

BOARD OF PROFESSIONAL ENGINEERS, ARCHITECTS,
SURVEYORS AND LANDSCAPE ARCHITECTS
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

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

Date: Thursday, September 13, 2012

Time: 9:00 a.m.

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

Present: Norman Hong, Chair, Architect Member
Demetrio Constantino, Public Member
Dan Hirota, Land Surveyor Member
Howard Lau, Structural Engineer Member
Jay Manzano, Public Member
Paul Murray, Land Surveyor Member
Clayton Pang, Electrical Engineer Member
Robert Yanabu, Civil Engineer Member
Roberto Yumol, Architect Member
Rodney Tam, Deputy Attorney General ("DAG")
James Kobashigawa, Executive Officer
Sandra Matsushima, Executive Officer
Terry Akasaka-Toyama, Secretary

Excused: Michael Chu, Landscape Architect Member
Shelli McCelvey, Landscape Architect Member
Ross Okuda, Vice Chair, Mechanical Engineer Member
Raymond Skelton, Secretary, Public Member

Call to Order: There being a quorum present, Chair Hong called the meeting to order at 9:15 a.m.

Agenda: Additions and Revisions: It was moved by Mr. Yumol, seconded by Mr. Lau, and unanimously carried to add the following to the agenda:

- Under Old Business, add c. Waiver/Modification Request of the Continuing Education Requirement for Mark Nardini

- Under Correspondence, add a. Letter from Clayton Wong and
b. Letter from County of Kauai

Introduction of
DCCA Director,
Ms. Keali'i S.
Lopez:

Director Lopez thanked the Board members for their public service and the important role they play in protecting the health, safety, and welfare of the public.

Approval of
Minutes:

It was moved by Mr. Murray, seconded by Mr. Yumol, and unanimously carried to approve the minutes of the August 9, 2012 Board meeting.

Applications:

a. Ratifications

It was moved by Mr. Lau, seconded by Mr. Constantino, and unanimously carried to ratify the following:

APPROVED CIVIL ENGINEER BY ENDORSEMENT

- HOTOP, Christopher
- LEE, Alan
- LOOMIS, Brad

APPROVED STRUCTURAL ENGINEER BY ENDORSEMENT

- KIMBALL, Donald
- O'CONNOR, Jerome

APPROVED ENGINEER BY EXAM (PE)

- APPLE, Mery (CE)
- CASILIO, John (CE)
- SILVA, Samuel-Edward (CE)
- TASATO, Christine (EE)
- WALTJEN, Kevin (EE)

APPROVED ENGINEER BY EXAM (FE)

- BRAVO, Verona
- HALE, Derrick
- O'CONNOR, Sean
- TAKAHASHI, Chad

b. Professional Engineer Committee

Mr. Lau presented the PROFESSIONAL ENGINEER COMMITTEE REPORT and recommended action as follows:

APPROVE CIVIL ENGINEER BY ENDORSEMENT

- BARE, Jerry
- DIXON, Gerd
- FLANAGAN, Michael
- PANOFSKY, Nicholas
- QUERIO, Andrew
- THOMPSON, Brian

APPROVE ELECTRICAL ENGINEER BY ENDORSEMENT

- CHOI, Soo
- LASSETTER, Mark

APPROVE MECHANICAL ENGINEER BY ENDORSEMENT

- BAUDHUIN, Thomas
- CARLSON, Justin
- McKALE, Dennis
- RUSSELL, John Jr.
- SISK, John
- VANDENBERG, Katy

APPROVE STRUCTURAL ENGINEER BY ENDORSEMENT

- KIM, Yoo Jin
- PAWLAK, Frank III
- REIS, Evan

APPROVE ENGINEER BY EXAM (PE)

- FUJIWARA, Tyler (CE)
- McPHEE, Kris (CE)

APPROVE ENGINEER BY EXAM (FE)

- RUBIN, Hernilo

DEFER CIVIL ENGINEER BY ENDORSEMENT

- LIN, David
- SCHUTTEN, Sean

DEFER MECHANICAL ENGINEER BY ENDORSEMENT

- PETERMAN, Karl

DEFER ENGINEER BY EXAM (PE)

- RUBIN, Hernilo (CE)

DENY CIVIL ENGINEER BY ENDORSEMENT

- SWARTHOUT, Claude

DENY STRUCTURAL ENGINEER BY ENDORSEMENT

- SWARTHOUT, Claude

It was moved by Mr. Pang, seconded by Mr. Yanabu, and unanimously carried to accept the PROFESSIONAL ENGINEER COMMITTEE REPORT.

