



DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
Office of Administrative Hearings

News Release

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DCCA DISCIPLINARY ACTIONS
(Through January 2014)

HONOLULU - The Department of Commerce and Consumer Affairs (DCCA) and the State Boards and Commissions released a summary of disciplinary actions through the month of January taken on individuals and entities with professional and vocational licenses in Hawai'i. These disciplinary actions include dispositions based upon either the results of contested case hearings or settlement agreements submitted by the parties.

The DCCA and the Boards and Commissions are responsible for ensuring those with professional and vocational licenses are performing up to the standards prescribed by state law.

BOARD OF CHIROPRACTIC EXAMINERS

Respondent: Ned M. Moriearty
Case Number: CHI 2011-10-L
Sanction: License revoked
Effective Date: 1-23-14

The Board found that Respondent procured a license through fraudulent misrepresentation in violation of HRS § 442-9(a)(11), made untruthful statements in violation of HRS § 436B-19(2), failed to maintain a history or record of competency, trustworthiness and fair dealing in violation of HRS § 436B-19(8), engaged in professional misconduct in violation of HAR § 16-76-56, had disciplinary taken against him in another state for reasons provided by the licensing laws in Hawaii in violation of HRS § 436B-19(13) and failed to report disciplinary action issued against him in Arizona and Nevada to the Hawaii Board within thirty days of the disciplinary decisions. (Board's Final Order after a contested case hearing)

CONTRACTORS LICENSE BOARD

Respondent: Henry W. Brewer, Jr. dba Custom and Design Mechanical
Case Number: CLB 2013-150-L
Sanction: \$500.00 fine
Effective Date: 1-17-14

Respondent admits that he violated HRS § 444-17(6) when he was issued a Citation and Notification of Penalty (HIOSH Citation) on January 27, 2012 relating to an inspection in November 2011. (Board approved Settlement Agreement)

Respondent: Plant Performance Services, LLC
Case Number: CLB 2012-167-L
Sanction: Voluntary surrender of license
Effective Date: 1-17-14

Respondent allegedly failed to have its principal responsible managing employee in residence in the State during the time the license of the contracting entity was in effect or during the periods when projects were under construction at Tesoro Refinery Hawaii in Kapolei, Hawaii in violation of HRS § 436B-19(17) and HAR § 16-77-71(a). (Board approved Settlement Agreement)

Respondents: Town and Country Electric Maui, Inc. and Mickey A. Mehlmauer (Maui)
Case Number: CLB 2013-402-L
Sanction: \$3,000.00 fine and \$3,500.00 in restitution
Effective Date: 1-17-14

Respondents allegedly failed to provide and complete the installation of a propane generator and photovoltaic system and include the requisite contract disclosures in their contract with the homeowner in violation of HRS §§ 444-17(11), 444-25.5 and HAR § 16-77-80. (Board approved Settlement Agreement)

Respondents: Cano Electric, Inc. and John G. Cano (Maui)
Case Number: CLB 2013-421-L
Sanction: \$2,500.00 fine
Effective Date: 1-17-14

Respondents allegedly failed to complete a PV installation for the agreed price and failed to include the requisite contract disclosures in their contract with the homeowner in violation of HRS §§ 444-17(11), 444-25.5, and HAR § 16-77-80. (Board approved Settlement Agreement)

REAL ESTATE APPRAISER ADVISORY PROGRAM

Respondent: Hugh H. Duncan
Case Number: REA 2013-7-L
Sanction: Voluntary revocation of license
Effective Date: 1-13-14

In the course of responding to a RICO complaint about Respondent's appraisal of a property on Kauai, Respondent, for health reasons, agreed to have his license revoked voluntarily. (Director approved Settlement Agreement)

REAL ESTATE COMMISSION

Respondent: Frank Violi, Jr. (Maui)
Case Number: REC 2013-185-L
Sanction: \$500.00 fine
Effective Date: 1-24-14

Respondent allegedly failed to adhere to a law in a manner such that the licensing authority deems the holder of the license to be an unfit or improper person to hold the license in violation of HRS § 436B-19(12) and was allegedly convicted of a penal crime directly related to the qualifications, functions or duties of the licensed profession or vocation in violation of HRS § 436B-19(14). On November 14, 2012, Respondent allegedly pled no contest to the crime of driving under the influence. (Commission approved Settlement Agreement)

BOARD OF MASSAGE THERAPY

Respondent: Simon P. Elsner, aka Simone Thyme
Case Number: MAS 2013-11-L
Sanction: \$500.00 fine
Effective Date: 1-29-14

Respondent allegedly engaged in professional misconduct in violation of HRS § 452-24(a)(5), failed to report disciplinary action issued against him in another jurisdiction within thirty (30) days of the disciplinary decision in violation of HRS § 436B-19(15) and had disciplinary action taken against him by another state or federal agency for reasons provided by the licensing laws in Hawaii in violation of HRS § 436B-19(13). (Board approved Settlement Agreement)

To obtain copies of the decisions reported in this press release without charge go to http://cca.hawaii.gov/oah/oah_decisions/ .

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