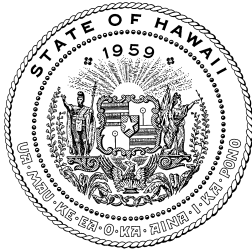


Small Business Regulatory Review Board Meeting

June 18, 2020

10:00 a.m.



SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism (DBEDT)
No. 1 Capitol District Building, 250 S. Hotel Street, Fifth Floor, Honolulu, HI 96813
Mailing Address: P.O. Box 2359, Honolulu, HI 96804
Email: dbedt.sbrb.info@hawaii.gov
Website: sbrb.hawaii.gov

Tel: 808 586-2419

AGENDA

Thursday, June 18, 2020 ★ 10:00 a.m.

David Y. Ige
Governor

Michael McCartney
DBEDT Director

Members

Robert Cundiff
Chairperson
O'ahu

Garth Yamanaka
Vice Chairperson
Hawai'i

William Lydgate
2nd Vice Chairperson
Kaua'i

Harris Nakamoto
O'ahu

Dr. Nancy Atmospera-
Walch
O'ahu

Mary Albitz
Maui

James (Kimo) Lee
Hawai'i

Jonathan Shick
O'ahu

Taryn Rodighiero
Kaua'i

Director, DBEDT
Voting Ex Officio

As authorized under the Governor's June 10, 2020, Ninth Supplementary Proclamation Related to the COVID-19 Emergency, the meeting will be held remotely with Board Members, Staff, and Agencies participating via online meeting venue. The public can participate in the meeting via video-audio livestream; to join the meeting, go to:

<https://zoom.us/j/98427794043?pwd=cVg3T2xxSGNTUm1qL0t3KzcyYkd5UT09>

Copies of the Board Packet will be available on-line for review at: <https://sbrb.hawaii.gov/meetings/agendas-minutes?yr=2020>. An electronic draft of the minutes for this meeting will also be made available at the same location when completed.

Members of the public may submit written testimony via e-mail to: DBEDT.sbrb.info@hawaii.gov or via postal mail to **SBRRB 250 South Hotel Street, Room 506A, Honolulu, Hawaii 96813**. Please include the word "Testimony" and the subject matter following the address line. All written testimony should be **received no later than 4:30 p.m., Wednesday, June 17, 2020**.

The Board may go into Executive Session under Section 92-5 (a)(4), HRS to Consult with the Board's Attorney on Questions and Issues Concerning the Board's Powers, Duties, Immunities, Privileges and Liabilities.

I. Call to Order

II. Approval of May 21, 2020 Meeting Minutes

III. Strategic Planning Discussion

A. Discussion and Action on the Board's fiscal year-to-date 2020 actual budget and projected fiscal year 2021 budget

B. Discussion and Action on the Board’s Strategic Plan regarding: 1) Outreach Activities, and 2) Events to Attend during Fiscal 2021 pursuant to Section 201M-5, Hawaii Revised Statutes (HRS):

1. Outreach Activities

- a. ThinkTech Hawaii and Akaku–Maui Community Media – Approach media platforms with small business audience to plan, schedule and participate in informational program segment
- b. Discussion on outreach letter to send to various organizations, review draft letter for approval, and create a list of organizations and contact information
- c. Association Meetings – Discussion on attending meetings to educate association members about this Board and decide which associations, when, who, and talking points
- d. Board Brochures / Handouts – Review all current marketing material and update / change as needed
- e. State/County Agency Meetings – Review meetings conducted to date; formalize a plan for Board members to visit State and County Agencies to include talking points

2. Other Considerations

- a. U. S. Small Business Administration (SBA) on Oahu and Maui - Explore working with local SBA offices for purposes of outreach and other small business purposes
- b. Discussion on identifying other small business organizations to explore potential cooperative outreach
- c. Discussion on attending Industry/Association events – which events, who to attend, materials to share

IV. Election by the Board of the following Officers:

- A. Chairperson, under Section 201M-5(c), HRS
- B. Vice Chair
- C. Second Vice Chair

V. Next Meeting: Thursday, July 16, 2020, at 10:00 a.m.

VI. Adjournment

II. Approval of May 21, 2020 Meeting Minutes

Small Business Regulatory Review Board

MEETING MINUTES WERE HELD THROUGH VIDEO-CONFERENCING - DRAFT
May 21, 2020

I. **CALL TO ORDER:** Chair Cundiff called the meeting to order at 10:02 a.m., with a quorum present, which was open to the public.

MEMBERS PRESENT:

- Robert Cundiff, Chair
- Garth Yamanaka, Vice Chair
- Harris Nakamoto
- Mary Albitz
- James (Kimo) Lee
- Jonathan Shick
- Mark Ritchie

ABSENT MEMBERS:

- William Lydgate, 2nd Vice Chair
- Dr. Nancy Atmospera-Walsh

STAFF: DBEDT

Dori Palcovich
Jet'aime Alcos

Office of the Attorney General

Jennifer Polk-Waihee

II. **APPROVAL OF FEBRUARY 20, 2020 MEETING MINUTES**

Chair Cundiff thanked DBEDT staff for their hard work and efforts during this stressful period as well as for coordinating today's remote board meeting. He also thanked board members and agency representatives for their patience and for attending today's meeting.

A member roll call was performed which included the introduction and welcoming of the board's newest nominee/member, Ms. Taryn Rodghiero, who represents the County of Kauai.

Vice Chair Yamanaka made a motion to approve the February 20, 2020 meeting minutes, as presented. Mr. Nakamoto seconded the motion, and the Board members unanimously agreed to by individual member roll call.

III. **OLD BUSINESS** – After Public Hearing

- A. Discussion and Action on the Small Business Impact After Public Hearing and Proposed Amendments to Hawaii Administrative Rules (HAR) Title 13 Chapter 104, Rules and Regulating Activities Within Forest Reservations, promulgated by Department of Land of Natural Resources (DLNR)

Discussion leader, Ms. Albitz, thanked Ms. Irene Sprecher, Forestry Manager, and Ms. Jan Pali, Forestry Planner, from DLNR's Division of Forestry and Wildlife (DOFAW) for attending today's meeting.

