MOTOR VEHICLE INDUSTRY LICENSING BOARD

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 §92-7(b), Hawaii Revised Statutes (HRS).

Tuesday, August 26, 2014 Date:

Time: 9:00 a.m.

Place: Queen Liliuokalani Conference Room

> King Kalakaua Building 335 Merchant Street, 1st Floor Honolulu, Hawaii 96813

Present: Werner Umbhau, Public Member, Chairperson

Stan Masamitsu, Industry Member, Vice-Chairperson

Wayne De Luz, Industry Member Carl D. Johnsen, Public Member Donald Touchi, Public Member

Christine Rutkowski. Executive Officer Rodney J. Tam, Deputy Attorney General

Alice Worthy, Secretary

Excused: Dennis Short, Industry Member

Wendee Wilson, Public Member Absent:

Winston Mirikitani, Mirikitani Motors LLC Guests:

Dave Rolf, HADA

Carol Kramer, Executive Officer May Ferrer, Executive Officer

Call to Order: Chairperson Umbhau called the meeting to order at 9:09 a.m., at which

time quorum was established.

Additions/Revisions

to Agenda: None.

Welcome New Chairperson Uhmbau welcomed returning Board member

Wayne De Luz. Mr. De Luz is a former Board member who served **Board Member:**

two full terms on the Industry Board.

Approval of Minutes Approval of the June 24, 2014 meeting minutes was deferred until

of Previous Meeting: the next meeting.

Chair's Report: None.

Election of Officers:

Nominations were open for Chairperson and Vice-Chairperson.

Mr. Touchi nominated Mr. Umbhau to continue as Chairperson. It was seconded by Mr. Johnsen and unanimously carried. Mr. Umbhau accepted the position.

Mr. Umbhau then opened the floor for Vice-Chairperson. Mr. Touchi nominated Mr. Masamitsu to continue as Vice-Chairperson. It was seconded by Mr. Johnsen and unanimously carried. Mr. Masamitsu accepted the position.

Executive Officer's

Report:

The Executive Officer introduced two new PVL executive officers,

Carol Kramer and May Ferrer, who were in attendance to observe today's

meeting.

June renewals went "live" on May 5th. Renewals went smoothly and there were no problems.

Chairperson Umbhau announced that the agenda would be taken out of order.

Licensing: Ratifications

Motor Vehicle Salespersons Transfers

Motor Vehicle Salespersons License

Motor Vehicle Dealer Relocation License

Motor Vehicle Dealers License

Motor Vehicle Distributor License

Motor Vehicle Manufacturer License

Motor Vehicle Auction

Motor Vehicle Consumer Consultant

Upon a motion by Mr. Touchi, seconded by Mr. Johnsen, it was unanimously carried to ratify the above lists for the licenses sought (as attached).

<u>Applications</u>

Dee Daily - Motor Vehicle Consumer Consultant

Board members reviewed the application and supporting documents.

After a brief discussion, it was moved by Mr. Johnsen, seconded by Mr. Masamitsu, and unanimously carried to deny the application of Dee Daily on the basis that applicant did not present sufficient information that he has expertise and experience in motor vehicle transactions and impact on consumers.

2014 Legislative

Session: None.

Open Forum:

Dave Rolf, HADA, commented on the following: (a) True Car, National Auto Trader.com and possible legislation; (b) internal auto auctions; and (c) manufacturers and possible legislation.

The Chair acknowledged Mr. Winston Mirikitani, who is the owner of Mirikitani Motors, LLC. Mr. Mirikitani addressed the Board and stated that he was in a desperate situation and was seeking the Board's help.

Mr. Mirikitani stated that he renewed his business license, but forgot to renew his salesperson's license. As a result, he was told that he needs to apply all over again. He stated that he has been a salesperson for over 10 years and just forgot; that he has dementia. He is requesting a temporary salesperson's license.

The Executive Officer stated that Mr. Mirikitani's issue was not on the meeting agenda and could not be discussed. If the Board wished to discuss Mr. Mirikitani's issue, then it needed to be added to the day's agenda.

The Executive Officer explained that in early May blue postcards were mailed to all motor vehicle dealers notifying them of the renewal period, and that they could renew online, in person or by mail. She further explained that if a dealer did not renew on time, by law the license is forfeited and the dealer would have to apply all over again. Also, the renewals of salespersons are dependent on the dealer renewing on time. If the dealer does not renew on time, even though the salespersons have renewed on time, the salespersons licenses would be considered not renewed until the dealer renews his license.