c. Professional Architect Committee

Mr. Yumol presented the PROFESSIONAL ARCHITECT COMMITTEE REPORT and recommended action as follows:

APPROVE ARCHITECT BY ENDORSEMENT

- BARRY, Donald
- CROWELL, Sumner Jr.
- LEACH, Blair
- OLSEN, Eric
- POLSINELLI, John
- TURLEY, Steven

APPROVE ARCHITECT BY EXAM

- WOOD, Justin

DEFER ARCHITECT BY ENDORSEMENT

- HENRICHSON, Kevin

DEFER ARCHITECT BY EXAM

- MONTGOMERY, Grant

It was moved by Mr. Lau, seconded by Mr. Yanabu, and unanimously carried to accept the PROFESSIONAL ARCHITECT COMMITTEE REPORT.

d. Professional Land Surveyor Committee

Mr. Murray presented the PROFESSIONAL LAND SURVEYOR COMMITTEE REPORT and recommended action as follows:

APPROVE LAND SURVEYOR BY ENDORSEMENT

- MOESSER, Roy (state-constructed exam)

APPROVE LAND SURVEYOR BY EXAM

- BRECKENRIDGE, Lucas (state-constructed exam)

It was moved by Mr. Lau, seconded by Mr. Pang, and unanimously carried to accept the PROFESSIONAL LAND SURVEYOR COMMITTEE REPORT.

e. Professional Landscape Architect Committee

None.

Old Business:

a. Rules Committee Report

Mr. Kobashigawa summarized the minutes of the August 9, 2012 Rules Committee Meeting.

Mr. Miura requested a status of the Board's proposed rules. Mr. Kobashigawa informed the Committee that the expedited proposed amendments related to early entry to the A.R.E. for architect interns was reviewed by the Attorney General's Office with recommendations. The revisions have been sent to the

Department's office for final typing. Subsequently, the proposed amendments will be sent to the Small Business Regulatory Review Board for consideration and approval.

Acts 247 and 248, Session Laws Hawaii 2012, were distributed to the Committee for discussion. After discussion, the Committee referred the matter to Mr. Miura and Mr. Kobashigawa to provide recommendations at the next meeting.

It was moved by Mr. Lau, seconded by Mr. Yumol, and unanimously carried to approve the minutes of the August 9, 2012 Rules Committee meeting.

b. Discussion on Act 247 and Act 248

As a result of a meeting between Mr. Miura, Ms. Matsushima, and Mr. Kobashigawa, a memorandum to establishing criteria for Acts 247 and 248, SLH 2012, relating to the military and nonresident military spouses was distributed to the Board for review and discussion.

Act 247, SLH 2012

The purpose of this Act is to: (1) Allow nonresident military spouse applicants to demonstrate competency in lieu of work experience requirements; and (2) Establish procedures to expedite the issuance of licenses, certifications, or permits to nonresident military spouses under certain conditions. This Act is intended to support military families by recognizing nonresident military spouses who are already licensed in another state under licensure requirements that are equivalent to or exceed the requirements mandated by Hawaii to obtain a license. The Act establishes conditions under which a nonresident military spouse may receive a license by endorsement or license by reciprocity; requires issuance of a temporary license if certain requirements are met; and requires the Board to expedite consideration of the application and issuance of a license by endorsement, license by reciprocity, or temporary license to a qualified nonresident military spouse.

The following are recommendations for the Board's and Rules Committee's consideration:

- (1) A nonresident military spouse shall be currently licensed in a U.S. jurisdiction;