Ms. Sprecher acknowledged that it has been over two years since DOFAW was in front of this Board, prior to the public hearings. The forest reserves are DLNR's largest holding; forest reserves allow people to hike, view the scenery, hunt, etc. The reserves also have a commercial component such as the forest product industry.

This proposal is a comprehensive update and an overhaul of the rules with the most prevalent changes entailing compliance with the statutes. Substantive changes relate to penalties (which refer back to the statute), and abandoned vehicles. Another change reflects the requirements as to how and when some of the forest reserve areas may be legally closed to the public as the reserves are currently open to the public at all times. Additional changes relate to permits, definitions of camping, and commercial use fees.

Shortly after bringing the proposed rules before this Board, DOFAW went through the public hearing process; this was deemed very successful as it resulted in meaningful dialogue and positive feedback. Forty-two comments were received; a majority of the comments related to proposed changes in the camping definitions. Based on this feedback minor changes were made.

There were also comments made at the public hearing regarding the proposed fee schedule for commercial use. While many of the comments were in favor of the proposed fees, a few suggested that the fees are increased even higher. Although increasing the fees was considered, it was determined that this would occur sometime in the future within the rule-drafting process.

The Board of Land and Natural Resources (BLNR) reviewed and approved the proposed rule changes in January 2020; it was recommended, at that time, that the rules continue to proceed through the process.

Chair Cundiff noted that DOFAW's rule-drafting process has been over two years with much outreach made to the community and the stakeholders. The fact that there was not a lot of negative comments is testimony to DOFAW's outreach for engaging and receiving such input.

Vice Chair Yamanaka made a motion to move the proposed amendments to the Governor for approval. Mr. Nakamoto seconded the motion, and the Board members unanimously agreed to by individual member roll call.

IV. NEW BUSINESS – Before Public Hearing

A. Discussion and Action on Proposed New HAR Title 10 Chapter 4.1, Management of Water Systems, promulgated by Department of Hawaiian Home Lands (DHHL)

Chair Cundiff explained that this is a new DHHL rule and is being heard prior to the public hearings. Ms. Hokulei Lindsey, DHHL Administrative Rules Officers, stated that the rules entail everything related to a water system. The main concern is that DHHL will be raising water rates that will impact several small businesses connected to the water system located on Molokai.

While the water rates have not been increased since 2014, the proposed increase will help keep the water system running and allow DHHL to get as close as possible to a “self-sustaining” system. DHHL reached out to the impacted small businesses via letters to let them know that meetings were being held to discuss the rules and water rate changes. To date, there have not been any responses or comments to the letters.

Ms. Lindsey noted that a consultant was hired to assist in developing and drafting the language in the rules; this is standard procedure. Ms. Gigi Cairel, Grants Specialists at DHHL, confirmed this and explained that the consultant researched both the county rules and the industry standards. Although DHHL’s water systems are extremely small in size, which proves to be very challenging, they do not have nearly the economy of scale as the counties. However, even though the systems are unique and tailored, DHHL tries to mirror the county rules as much as possible.

In addition to the water system in Hoolehua, Chair Cundiff noted that the rules mention other water systems including Kawaihae, Kailapa, and Puukapu. He asked if DHHL researched and identified other water systems and what businesses, if any, may be impacted. In response, Ms. Cairel explained that DHHL owns and operates four water systems statewide. The Hoolehua water system is DHHL’s largest as it has over 800 connections. That water system services a mixture of Hawaiian home residents, small businesses, community facilities; i.e., the airport, post office, schools and churches on Molokai, as well as others.

Ms. Cairel further explained that DHHL’s other three water systems service 100% of the Hawaiian subdivisions; this entails residential, pastoral and agricultural. In regards to the inquiry of any delinquent payments from businesses and what, if any, small business impact there is due to the water rate fee increases, which is proposed at 20% over the next ten years, Ms. Cairel responded that she is aware of one small business (a farm) that may be financially impacted by the rate increases, though not the penalties or the fees. All of the other businesses are current on their payments.

Funds from the rate increases will be used to cover operational costs as current rates go toward the daily operations and management of the water system. The increases do not cover building reserves or major capital improvements; these are covered by a \$30 million federal grant and loans from the federal government. Although the 20% increase may appear to be substantial, Ms. Cairel stated that an affordability factor was included in the formula.

Vice Chair Yamanaka made a motion to advance the proposed new rules onto public hearing. Mr. Nakamoto seconded the motion, and the Board members unanimously agreed to by individual member roll call.

V. ADMINISTRATIVE MATTERS

- A. Update on the Board’s Upcoming Advocacy Activities and Programs in Accordance with the Board’s Powers under Section 201M-5, Hawaii Revised Statutes (HRS), including:

1. Discussion and Action on the Board's 2020 Draft 201M-7 Periodic Review: Evaluation Report for Submission to the Hawaii State Legislature pursuant to Section 201M-7, HRS

Board members reviewed the proposed draft *201M-7 Periodic Review: Evaluation Report*; no changes were made.

Vice Chair Yamanaka made a motion to accept the draft *201M-7 Periodic Review: Evaluation Report* for submission to the Legislature. Mr. Lee seconded the motion, and the Board members unanimously agreed to by individual member roll call.

VI. LEGISLATIVE MATTERS

A. Discussion and Update on the following Legislative Measures:

Chair Cundiff announced that Governor Messages 672 through 675, noted below, were approved for “advise and consent” by the Senate committee and were being heard today on the Senate Floor for final confirmation. He thanked the members for their willingness to be nominated to this Board as they have been tremendous advocates in conducting the board’s business and their input has been insightful and appreciated.

