

Small Business Regulatory Review Board

MINUTES OF REGULAR MEETING

May 18, 2016

Conference Room 436 - No. 1 Capitol District Building, Honolulu, Hawaii

- I. **CALL TO ORDER:** Chair Borge called the meeting to order at 1:02 p.m. with a quorum present.

MEMBERS PRESENT:

- Anthony Borge
- Harris Nakamoto
- Kyoko Kimura
- Robert Cundiff
- Garth Yamanaka
- Mark Ritchie

ABSENT MEMBERS:

- Barbara Bennett
- Nancy Atomspera-Walch

STAFF: DBEDT
Dori Palcovich

Office of the Attorney General
Dawn Apuna

II. APPROVAL OF April 20, 2016 MINUTES

Chair Borge welcomed Ms. Dawn Apuna, Deputy Attorney General for this Board.

Mr. Yamanaka made a motion to accept the April 20, 2016 minutes, as presented. Mr. Cundiff seconded the motion, and the Board members unanimously agreed.

III. ADMINISTRATIVE MATTERS

- A. Presentation from Department of Health's (DOH's) Compliance Assistance Office, Environmental Ombudsman, regarding environmental health administration of Hawaii's Small Businesses

Chair Borge thanked Ms. Genevieve Salmonson, DOH Environmental Ombudsman from DOH's Compliance Assistance Office, for attending today's meeting, stating that she was invited to explain the function of DOH's small business ombudsman's office.

The Compliance Assistance Office, which also has offices on the neighbor islands, was established in the 1990's under the Clean Air Act. It was created to update, perform workshops and presentations, educate, and make site inspections for businesses regarding federal rules and regulations; every state is required to have the same type of office in accordance with this Act.

The Compliance Assistance Office follows the federal standard definition of small business, which depends on the industry in determining the number of employees that would qualify as a “small business.” The Office also receives (confidential) complaints regarding both state and federal rules. In addition, as the State of Hawaii is required to handle EPA rules, the Office helps to mitigate State EPA violations and issues.

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

Vice Chair Nakamoto stated that the Hawaii Japanese Chamber of Commerce is offering its members “Business Solutions Workshop” on Wednesday, June 29th from 8:30 to 10:30 a.m. His employer, Kaiser Permanente, will discuss small business tax credits at the workshop and offered the members of this Board to attend the workshop under Kaiser’s sponsorship to discuss the Board’s purview. Chair Borge will see if his schedule will allow him to attend this workshop with Vice Chair Nakamoto.

Mr. Reg Baker, a member of the federal Small Business Administration’s National Board for Fairness, explained that the livestream show, “Business in Hawaii,” was created to promote positive messages of Hawaii’s small businesses, despite the challenges. Chair Borge, Vice Chair Nakamoto, and Ms. Kimura will participate in this show on May 19, 2016, in order to bring a greater awareness to the business community of this Board. Thinktankhawaii.com will broadcast the show live at 2:00 p.m.; it is also taped and linked on YouTube, which has a distribution list of approximately 10,000 people. The show will be broken down into three fifteen-minute segments with the first segment to discuss how this Board was created and its mission. The second segment will entail how the members are selected and what his or her roles are, and the third segment will discuss success stories and issues the Board is currently working on.

Chair Borge announced that this Board’s \$50,000 budget request was not approved during the legislative session but it was a good effort and can be tried again next year. It was mentioned that there may be monies available during next fiscal year for this Board’s use.

Mr. Wade Kamikawa, DBEDT’s IT Manager, discussed the following items with the members: 1) a template form, such as a “regulation review card” to connect onto the website for small businesses to alert the Board of rules and regulations that impact businesses; 2) the Board’s Website; and 3) iPads for Board members.

- 1) “Regulation Review Card” Form – It was suggested that another state’s small business regulatory review board’s template (regulation review card) may be a good one to model after. Mr. Cundiff will email the form to DBEDT’s staff who will, in turn, send it to the members for review and recommendations. Once recommendations are made, it will be sent to IT; IT will then draft the form and place it online for the members to review.
- 2) Board’s Website - It is important to have a website with “fresh” information posted on it to keep the lines of communication open and ultimately bring the users back. The Board’s current website is a template that should be followed because it is under DBEDT’s “core site.” Changing the name of this Board and creating a new URL were

suggested, however, IT would need to do research to see if any of the proposed URLs are available.

- 3) iPads – Options were discussed regarding mailing the monthly agenda packets to the members versus sending out voluminous hardcopy packets. All the files and documentation can be stored onto a Microsoft Sharepoint site, which is cloud-based. DBEDT's Land Use Commission uses a similar option and stores all the data locally on the iPads. However, if an iPad is lost, so is the data; but this would not occur if the data is placed "in the cloud."

To access a Sharepoint site, members will need an access code to email accounts, which are free, and once these accounts are created, DBEDT staff would be able to grant the members accessibility, which may be either Wi-Fi-enabled or through telephone connection.

Mr. Kamikawa explained that in regards to the costs, under Verizon for example, the cost includes a \$170 monthly access fee plus taxes, and other expenses. Wifi would be a one-time fee, which is minimal, and total ongoing fees would equate to just under \$2,600 per year with the iPads costing approximately \$4,300 before taxes. Mr. Cundiff suggested that Hotmail accounts be facilitated for each member to begin the process; members may also use their own iPad.

Mr. Cundiff recommended that this Board proceed to purchase the laptop computer for DBEDT's staff and ten (10) cloud-based, Wifi-capable iPads for Board members. Mr. Yamanaka seconded the motion and the Board members unanimously agreed.

C. Action and Voting for Board Chair, pursuant to Section 201M-5 (c), HRS, and Election of Vice Chair and Second Vice Chair

Mr. Cundiff made a motion to nominate Mr. Anthony Borge as Chair, Mr. Harris Nakamoto as Vice Chair, and Ms. Barbara Bennett as Second Vice Chair of this Board. Ms. Kimura seconded the motion, and the Board members unanimously agreed.

D. Discussion and Action to Appoint Board Members for Discussion Leader Assignments for the Counties and State Agencies' Administrative Rule Review

Ms. Atmospera-Walch was assigned discussion leader of the following agencies: Department of Defense, Department of Budget and Finance and University of Hawaii; collectively, these agencies have very few administrative rules that impact small business.

IV. **NEXT MEETING** – The next meeting is scheduled for Wednesday, June 29, 2016, in Conference Room 436, 250 South Hotel Street, Honolulu, Hawaii, at 1:00 p.m.

V. **ADJOURNMENT** – Mr. Cundiff made a motion to adjourn the meeting and Ms. Kimura seconded the motion; the meeting adjourned at 2:52 p.m.