- (2) On a case by case basis, experience not under a licensed person or under a supervisor not in the same discipline shall be considered for substantial equivalency on a one to one basis. If experience is not substantially equivalent, a temporary license will be issued;
- (3) An unaccredited degree (domestic and foreign) in the applicable profession that is not equivalent to an accredited degree program shall be sufficient to obtain a temporary license under the supervision of a licensed person. The amount of years of lawful experience must be fulfilled to obtain a permanent license;
- (4) A person taking an exam accepted by the Board shall be eligible for a temporary license even if not taken in a discipline of engineering we license and shall be limited to the scope of work of that discipline and under the supervision of a licensed person. For example, a person passing the NCEES PE exam in environmental engineering shall be eligible for a temporary license to practice environmental engineering under the supervision of a person licensed in Hawaii. Also, a person passing an 8-hour SE exam shall be eligible for a temporary license under the supervision of a Hawaii licensed SE;
- (5) Land surveyor and landscape architect applicants meeting all the requirements except the Board-constructed exam shall be issued a temporary license under the supervision of a Hawaii licensed person in the appropriate profession;
- (6) A person issued a temporary license cannot stamp or seal plans, nor work without being supervised by an appropriately licensed person;
- (7) Temporary licenses shall be issued on the same renewal cycle as a permanent license; and
- (8) A license is dependant on being a nonresident spouse of an active duty service individual stationed in Hawaii. A temporary license would be limited to the period the active duty service personnel is stationed in Hawaii;

After further discussion at today's Committee meeting, the Committee recommended adding to number 8, a statement that the temporary license of a nonresident military spouse would be terminated if the spouse is no longer married to the active duty personnel, the active duty personnel retires, or the active duty personnel is transferred to another duty station outside of Hawaii. In addition, the nonresident spouse shall fulfill the Board's exam requirement; if not, a temporary license would be issued and the person would need to work under the supervision of an appropriately licensed person in Hawaii. Also, a person holding a temporary license shall demonstrate continued efforts toward meeting the requirements of a permanent license within a two (2) consecutive year period.

It was moved by Mr. Hirota, seconded by Mr. Pang, and unanimously carried to adopt the above recommendations regarding Act 247.

Act 248, SLH 2012

The purpose of this Act is to require the Board to consider military education, training, or service toward the qualifications for a license. The Act is intended to support active duty military and military veterans by recognizing their military education, training, or service as substantially equal to some of the requirements mandated by the Board to obtain a license.

The following are recommendations for the Board's and Rules Committee's consideration:

- (1) On a case by case basis, experience not under the supervision of a licensed person or not under the supervision of a person licensed in the same discipline shall be considered for substantial equivalency on a one to one basis;
- (2) Military education shall be considered for equivalency; and
- (3) Board's exam requirement must be met.

After further discussion at today's Committee meeting, the Committee recommended adding that active duty personnel and veterans shall be considered for licensure.

It was moved by Mr. Yanabu, seconded by Mr. Murray, and unanimously carried to adopt the above recommendations regarding Act 248.

At 9:50 a.m., Mr. Lau was excused from the meeting.

c. Waiver/Modification Request of the Continuing Education Requirement for Mark Nardini

Mr. Nardini's license expired on April 30, 2012 and requested a waiver/modification of the continuing education ("CE") requirements based on undue hardship. He submitted a description of the CE he has obtained thus far for the Board's review.

After discussion, it was moved by Mr. Yumol, seconded by Mr. Hirota, and unanimously carried to grant a one-time waiver/modification of the CE requirement for Mr. Nardini's renewal.

New Business:

a. NCEES Matters

- Report on NCEES Annual Meeting

Mr. Kobashigwa attended the Annual Meeting on August 22–25, 2012 in St. Louis, Missouri and made the following report:

- ✓ ABET accredits programs and not degrees. It currently evaluates AS, BS, and MS programs in 24 countries, of which 3,205 programs in 659 colleges have been accredited. Non-U.S. accredited programs include 286 programs, 60 schools in 23 countries.

In addition, ABET has mutual recognition programs with other organizations and countries based on substantial equivalency of the programs and the use of similar evaluation standards as ABET. Examples include programs in the Washington Accord, APEC English Agreement, Asia PAC, etc.

Moreover, ABET now accredits programs that are fully or partially on-line, primarily MS programs.

- ✓ Currently, NCEES administers exams in seven (7) foreign countries, not including countries with U.S. military bases. In addition, several other countries, including Taiwan, China, Qatar, and Kuwait, have expressed an interest in having the NCEES exams in their country.

The exams administered in foreign countries are given in English only and the results are maintained by NCEES. Typically, the FE exam results are not equal to U.S. candidates, probably because of language and measurement used. As an aside, most countries have a national license, unlike the U.S. which has state licenses.