Reasons unknown to this Board, Mr. Lee’s nomination did not go through the legislative process. However, the Governor’s office has assured DBEDT staff that Mr. Lee is now categorized as a “holdover” board member with all the same responsibilities and rights as a regular member. His nomination is expected to be heard during the 2021 legislative session.

- a. Governor’s Message 672, Submitting for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Mary Albitz, for a term to expire June 30, 2024
- b. Governor’s Message 673. Submitting for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Nancy Atmospera-Walch, for a term to expire June 30, 2024
- c. Governor’s Message 674, Submitting for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Robert Cundiff, for a term to expire June 30, 2024
- d. Governor’s Message 675, Submitting for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Taryn Rodighiero, for a term to expire June 30, 2023

- e. Governor's Message Submitting for Consideration for the Gubernatorial Nomination of James Lee to the Small Business Regulatory Review Board for a term estimated to expire June 30, 2024

VII. ADJOURNMENT – The next meeting is scheduled for Thursday, June 18, 2020 at 10:00 a.m.

Vice Chair Yamanaka made a motion to adjourn the meeting. Mr. Nakamoto seconded the motion, and the Board members unanimously agreed to by individual member roll call. The meeting adjourned at 10:57 a.m.

DRAFT

III. Strategic Planning Session

A. Discussion of Board's Fiscal Year-to-Date 2020 Actual Budget and Projected Fiscal Year 2021 Budget

B. Discussion of Board's Strategic Plan regarding: 1) Outreach Activities, and 2) Events to Attend during Fiscal 2021 pursuant to Section 201M-5, HRS:

1. Activities

- a. ThinkTech Hawaii and Akaku–Maui Community Media – Approach Media platforms with small business audience to Plan, Schedule and Participate in informational program segment – *no handout***
- b. Outreach Letter to send to various organizations, review Draft letter for approval, and create a list of organizations and contact information**
- c. Association Meetings – Discussion on attending meetings to educate their members about the Board and decide which associations, when, and talking points – *no handout***
- d. Board Brochures / Handouts – Review all current marketing material and update / change as needed**
- e. State/County Agency Meetings – Review meetings conducted to date; formalize a plan for Board members to visit State and County Agencies to include talking points – *no handout***

2. Other Considerations

- a. U. S. Small Business Administration (SBA) on Oahu and Maui - Explore working with local SBA office for purposes of outreach and other small business purposes – *no handout***
- b. Discussion on identifying other small business organizations to explore potential cooperative outreach – *no handout***
- c. Discussion on attending Industry/Association Events – which events, who to attend, materials to share – *no handout***

SBRRB Budget Records
Monthly Meeting Expenses
FY 2020

7/1/2019 - 7/31/2019

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 143.17	\$ 51.00	\$ 15.00				
James (Kimo) Lee	\$ 208.69		\$ 15.00				
William Lydgate	\$ 183.94	\$ 51.00	\$ 15.00				
Garth Yamanaka	\$ 204.36	\$ 51.00	\$ 15.00				
Dori Palcovich			\$ 10.00				\$ 219.75
SBRRB - Star Advertiser				\$ 19.95			
Sub-Total	\$ 740.16	\$ 153.00	\$ 70.00	\$ 19.95	\$ -	\$ -	\$ 219.75
Total Monthly Expense							\$ 1,202.86

8/1/2019 - 8/31/2019

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 158.36	\$ 53.00	\$ 15.00				
James (Kimo) Lee							
William Lydgate	\$ 223.70	\$ 53.00	\$ 15.00				
Garth Yamanaka	\$ 218.67	\$ 53.00	\$ 15.00				
Dori Palcovich							
SBRRB - Star Advertiser				\$ 19.95			
Sub-Total	\$ 600.73	\$ 159.00	\$ 45.00	\$ 19.95	\$ -	\$ -	\$ -
Total Monthly Expense							\$ 824.68

9/1/2019 - 9/30/2019

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 142.31	\$ 55.00	\$ 15.00				
James (Kimo) Lee	\$ 204.32		\$ 15.00				
William Lydgate							
Garth Yamanaka	\$ 214.32	\$ 55.00	\$ 15.00				
Dori Palcovich - HEA Conference							\$ 150.00
SBRRB - Stamps						\$ 110.00	
SBRRB - Star Advertiser				\$ 19.95			
Sub-Total	\$ 560.95	\$ 110.00	\$ 45.00	\$ 19.95	\$ -	\$ 110.00	\$ 150.00

Total Monthly Expense	\$ 995.90
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10/1/2019 - 10/31/2019

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 107.16	\$ 55.00	\$ 15.00				
James (Kimo) Lee	\$ 204.32		\$ 15.00				
William Lydgate	\$ 223.70						
Garth Yamanaka	\$ 204.32	\$ 55.00	\$ 15.00				
Dori Palcovich - OWL Membership DUES					\$ 270.86		
SBRRB - Star Advertiser				\$ 22.97			
SBRRB - Stamps						\$ 110.00	
Sub-Total	\$ 739.50	\$ 110.00	\$ 45.00	\$ 22.97	\$ 270.86	\$ 110.00	\$ -
Total Monthly Expense							\$ 1,298.33

11/1/2019 - 11/30/2019

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 168.34	\$ 55.00	\$ 15.00				
James (Kimo) Lee							
William Lydgate	\$ 181.80	\$ 55.00	\$ 15.00				
Garth Yamanaka							
Dori Palcovich							
SBRRB - Star Advertiser				\$ 22.97			
SBRRB - Stamps						\$ 110.00	
Sub-Total	\$ 350.14	\$ 110.00	\$ 30.00	\$ 22.97	\$ -	\$ 110.00	\$ -
Total Monthly Expense							\$ 623.11

12/1/2019 - 12/31-2019 **MEETING CANCELED**

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz							
James (Kimo) Lee							
William Lydgate							
Garth Yamanaka							
Dori Palcovich							
SBRRB - Star Advertiser				\$ 22.97			
SBRRB - Stamps						\$ 220.00	

