focus should be on licensing first then the continuing education. Mr. Serikaku and Mr. McDermott thought the changes were excellent. The Executive Officer requested that the plumber's union let her know as soon as possible if they agree with the changes since the hearing for SB1301 is scheduled for February 13, 2013

It was moved by Mr. Brady, seconded by Vice Chairperson Torigoe, and unanimously carried to accept the proposed SB1301 S.D.1.

Chairperson Kimura announced he was again taking the agenda out of order to discuss 7. Unfinished Business.

Unfinished Business: a. Rules Revisions

- i. Local 675/PAMCA Proposal to Amend HAR §§16-80-2 and 16-80-3 (deferred from the December 11, 2012 meeting)

Mr. Serikaku requested that this issue be deferred to the April 16, 2013.

Legislation: a. HB323/SB506 Relating to Professional and Vocational Licensing

The Executive Officer informed the Board that these bills assist transitioning service members obtain licensure by:

1. Clarifying that licensing authorities shall consider relevant education, training, or service;
2. Permitting licensure by endorsement;
3. Establishing procedures for service members to receive a license by endorsement;
4. Permitting temporary licenses of certain requirements are met, and
5. Requiring the licensing authority to expedite consideration of the application and issuance of a license or temporary license.

The language of the bill defines "service member" as an individual who is currently stationed in Hawaii or one who is honorably discharged within the previous 6 months and had been stationed in Hawaii. The bill further requires the licensing authority to expedite consideration of the application and issuance of a license by endorsement or a temporary license to the qualified service member.

The Executive Officer noted that although HRS Chapter 460J does not address licensing by endorsement or reciprocity, the Board has never precluded experience gained through military service.

It was moved by Mr. Akamu, seconded by Mr. Brady and unanimously carried to support the intent of HB323/SB506, however notes it is difficult to enforce.

b. HB718/SB965 Relating to Professional and Vocational Licensing

The Executive Officer informed the Board that this bill establishes qualifications for "nonresident military spouses" to be eligible for expedited licensing by endorsement or reciprocity, and to maintain licenses requires reporting of changes in status or circumstances. This bill is also difficult to enforce and applies only to military stationed in Hawaii. This bill also has licensure by endorsement.

It was moved by Mr. Akamu, seconded by Chairperson Kimura and unanimously carried to support the intent of HB718/SB965, however felt it is difficult to enforce.

c. HB1381 Relating to Professional and Vocational Licensing

The Executive Officer informed the Board that this bill requires the licensing authority to consider for licensure by endorsement or reciprocity military spouses or service members who have served in a combat zone after September 11, 2001 and who have been discharged within the last two years and who provide retirement, separation, or discharge documentation.

It was moved by Mr. Akamu, seconded by Vice Chairperson Torigoe and unanimously carried to support the intent with reservations of HB1381.

d. HB695 Relating to Electricians and Contractors

This bill creates a new section in Chapter 448E to exempt out-of-state electricians retained by a public utility holding a certificate of public conveyance and necessity issued by the PUC to perform high voltage electrical work for the public utility, including emergency repair maintenance work from the requirements of HRS chapter 448E and section 444-9.5 of the Contractor's licensing statute.

Section 448E-13 already provides an exemption from licensure for public utilities performing public utility work. The law provides the public utilities with an exemption for its employees because they are directly supervised by the public utility. However, private contractors provide supervision of their own employees and are only indirectly supervised by the public utility. The Board determined at its August 3, 1999 meeting, and reaffirmed this decision at its December 14, 2004 meeting, that public utility work contracted to private contractors is not exempt and licensed journey worker electricians are required to perform the work.

It was moved by Mr. Akamu, seconded by Vice Chairperson Torigoe and unanimously carried to oppose HB695 to exempt out-of-state license holders from meeting qualifications for licensure others must meet to perform electrical work merely because its public utility work subjects consumers to potential harm and establishes an uneven playing field.

e. SB512 Relating to Electrical Contractors

The Executive Officer informed the Board that Chapter 448E regulates electricians and plumbers and does not regulate contractors. It is also unclear whether the bill intends to exempt contractors or employees or whether the electrical contractor who employs these exempt personnel shall be licensed pursuant to Chapter 444.

In addition, to the other reasons discussed for opposing HB1154, exempting persons from Chapter 448E removes any regulatory oversight of these unlicensed electricians. The Board determined at its August 3, 1999 meeting, and reaffirmed this decision at its December 14, 2004 meeting, that public utility work contracted to private contractors is not exempt and licensed journey worker electricians are required to perform the work. Will the public utility be held responsible for ensuring that the electrician holds a

license, that the license is in good standing, and that the license has not been revoked or suspended for cause?

Mr. Itamoto informed the Board that the ECAH is opposed to HB695 and SB512.

It was moved by Mr. Akamu, seconded by Mr. Brady and unanimously carried to oppose SB512 for the aforementioned reasons.

f. SB1293 Relating to Contractors

This bill was distributed to the Board members for informational purposes.

Chairperson Kimura stated he was establishing a Legislative Committee appointing Mr. Brady and Mr. Akamu as the Legislative Committee Co-Chairpersons.