- ✓ The first PE exam in software engineering is scheduled to be administered on April 2013 and guidelines for the exam have been developed. Texas is the first state to license software engineers. The basic concept of the license is based on how software engineering affects health, safety and welfare. Examples include developing control systems software for a water system, nuclear plant, etc.; it does not involve website design.
- ✓ NCEES is addressing different approval models for the FE and FS exams. Possible models include only state approval to take the exams, approval by NCEES (without state approval) to take the exams, and requiring a record be established with NCEES to take the exams and for initial licensure and certification.
- ✓ There was a presentation on evaluation of foreign experience as this was one of the charges for the MBA Committee. To assist the boards in its evaluations, NCEES has posted on its website all the foreign countries who license engineers, with contact information on the licensing agency. Currently, there are 15 countries listed.

Moreover, George Twist, MBA of the Washington board, informed the MBAs that they issued licenses to 10 engineers from Egypt by mistake. The credentials were verified by the "Egyptian Syndicate" which Washington subsequently found out that it was not a licensing

authority. They are in the process of rescinding the licenses through administrative hearing and forewarned other states to be on the lookout for any applicants from Egypt.

As a result of this experience, Mr. Twist recommended that NCEES evaluate foreign experience, similarly as it does foreign education, by developing a matrix score based on the quality and verification of the experience, and create a registry for foreign engineers applying for license in the U.S.

- ✓ Of significance were motions passed amending the Rules of Professional Conduct relating to a licensee's obligation to society, licensee's obligation to employees and clients, and licensee's obligation to other licensees; requiring NCEES to maintain a record verification program and a credentials evaluation program; incorporating a vision to convert all NCEES exams to computer based testing ("CBT"); preparing and administering the PS exam as soon as feasible; preparing and administering the PE exam as soon as feasible, but no sooner than January 2015; administering the CBT FS and FE exams in January 2014 and the last "paper and pencil" exams in October 2013; removing the reference to an 8-hour exam for the FE, PE and FS exams and reference to a 6-hour PS exam as it has not been determined what the duration of time will be with the change to CBT; clarifying when CBT exams will be available and defining CBT policy; adding language on how many times a candidate can take the CBT exam in a specified period; revising policy to allow a candidate to take CBT exam at any Pearson VUE test center; revising the policy on review of examination by not allowing post-administration access to or review of any exam questions; adding procedure for auditing CBT exams; and adding a provision to Model Law that licensed engineers shall be in responsible charge of all engineering design of buildings, structures, products, machines, processes, and systems that can affect the health, safety, and welfare of the public.

b. NCARB Matters

- The deadline to submit an application for the 2012 NCARB Award is October 2, 2012. NCARB will award up to \$75,000 through up to 3 awards that integrate practice and education; raise awareness of the architect's responsibilities for the public health, safety, and welfare; bring non-faculty practitioners into the academy, and address specific outlined criteria.
- The 2012 Member Board Executive ("MBE") Workshop is scheduled for November 1, 2012 in Boston, MA. Mr. Kobashigawa will be attending this meeting.
- The 2012 Member Board Chair/MBE Conference is scheduled for November 2-3, 2012 in Boston, MA. Mr. Hong and Mr. Kobashigawa will be attending this meeting.

c. CLARB Matters

Ms. McCelvey just attended CLARB's Annual Meeting on September 6-8, 2012 in San Francisco, CA.

d. Orientation for Board Members

There will be an orientation that is open to all Board members where presentations will be made by various agencies regarding Ethics in Government; Sunshine Law/Uniform Information Practices Act; Handling Complaints/Disciplinary Actions; Contested Case Hearings; Personal Liability/Procedures for Administrative Rulemaking; and Role of Board members.

Correspondence: a. Letter from Clayton Wong

Mr. Wong, Senior Structural Engineer for the City and County of Honolulu, Honolulu Authority for Rapid Transportation, inquired whether agency and utility standard drawings, which are not stamped and signed, but by reference on the stamped and signed design drawings, does the designer becomes responsible for the reliability and accuracy of the referenced standard drawings?

After much discussion, by consensus of the Board, this matter was deferred to the next meeting.

At 10:50 a.m., Mr. Yanabu was excused from the meeting.

b. Letter from County of Kauai

The e-mail inquiry was withdrawn.

Next Meeting: Thursday, October 11, 2012
9:00 a.m.
King Kalakaua Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Adjournment: The meeting was adjourned at 10:58 a.m.

Taken and recorded by:

/s/ Terry Akasaka-Toyama

Terry Akasaka-Toyama
Secretary

Reviewed and approved by:

/s/ James Kobashigawa

James Kobashigawa
Executive Officer

9/20/12

Minutes approved as is.

Minutes approved with changes; see minutes _____.