Sub-Total	\$ -	\$ -	\$ -	\$ 22.97	\$ -	\$ 220.00	\$ -
Total Monthly Expense							\$ 242.97

1/1/2020 - 1/31-2020

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 147.92	\$ 55.00	\$ 15.00				
James (Kimo) Lee	\$ 138.37		\$ 15.00				
William Lydgate							
Garth Yamanaka	\$ 204.52	\$ 55.00	\$ 15.00				
Dori Palcovich							
SBRRB - Star Advertiser				\$ 22.97			
SBRRB - Stamps						\$ 110.00	
SBRRB - PBN Subscription				\$ 125.65			
Sub-Total	\$ 490.81	\$ 110.00	\$ 45.00	\$ 148.62	\$ -	\$ 110.00	\$ -
Total Monthly Expense							\$ 904.43

2/1/2020 - 2/28/2020

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 143.26	\$ 55.00	\$ 15.00				
James (Kimo) Lee	\$ 107.31		\$ 15.00				
William Lydgate							
Garth Yamanaka	\$ 183.27	\$ 55.00					
Dori Palcovich							
SBRRB - Star Advertiser				\$ 22.97			
Sub-Total	\$ 433.84	\$ 110.00	\$ 30.00	\$ 22.97	\$ -	\$ -	\$ -
Total Monthly Expense							\$ 596.81

3/1/2020 - 3/31/2020 MEETING CANCELED

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz							
James (Kimo) Lee							
William Lydgate							
Garth Yamanaka							
Dori Palcovich							
SBRRB				\$ 22.97		\$ 110.00	
Sub-Total	\$ -	\$ -	\$ -	\$ 22.97	\$ -	\$ 110.00	\$ -

Total Monthly Expense	\$ 132.97
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4/1/2020 - 4/30/2020 **MEETING CANCELED**

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz							
James (Kimo) Lee							
William Lydgate							
Garth Yamanaka							
Dori Palcovich - Maui Means Business, Kahului, HI							
SBRRB - Star Advertiser				\$22.97			
Sub-Total	\$ -	\$ -	\$ -	\$ 22.97	\$ -	\$ -	\$ -
Total Monthly Expense							\$ 22.97

5/1/2020 - 5/31/2020

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz							
James (Kimo) Lee							
William Lydgate							
Garth Yamanaka							
Dori Palcovich - PBN West Oahu Means Business 8.13.20 registration							\$75.00
SBRRB - Star Advertiser				\$22.97			
Sub-Total	\$ -	\$ -	\$ -	\$ 22.97	\$ -	\$ -	\$ 75.00
Total Monthly Expense							\$ 97.97

6/1/2020 - 6/30/2020

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz							
James (Kimo) Lee							
William Lydgate							
Garth Yamanaka							
Dori Palcovich							
SBRRB - Star Advertiser				\$22.97			

SBRRB - TELEWORK LAPTOPS - Have not been charged as of 6-12-20							\$ 3,449.17
Sub-Total	\$ -	\$ -	\$ -	\$ 22.97	\$ -	\$ -	\$ 3,449.17
Total Monthly Expense							\$ 3,472.14

Monthly Expenses for 7/2019 - 6/2020

Months	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
July	\$ 740.16	\$ 153.00	\$ 70.00	\$ 19.95	\$ -	\$ -	\$ 219.75
August	\$ 600.73	\$ 159.00	\$ 45.00	\$ 19.95	\$ -	\$ -	\$ -
September	\$ 560.95	\$ 110.00	\$ 45.00	\$ 19.95	\$ -	\$ 110.00	\$ 150.00
October	\$ 739.50	\$ 110.00	\$ 45.00	\$ 22.97	\$ 270.86	\$ 110.00	\$ -
November	\$ 350.14	\$ 110.00	\$ 30.00	\$ 22.97	\$ -	\$ 110.00	\$ -
December - Meeting Canceled	\$ -	\$ -	\$ -	\$ 22.97	\$ -	\$ 220.00	\$ -
January	\$ 490.81	\$ 110.00	\$ 45.00	\$ 148.62	\$ -	\$ 110.00	\$ -
February	\$ 433.84	\$ 110.00	\$ 30.00	\$ 22.97	\$ -	\$ -	\$ -
March - Meeting Canceled	\$ -	\$ -	\$ -	\$ 22.97	\$ -	\$ 110.00	\$ -
April - Meeting Canceled	\$ -	\$ -	\$ -	\$ 22.97	\$ -	\$ -	\$ -
May - Virtual Meeting	\$ -	\$ -	\$ -	\$ 22.97	\$ -	\$ -	\$ 75.00
June - Virtual Meeting	\$ -	\$ -	\$ -	\$ 22.97	\$ -	\$ -	\$ 3,449.17
Total Expenses	\$ 3,916.13	\$ 862.00	\$ 310.00	\$ 392.23	\$ 270.86	\$ 770.00	\$ 3,893.92
							\$ 10,415.14

SBRRB Budget Records - PROJECTED
Monthly Expenses
FY 20-21

7/1/2020 - 7/31/2020

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 143.17	\$ 55.00	\$ 15.00				
James (Kimo) Lee	\$ 208.69	\$ 55.00	\$ 15.00				
William Lydgate	\$ 183.94	\$ 55.00	\$ 15.00				
Garth Yamanaka	\$ 204.36	\$ 55.00	\$ 15.00				
Taryn Rodighiero	\$ 200.00	\$ 55.00	\$ 15.00				
Dori Palcovich							
SBRRB							
Sub-Total	\$ 940.16	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ -	\$ -
Total Monthly Expense							\$ 1,290.16

8/1/2020 - 8/31/2020

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 158.36	\$ 55.00	\$ 15.00				
James (Kimo) Lee	\$ 200.00	\$ 55.00	\$ 15.00				
William Lydgate	\$ 223.70	\$ 55.00	\$ 15.00				
Garth Yamanaka	\$ 218.67	\$ 55.00	\$ 15.00				
Taryn Rodighiero	\$ 200.00	\$ 55.00	\$ 15.00				
Dori Palcovich							
Sub-Total	\$ 1,000.73	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ -	\$ -
Total Monthly Expense							\$ 1,350.73