Chairperson Kimura opened the meeting to the guests before returning to the order of the agenda.

Mr. Rhodes introduced himself and Mr. Schlosser and Mr. Valenzuela to the Board and said they wanted to appear before the Board to discuss Mr. Schlosser's journey worker electrician and Mr. Valenzuela's supervising electrician deferred applications.

Executive Session: It was moved by Vice-Chairperson Torigoe, seconded by Mr. Akamu and unanimously carried to enter into executive session pursuant to HRS sections 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 12:29 p.m.

EXECUTIVE SESSION

It was moved by Vice-Chairperson Torigoe, seconded by Mr. Brady, and unanimously carried to reconvene to the Board's regular order of business at 1:02 p.m.

Deputy Attorney General Tam left the meeting at 1:02 p.m.

Chairperson Kimura resumed the order of the agenda

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

a. ELECTRICIANS

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

AGCAOILI, Elwin R
AGCAOILI, Anthony S
AURIO, Rockne M
BARRETT, Jacob S
CAMACHO, Josue C D
CARLSON, Dane
CARVALHO, Roger W
CASUMPANG, Nicanor E
COOPER, Russell L
COX, Michael J
DAVIS, David H
DELUZ, Micah S
ENESA, Devon O N
FUJIMOTO, Micah K
GARCIA, Michael A
GUALTIER JR, John T
HOLIDAY, Peter R
HOSHIJO, Rocky M
JACOBY, Doug S
JONES, Brian E
KANG, Brandon K
KAWABATA, Chad K
KIPPINS, Troy
KONDO, Dane Kai K
KUHNS, Campbell E L
LAU, Jacob K L
LEE, Peter Y
LEI, Destin T K
LIAN, Haibin
LOGAN, Mark A
MACADANG, Jaime F
MAKAOKALANI III, John K
MASTANDREA, Timothy R.
MATAYOSHI, David W
MCCUTCHEON, Kirk P
MILLER, Gerald W
MIYASHIRO, Ross K
NAKATA, Blaine M
ORSATELLI, Broc A
PARKER IV, Charles E
PEPPEL, Christopher C
POLLARD, Jeremiah J
PONTTI, Gregory A
PRENDERGAST GALVIN, Michael J
RAMOS, Randall F
ROZET, Kai K K
SCHLOSSER, Alex M
STANLEY, Waiokeola C
TAIRA, Matthew K
VINA, Daniel A

WOOD, Nathan A
YAMASE, Colten M
YEOMANS, Michael J

2. Supervising Electrician (“ES”) – Approved

AIU, Daniel
HALL, Thomas F
HIRAYAMA, Randy K K
LANNING, Johnny E
LAUGHLIN, Grant R
PIPER, Jeff A
VALENZUELA, Jacob – pending receipt of employer’s
license verification

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

MURAMOTO, Aaron T
SILVA, Stewart A

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

PAGUIRIGAN, Marino C

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

BAUMGARTNER, Bruce A
HAINO, Brad A
LUAT, Kalanikiekie K

6. Supervising Specialty Electrician (“ESS”)

None

7. Maintenance Electrician (“EM”) - Approved

TSOU, Chi K

b. PLUMBERS

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

APILANDO, Dustin G K
GUMBAN, Cheston E
HOOHULI, Watson K
ISHITANI, Keith K
KATSUDA Jon I
KEKAUALUA, Joston M
LEIS, Brian E
MATTOS, Andrew M

MIURA, Benjamin S
MURAOKA, Bryce Y
NAHINA, Clint J
RAPOZA, Bradley H
ROSENBERG, James D
SWALL, Stevan A
TANAKA, Rylan M
TANCAYO, Kaulike I
TOMITA, Garet L

2. Master Plumber ("PM")

BRIONES, Moises
CALDWELL, Garry L

c. Deferred Applications

AKAMU, Jordan J (EJ)
BECKETT, Admiral S (EJ)
BLACKER, Martin A (EJ)
CHOI, Eric R (EJ)
COULLING, David O (ES)
DANNER, Keolalakai D (EJ)
DEL ROSARIO, Edwin M (PJ)
GIGLER, Jacob A (ES)
GOMES, Thomas B (EJ)
GORACKE, Jason M (ES)
HENKEL, Adam W (EJ)
HICKEN, Mark J (ESS)
IBARRA, Noel C (EJ)
NICOLAS, Jonathan C (EJ)
OSHIRO, Keoki K (EJ)
ROLDAN, Kevin D (PJ)
ROQUE, Augusto C (EJ)
SANDERS, Craig S (EJ)
TEXEIRA, Garret K (EJ)
WELLS, Christian E (EJ)
YONEMOTO, David H (EJ)

d. Denials

None

e. Renewals

None.

f. Ratification

None

Announcement: a. Next Applications Committee Meeting

Tuesday, April 16, 2013
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 16, 2013
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 1:24 p.m.

Review and approved by:

Taken by:

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

/s/ Christine Hironaka
Christine Hironaka
Secretary

CLKT:cmh

3/4/13

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