

Small Business Regulatory Review Board

MEETING MINUTES

October 20, 2022

- I. **CALL TO ORDER:** Chair Cundiff called the meeting to order at 10:01 a.m., with a quorum present, which was open to the public.

MEMBERS PRESENT:

- Robert Cundiff, Chair
- Mary Albitz, Vice Chair
- Jonathan Shick, 2nd Vice Chair
- Garth Yamanaka
- Taryn Rodighiero
- Mark Ritchie

ABSENT MEMBERS:

- Dr. Nancy Atmospera-Walsh
- James (Kimo) Lee
- William Lydgate
- Tessa Gomes
- Sanford Morioka

STAFF: DBEDT

Dori Palcovich
Jet'aime Ariola

Office of the Attorney General

Alison Kato

II. **APPROVAL OF September 15, 2022 MINUTES**

Vice Chair Albitz motioned to accept the September 15, 2022 meeting minutes, as presented. Mr. Ritchie seconded the motion, and the Board members unanimously agreed.

III. **NEW BUSINESS** – Before Public Hearing

- A. Discussion and Action on Proposed Amendments to HAR Title 16 Chapter 115, Professional Engineers Architects Surveyors and Landscape Architects, promulgated by Department of Commerce and Consumer Affairs (DCCA)

Discussion leader Ms. Rodighiero reminded the board members that this rule was reviewed and deferred from last month because there was some confusion as to what specific changes were being made.

Ms. Lee Ann Teshima, Executive Officer at DCCA's Professional and Vocational Licensing Division, explained that in January 2022 this Board reviewed proposed changes to HAR Chapter 115. However, after the Board provided approval and subsequent to going to public hearing, additional amendments to the rules were promulgated.

Thus, last month's confusion occurred because the proposal included both changes from January 2022 and the most current changes; as such, the proposal today only includes the subsequent changes for consideration. Chair Cundiff noted that the rule proposal is very clear and the information is very thorough.

Second Vice Chair Shick questioned whether the change of the dates in the rules for applying for the engineering licenses would fall in-line with national requirements and wondered if there might potentially be some confusion with the dates of the national registration versus the state registration. Mr. Clayton Pang, Chair of the EASLA Board, DCCA, responded that the dates were changed because the majority of the exams are converting to computer-based in a testing center which no longer requires twice a year testing.

Ms. Rodighiero motioned to move the proposed rule amendments onto public hearing. Mr. Yamanaka seconded the motion, and the Board members unanimously agreed.

IV. ADMINISTRATIVE MATTERS

A. Discussion and Action on the following:

1. Board's Draft 2022 Annual Report Summary for Submission to the Hawaii State Legislature, under Section 201M-5(f), Hawaii Revised Statutes (HRS)

There is a noticeable improvement in the Matrix graph at the back of the Report that shows a lesser number of rules being "opposed" from past years. It appears this is because many of the agencies are now providing more outreach to the stakeholders, resulting in a smoother rule review process than in past years. Chair Cundiff will amend the "Chair's Message" in this Report to include this sentiment and how overtime this Board has adapted to understand how it impacts the business community and the results of its efforts. Vice Chair Albitz added that a "majority" of the agencies are assisting with the Board's efforts.

Mr. Yamanaka motioned to accept the draft *2022 Annual Report Summary* for publication with forthcoming changes to be made to the Chair's Message. Ms. Rodighiero seconded the motion, and the Board members unanimously agreed.

2. Board's Draft 2022 201M-7 Periodic Review: Evaluation Report for Submission to the Hawaii State Legislature under Section 201M-7, HRS

The members discussed an on-going lack of submission of rules for the 201M-7 Report from the County of Hawaii; Vice Chair Albitz noted that there are similar issues with Maui. Deputy Attorney General Kato confirmed that there would be no legal cause for incurring penalties upon the counties for lack of participation or nonsubmittal of the required rule information; she suggested that public pressure might be the best route to take against the counties.

Chair Cundiff noted that there is not much this Board can do to force the issue of submitting the required rule information from the counties except to reach out to the county representatives and share with them the information that it is required to the Board per statute. Second Vice Chair Shick added that advocacy and outreach to the small business community may also be helpful because if the businesses knew what changes were being proposed it may help with the counties' accountability.

Vice Chair Albitz stated that state legislators should be aware that some of the counties are not accountable. Chair Cundiff added that knowing who the county contacts are is also important in sharing and advising who this Board is, what it does, and that the Board is here to support small business. Going forward, DBEDT staff will provide this Board's neighbor island members with correspondence and contact information.

Mr. Ritchie motioned to accept the draft *2022 201M-7 Periodic Review: Evaluation Report* for publication. Second Vice Chair Shick seconded the motion, and the Board members unanimously agreed.

B. Update on the Board's Upcoming Advocacy Activities and Programs in accordance with the Board's Powers under Section 201M-5, HRS

1. Board's Phase II Website Project

Ms. Rosie Warfield and Mr. Mark Moran, representatives from NIC Hawaii, presented the specific changes that were made to the Board's existing website. These changes, which were officially launched on September 19th, include the following:

- Amended the content layout to the homepage
- Adjusted the resource section
- Added filtering to the meeting/agendas page
- Updated the MailChimp newsletter

In addition to offering a back-end video library system on WordPress where DBEDT staff can go into the site and train themselves on all the different aspects of the new features, a live training session was held for them. Ms. Warfield explained that we are now in a 90-day window for support and despite any tweaking or fixing of any of the features on the website, the project is essentially complete.

Chair Cundiff thanked Ms. Warfield and Mr. Moran for all their efforts as they have been very attentive, responsive and professional during the process. In response to Vice Chair Albitz's inquiry as to whether it is possible to open up the meeting packets into a new window so users can easily go back to the main page, it was indicated that it may be possible; NIC Hawaii will get back to the Board if this can be done.

2. Board's Attendance at the September 17, 2022 Hawaii Small Business Fair at Leeward Community College

Mr. Ritchie updated the members on the success of the small business fair after a two-to-three-year hiatus. Approximately 200 attendees showed up to learn about opening up and maintaining a small business. There were 30 different business-related classes in four separate time slots and 30 to 35 exhibitors, both government agencies and non-profits, offering business support services.

Mr. Richie complimented Ms. Ariola for her fine outreach work at the fair; Mr. Ariola stated that she was very happy to attend the fair and offer information to small businesses about the Board.

V. **NEXT MEETING** - Thursday, November 17, 2022 at 10:00 a.m.

VI. **ADJOURNMENT** – Vice Chair Albitz made a motion to adjourn the meeting and Ms. Rodigheiro seconded the motion; the meeting adjourned at 11:01 a.m.