9/1/2020 - 9/30/2020

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 142.31	\$ 55.00	\$ 15.00				
James (Kimo) Lee	\$ 204.32	\$ 55.00	\$ 15.00				
William Lydgate	\$ 200.00	\$ 55.00	\$ 15.00				
Garth Yamanaka	\$ 214.32	\$ 55.00	\$ 15.00				
Taryn Rodighiero	\$ 200.00	\$ 55.00	\$ 15.00				
Dori Palcovich							
SBRRB - Postage Stamps						\$ 110.00	
SBRRB							

Sub-Total	\$ 760.95	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ 110.00	\$ -
Total Monthly Expense							\$ 1,220.95

10/1/2020 - 10/31/2020

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 107.16	\$ 55.00	\$ 15.00				
James (Kimo) Lee	\$ 204.32	\$ 55.00	\$ 15.00				
William Lydgate	\$ 223.70	\$ 55.00	\$ 15.00				
Garth Yamanaka	\$ 204.32	\$ 55.00	\$ 15.00				
Taryn Rodighiero	\$ 200.00	\$ 55.00	\$ 15.00				
Dori Palcovich - OWL Membership DUES					\$ 270.86		
SBRRB							
SBRRB - Postage Stamps						\$ 110.00	
Sub-Total	\$ 939.50	\$ 275.00	\$ 75.00	\$ -	\$ 270.86	\$ 110.00	\$ -
Total Monthly Expense							\$ 1,670.36

11/1/2020 - 11/30/2020

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 168.34	\$ 55.00	\$ 15.00				
James (Kimo) Lee	\$ 200.00	\$ 55.00	\$ 15.00				
William Lydgate	\$ 181.80	\$ 55.00	\$ 15.00				
Garth Yamanaka	\$ 200.00	\$ 55.00	\$ 15.00				
Taryn Rodighiero	\$ 200.00	\$ 55.00	\$ 15.00				
Dori Palcovich							
SBRRB							
SBRRB - Postage Stamps						\$ 110.00	
Sub-Total	\$ 950.14	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ 110.00	\$ -
Total Monthly Expense							\$ 1,410.14

12/1/2020 - 12/31-2020

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 200.00	\$ 55.00	\$ 15.00				
James (Kimo) Lee	\$ 200.00	\$ 55.00	\$ 15.00				
William Lydgate	\$ 200.00	\$ 55.00	\$ 15.00				
Garth Yamanaka	\$ 200.00	\$ 55.00	\$ 15.00				
Taryn Rodighiero	\$ 200.00	\$ 55.00	\$ 15.00				

Dori Palcovich							
SBRRB							
SBRRB - Stamps						\$ 110.00	
Sub-Total	\$ 1,000.00	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ 110.00	\$ -
Total Monthly Expense							\$ 1,460.00

1/1/2021 - 1/31-2021

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 147.92	\$ 55.00	\$ 15.00				
James (Kimo) Lee	\$ 138.37	\$ 55.00	\$ 15.00				
William Lydgate	\$ 200.00	\$ 55.00	\$ 15.00				
Garth Yamanaka	\$ 204.52	\$ 55.00	\$ 15.00				
Taryn Rodighiero	\$ 200.00	\$ 55.00	\$ 15.00				
Dori Palcovich							
SBRRB							
SBRRB - Stamps						\$ 110.00	
SBRRB - PBN Subscription				\$ 125.65			
Sub-Total	\$ 890.81	\$ 275.00	\$ 75.00	\$ 125.65	\$ -	\$ 110.00	\$ -
Total Monthly Expense							\$ 1,476.46

2/1/2021 - 2/28/2021

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 143.26	\$ 55.00	\$ 15.00				
James (Kimo) Lee	\$ 107.31	\$ 55.00	\$ 15.00				
William Lydgate	\$ 200.00	\$ 55.00	\$ 15.00				
Garth Yamanaka	\$ 183.27	\$ 55.00	\$ 15.00				
Taryn Rodighiero	\$ 200.00	\$ 55.00	\$ 15.00				
Dori Palcovich							
SBRRB							
SBRRB - Stamps						\$ 110.00	
Sub-Total	\$ 833.84	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ 110.00	\$ -
Total Monthly Expense							\$ 1,293.84

3/1/2021 - 3/31/2021

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
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Mary Albitz	\$ 200.00	\$ 55.00	\$ 15.00				
James (Kimo) Lee	\$ 250.00	\$ 55.00	\$ 15.00				
William Lydgate	\$ 200.00	\$ 55.00	\$ 15.00				
Garth Yamanaka	\$ 250.00	\$ 55.00	\$ 15.00				
Taryn Rodighiero	\$ 200.00	\$ 55.00	\$ 15.00				
Dori Palcovich							
SBRRB							
SBRRB - Stamps						\$ 110.00	
Sub-Total	\$ 1,100.00	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ 110.00	\$ -
Total Monthly Expense							\$ 1,560.00

4/1/2021 - 4/30/2021

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 200.00	\$ 55.00	\$ 15.00				
James (Kimo) Lee	\$ 250.00	\$ 55.00	\$ 15.00				
William Lydgate	\$ 200.00	\$ 55.00	\$ 15.00				
Garth Yamanaka	\$ 250.00	\$ 55.00	\$ 15.00				
Taryn Rodighiero	\$ 200.00	\$ 55.00	\$ 15.00				
Dori Palcovich							
SBRRB							
SBRRB - Stamps						\$ 110.00	
Sub-Total	\$ 1,100.00	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ 110.00	\$ -
Total Monthly Expense							\$ 1,560.00

5/1/2021 - 5/31/2021

Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 200.00	\$ 55.00	\$ 15.00				
James (Kimo) Lee	\$ 250.00	\$ 55.00	\$ 15.00				
William Lydgate	\$ 200.00	\$ 55.00	\$ 15.00				
Garth Yamanaka	\$ 250.00	\$ 55.00	\$ 15.00				
Taryn Rodighiero	\$ 200.00	\$ 55.00	\$ 15.00				
Dori Palcovich - Hawaii Small Business Conference Maui							\$ 900.00
SBRRB							
SBRRB - Stamps						\$ 110.00	
SBRRB - Hawaii Small Business Fair							\$ 200.00
Sub-Total	\$ 1,100.00	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ 110.00	\$ 1,100.00
Total Monthly Expense							\$ 2,660.00

6/1/2021 - 6/30/2021

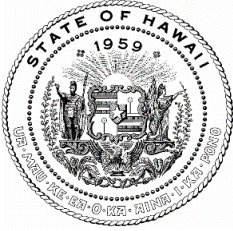
Names	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
Mary Albitz	\$ 200.00	\$ 55.00	\$ 15.00				
James (Kimo) Lee	\$ 250.00	\$ 55.00	\$ 15.00				
William Lydgate	\$ 200.00	\$ 55.00	\$ 15.00				
Garth Yamanaka	\$ 250.00	\$ 55.00	\$ 15.00				
Taryn Rodighiero	\$ 200.00	\$ 55.00	\$ 15.00				
Dori Palcovich							
SBRRB							
SBRRB - Stamps						\$ 110.00	
SBRRB - Supplies							\$ 100.00
Sub-Total	\$ 1,100.00	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ 110.00	\$ 100.00
Total Monthly Expense							\$ 1,660.00

Monthly Expenses for 7/2019 - 6/2020

Months	Air	Car/Taxi	Parking	Subscriptions	Memberships	Postage	Other
July	\$ 940.16	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ -	\$ -
August	\$ 1,000.73	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ -	\$ -
September	\$ 760.95	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ 110.00	\$ -
October	\$ 939.50	\$ 275.00	\$ 75.00	\$ -	\$ 270.86	\$ 110.00	\$ -
November	\$ 950.14	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ 110.00	\$ -
December	\$ 1,000.00	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ 110.00	\$ -
January	\$ 890.81	\$ 275.00	\$ 75.00	\$ 125.65	\$ -	\$ 110.00	\$ -
February	\$ 833.84	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ 110.00	\$ -
March	\$ 1,100.00	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ 110.00	\$ -
April	\$ 1,100.00	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ 110.00	\$ -
May	\$ 1,100.00	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ 110.00	\$ 1,100.00
June	\$ 1,100.00	\$ 275.00	\$ 75.00	\$ -	\$ -	\$ 110.00	\$ 100.00
Total Expenses	\$ 11,716.13	\$ 3,300.00	\$ 900.00	\$ 125.65	\$ 270.86	\$ 1,100.00	\$ 1,200.00
							\$ 18,612.64

DRAFT

SMALL BUSINESS REGULATORY REVIEW BOARD



Department of Business, Economic Development & Tourism (DBEDT)
No. 1 Capitol District Building, 250 S. Hotel Street, Fifth Floor, Honolulu, HI 96813
Mailing Address: P.O. Box 2359, Honolulu, HI 96804
Email: dbedt.SBRRB.info@hawaii.gov
Website: dbedt.hawaii.gov/SBRRB

Tel: (808) 586-2419

David Y. Ige
Governor

Michael McCartney
DBEDT Director

Members

Robert Cundiff
Chairperson
O'ahu

Garth Yamanaka
Vice Chairperson
Hawai'i

William Lydgate
2nd Vice Chairperson
Kaua'i

Harris Nakamoto
O'ahu

Dr. Nancy Atmospera-
Walch
O'ahu

Mary Albitz
Maui

Jonathan Shick
O'ahu

James Kimo Lee
Hawai'i

Director, DBEDT
Voting Ex Officio

Date

Chamber / Organization

Address

Address

Subject: Small Business Regulatory Review Board

Dear Name:

As the Chair of the Small Business Regulatory Review Board (SBRRB), I am pleased to re-introduce the SBRRB to you and your organization.

The SBRRB has been in existence since 1998 with the mission to work toward a regulatory environment that encourages and supports the vitality of small business in Hawaii. Board members meet monthly and review State and County Hawaii Administrative Rules (HAR) that impact small business, both before and after the public hearings. Upon review of the rules and public testimony from stakeholders, we make recommendations to the Governor, the Mayors and the Agencies on whether to proceed or any other recommendation deemed necessary to support a regulatory environment where small business can grow and succeed.

We also consider requests from small business owners for review of proposed, amended or adopted HAR and will make recommendations to State and County agencies or the Legislature regarding the need for a rule change or legislation.

The SBRRB's website can be viewed at - <https://sbrrb.hawaii.gov/>

Even though the SBRRB has been around for over 22 years, it seems that many small businesses may not know or understand how we can support their efforts. In this regard, our objective is to increase the community outreach to small business, and an introduction through your organization would be a great platform to accomplish this objective. Please let us know if you would be interested in scheduling a time where we can speak to you and/or your organization's members about this very important board. Please contact our DBEDT staff support at (808) 586-2594 at your earliest convenience.

Thank you for your consideration and support. We look forward to hearing from you.

Sincerely,

Robert Cundiff, Chair

cc: Governor David Y. Ige or
Mayor XXXX, County of XXX
Enclosure (SBRRB Brochure)

This is how you can help us:

If you would like to share a concern that you have on regulatory issues, or administrative rules that you would like us to review, submit a:

Petition for Regulatory Review
(201M-6, HRS)

or

Regulation for Review

For more information...

Contact us:

<http://sbrrb.hawaii.gov/>

DBEDT.sbrrb.info@hawaii.gov

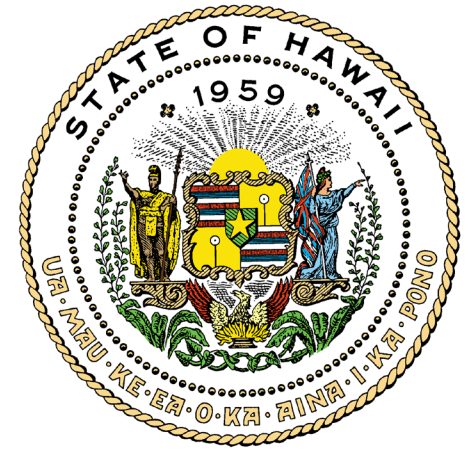
(808) 586-2419

Small Business Regulatory
Review Board (SBRRB)
c/o DBEDT
P. O. Box 2359
Honolulu, HI 96804

Visit our monthly meetings in
Honolulu

@SBRRBHI

**Small Business Regulatory Review Board
DBEDT
No. 1 Capitol District Building
250 South Hotel Street
Honolulu, HI 96813**



Small Business Regulatory Review Board

Purpose:

- The Small Business Regulatory Review Board (SBRRB) reviews proposed new or amended rules that impact small business*.
- The SBRRB makes recommendations to State Departments or the Legislature regarding the need for a rule change or legislation.
- For requests regarding County rules, the SBRRB may make recommendations to the County Council or the Mayor for appropriate action.

*"Small business," under Chapter 201M, is defined, in part, as a for-profit enterprise consisting of fewer than one hundred full-time or part-time employees.

Who we are:

- Volunteers, appointed by the Governor and ratified by the Senate
- Small business owners/officers

Honolulu County

Robert Cundiff, Chair

Hawai'i County

Garth Yamanaka, Vice Chair,
Yamanaka Enterprises, Inc.

Kaua'i County

William Lydgate, 2nd Vice Chair,
Lydgate Farms

Honolulu County

Harris Nakamoto

Dr. Nancy Atmospera-Walch,
Advantage Health Care Provider, Inc.

Jonathan Shick,

Pono Consulting Group, LLC

Maui County

Mary Albitz,

FocalPoint Business Coach

Hawaii County

James Kimo Lee,
W.H. Shipman, Ltd.

Kaua'i County

Taryn Rodighiero,
KaiKini, LLC

DBEDT Director / Voting Ex-Officio

This is how we can help you!

- We review new and existing rules in conjunction with an impact statement on small business
- We review all rules that affect small businesses before and after public hearings, followed by our recommendations to the Governor
- We act as a resource to the State Legislature, State Departments and Counties regarding the small business impact of new laws, rules and ordinances
- We can also organize and hold conferences on problems affecting small businesses

We work with these State Departments:

- Accounting & General Services
- Agriculture
- Budget & Finance
- Business, Economic Development & Tourism
- Commerce & Consumer Affairs
- Education
- Hawaiian Home Lands
- Health
- Human Services
- Labor and Industrial Relations / HIOSH
- Land and Natural Resources
- Public Safety
- Taxation
- Transportation
- Office of the Attorney General
- Office of the Lieutenant Governor
- Public Utilities Commission
- University of Hawai'i

“The SBRRB volunteer members have a vital role to perform. Board members join in serving the people of Hawai‘i and most importantly represent their islands to support small business challenges and successes. We look forward to working with the Departments and Counties and helping to make positive and lasting changes to the small business community.”

Mahalo and Aloha,



~ Robert Cundiff, Chair

www.hawaii.gov/dbedt

808-586-2419

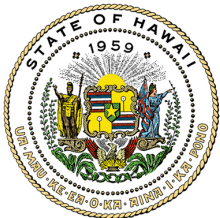
**Message from the Department
of Business, Economic
Development & Tourism**

Small businesses are the heart of Hawaii's economy and are central to our way of life. The State of Hawaii recognizes that more than 95% of all businesses in Hawaii are small businesses and they employ more than 60% of Hawaii's workforce. Accordingly, Hawaii's citizens should be able to expect and enjoy a business culture that encourages and supports small business.

The Small Business Bill of Rights is an explanation or summary of the rights and expectations of small business.

This Bill of Rights outlines some of the more important rights and tenants that are available to small business owners and affect the way they do business in Hawaii.

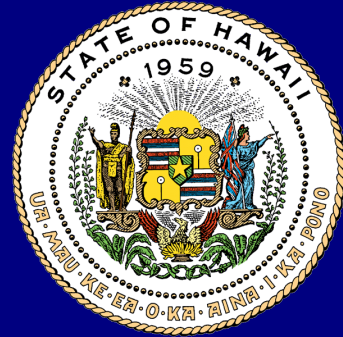
As Hawaii's business advocate, the Small Business Regulatory Review Board is dedicated to achieving complete fulfillment of the following rights, and believes that adherence to them will be mutually beneficial to all businesses in our State.



Department of Business,
Economic Development & Tourism

Small Business Bill of Rights

State of Hawaii



**Small Business
Regulatory Review Board**
"Hawaii's Business Advocate"

**Telephone:
808-586-2419**

**Email:
DBEDT.sbrrb.info@hawaii.gov**

**Website:
<http://sbrrb.hawaii.gov/>**

HAWAII SMALL BUSINESS BILL OF RIGHTS

Small business owners and operators should be informed of their rights, responsibilities and obligations and be assured that these rights will be protected throughout their contact with agencies and departments of the State of Hawaii, among them:

- I.** The right to expect state agencies to provide a prompt, accurate, and courteous response to a request for information and to work together to ensure ready access to the information needed to assist businesses in their relationships with state government;
- II.** The right to a clear, stable, and predictable regulatory and record-keeping environment with easily accessible information and administrative rules in as clear and concise language as is practicable, including the posting of all proposed administrative rule changes on the Internet website of the office of the lieutenant governor;
- III.** The right to request and receive timely notice of an agency's rulemaking proceedings. The notice should be mailed to all persons who have made a written request for such a notice;
- IV.** The right to be treated equally and fairly, with reasonable access to state services;
- V.** The right to a one-stop permitting process that will, in the long term, include a centralized Internet website-based application system. This site's goals are to have quick and responsible timeframes to process state and county permits, licenses, registrations, and approvals, when appropriate, to simplify and reduce the filing of forms affecting business;
- VI.** The right to a timely response to an application for a permit, license, registration, or approval necessary to operate the small business, within the established maximum period of time for that agency in accordance with section 91-13.5, Hawaii Revised Statutes;
- VII.** The right to renewal of essential permits, licenses, registrations, or approvals, absent a specific reason for nonrenewal. All issuing agencies shall take action to grant or deny any renewal application for a business or development-related permit, license, registration, or approval within the established maximum period of time for that agency. The reasons for a denial should be clearly stated and under conditions set forth in law;
- VIII.** Whenever a contested case hearing is provided by law, in the event a regulatory agency takes action against a business, the right to expect a timely hearing. Officials conducting such hearings should be impartial. Small businesses should be provided a full and complete hearing to present their explanation of any alleged violation, deficiency, or wrongdoing. In any hearing, there should be a presumption that the small business did not commit an alleged violation or wrongdoing until the agency proves otherwise by a preponderance of the evidence. The small business should have the right to present evidence, both oral and written. This evidence must be fully considered by the agency. In the event of an unfavorable decision, the business should have the right to a judicial review pursuant to section 91-14, Hawaii Revised Statutes;
- IX.** The right to privacy regarding confidential and proprietary business information when competing for state procurement contracts. No state agency shall mandate the disclosure of confidential or proprietary business information as a condition of obtaining any contract or payment under any contract when a contract is to be awarded on a firm fixed price or cost plus fixed price basis;
- X.** The right to all of the protections afforded in the Taxpayer Bill of Rights, P.L. 104-168;
- XI.** The right to submit complaints regarding a violation of these rights or any other administrative acts of state and county agencies with the office of the ombudsman, in accordance with chapter 96, Hawaii Revised Statutes;
- XII.** The right to request information and an opinion from the office of information practices, in accordance with chapters 92 and 92F, Hawaii Revised Statutes, with regard to access to information from public meetings or the release of government documents;
- XIII.** The right to provide information to the division of consumer advocacy in accordance with chapter 269, Hawaii Revised Statutes, with regard to issues under the purview of the public utilities commission;
- XIV.** The right to request information from the office of consumer protection, in accordance with chapter 487, Hawaii Revised Statutes, with regard to business and consumer issues;
- XV.** The right to access the small business advocate in the department of business, economic development, and tourism regarding any dispute with a state agency to ensure government resources are coordinated on behalf of small business and the rights of businesses are being upheld; and
- XVI.** The right to administrative rule review pursuant to the Small Business Regulatory Flexibility Act by filing a petition with the small business regulatory review board in accordance with section 201M-6, Hawaii Revised Statutes.

V. Election by the Board of the following Officers:

A. Chair, under Section 201M-5(c)

B. Vice Chair

C. Second Vice Chair

§201M-5 Small business regulatory review board; powers. (a) There shall be established within the department of business, economic development, and tourism, for administrative purposes, a small business regulatory review board to review any proposed new or amended rule. If the board determines that a proposed rule will not have a significant economic impact on a substantial number of small businesses, the board shall submit a statement to that effect to the agency that sets forth the reason for the board's decision. If the board determines that the proposed rule will have a significant economic impact on a substantial number of small businesses, the board may submit to the agency suggested changes in the proposed rule to minimize the economic impact of the proposed rule, or may recommend the withdrawal of the proposed rule. The board may also consider any request from small business owners for review of any rule proposed, amended, or adopted by a state agency and to make recommendations to the agency or the legislature regarding the need for a rule change or legislation. For requests regarding county rules, the board may make recommendations to the county council or the mayor for appropriate action.

(b) The board shall consist of eleven members, who shall be appointed by the governor pursuant to section 26-34; provided that:

- (1) Three members shall be appointed from a list of nominees submitted by the president of the senate;
- (2) Three members shall be appointed from a list of nominees submitted by the speaker of the house of representatives;
- (3) Two members shall be appointed from a list of nominees submitted by the board;
- (4) Two members shall be appointed by the governor;
- (5) The director of business, economic development, and tourism, or the director's designated representative, shall serve as an ex officio, voting member of the board;
- (6) The appointments shall reflect representation of a variety of businesses in the State;
- (7) No more than two members shall be representatives from the same type of business; and
- (8) There shall be at least one representative from each county.

For the purposes of paragraphs (1) and (2), nominations shall be solicited from small business organizations, state and county chambers of commerce, and other interested business organizations.

(c) Except for the ex officio member, all members of the board shall be either a current or former owner or officer of a business and shall not be an officer or employee of the federal, state, or county government. A majority of the board shall elect the chairperson. The chairperson shall serve a term of not more than one year, unless removed earlier by a two-thirds vote of all members to which the board is entitled.

(d) A majority of all the members to which the board is entitled shall constitute a quorum to do business, and the concurrence of a majority of all the members to which the board is entitled shall be necessary to make any action of the board valid.

(e) In addition to any other powers provided by this chapter, the board may:

- (1) Adopt any rules necessary to implement this chapter;

- (2) Organize and hold conferences on problems affecting small business; and
- (3) Do any and all things necessary to effectuate the purposes of this chapter.

(f) The board shall submit an annual report to the legislature twenty days prior to each regular session detailing any requests from small business owners for review of any rule adopted by a state agency, and any recommendations made by the board to an agency or the legislature regarding the need for a rule change or legislation. The report shall also contain a summary of the comments made by the board to agencies regarding its review of proposed new or amended rules. [L 1998, c 168, pt of §2, §5; am L 2002, c 202, §§3, 5; am L 2007, c 217, §4; am L 2012, c 241, §3; am L 2017, c 174, §3; am L 2018, c 18, §5; am L 2019, c 247, §1]

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