Mr. Mirikitani is requesting a temporary salesperson's license which cannot be granted because he changed his answer in response to the question relating to criminal convictions. The Executive Officer cited to the sunshine law, and again reminded the Board that unless Mr. Mirikitani's issue is added to the agenda, the Board could not continue discussing the issue. She also stated that she was aware of his situation, but could not discuss it because it was not an agenda item and asked the Board if it wanted to go into executive session. Mr. Mirikitani stated that he was okay in discussing his matter in public.

The Board decided to grant Mr. Mirikitani the opportunity to discuss his case. It was then moved by Mr. Touchi, seconded by Mr. Johnsen, and unanimously carried to add Mr. Mirikitani to the day's agenda. The Executive Officer gave a summary of Mr. Mirikitani's background. Mr. Mirikitani's dealer's license is current. The salesperson who works for Mr. Mirikitani, Eric Salkewicz, is licensed.

Mr. Mirikitani's salesperson's license was forfeited 7/1/2014 because he failed to renew it. He cannot get a temporary license because he changed his answer from a yes to a no relating to the question on convictions. He wants his salesperson's license because Mr. Salkewicz is on vacation.

At this point, it was suggested that the Board go into executive session, but Mr. Mirikitani said that he was okay to talk about his situation in public.

Mr. Mirikitani explained that his conviction was a federal conviction so it did not show up on the Hawaii Criminal Data Base. He lost his law license and was sentenced to four years in jail. He was a salesperson for over 10 years.

After hearing the Executive Officer's summary of Mr. Mirikitani's situation, and Mr. Mirikitani's explanation of his situation, the Board decided to go into executive session.

At 10:06 a.m., it was moved by Mr. De Luz, seconded by Mr. Touchi, and unanimously carried to enter into Executive Session to consider and evaluate personal information relating to the individual applying for licensure in accordance with Chapter 92-5(a) (1), and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with Chapter 92-5(a) (4), Hawaii Revised Statutes.

EXECUTIVE SESSION

At 10:55 a.m., it was moved by Mr. Johnsen, seconded by Mr. Touchi, and unanimously carried to return to the Board's regular order of business.

Winston Mirikitani – Motor Vehicle Salesperson

After discussion, it was moved by Mr. Touchi, seconded by Mr. Johnsen, and carried by majority vote (De Luz/nay) to approve the salesperson's license for Mr. Mirikitani, subject to Mr. Mirikitani submitting a written explanation as to why he changed his answer from yes to no when answering the question relating to criminal convictions, and that his written explanation must match his verbal explanation to the Board. Any deviation will prevent a license from being issued.

Mr. De Luz dissented saying that there is a process; applicants must comply with the administrative process to allow for order and no disruption of the normal workflow.

The Executive Officer told Mr. Mirikitani that that she will write him a letter explaining what he needs to provide the Board.

Chairperson Uhmbau announced that the Board would return to the order of the agenda.

Chapter 91, HRS
Adjudicatory
Matters:

The Chairperson called for a recess from the meeting at 9:56 a.m. to deliberate on the following adjudicatory matter, pursuant to Hawaii Revised Statutes ("HRS") Chapter 91.

In the Matter of the Motor Vehicle Salesperson's License of NATHANAEL L. ROBERTS, Respondent; MVI 2012-54-L – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

Deputy Attorney General Tam summarized the above matter and a brief discussion followed.

After discussion, it was moved by Mr. Touchi, seconded by Mr. Johnsen (Mr. De Luz recused himself), and unanimously carried to approve the settlement agreement in which:

- Respondent admits to having violated HRS §436B-19(2) in incorrectly answering the question relating to criminal convictions on his initial license application of April 6, 2012, and enters into this settlement strictly as a compromise and in order to conserve on the expense of proceeding with an administrative hearing.
- Respondent agrees to the voluntary revocation of Respondent's license and agrees not to seek restoration of his license or seek a new motor vehicle salesperson's license in the future. Respondent expressly waives his right to reapply for a motor vehicle salesperson's license in the future.

The revocation shall become effective immediately upon the approval of this Settlement Agreement by the Board. Respondent shall turn in all indicia of the license within ten (10) days after receipt of notice of approval of this Settlement Agreement. Respondent understands Respondent cannot apply for a new license until the expiration of at least five (5) years after the effective date of the revocation. Respondent understands that if Respondent desires to become license again, Respondent must apply to the Board for a new license pursuant to and subject to HRS §§92-17, 436B-21, and all other applicable laws and rules in effect at the time.

If Respondent fails to fully and timely comply with the terms of this Settlement Agreement, Respondent's license shall be automatically revoked upon RICO's filing of an affidavit with the Board attesting to such failure. In case of such revocation, Respondent understands Respondent cannot apply for a new license until the expiration of at least five (5) years after the effective date of the revocation. Respondent understands that if Respondent desires to become licensed again, Respondent must apply to the Board for a new license pursuant to and subject to HRS §§ 92-17, 436B-21, and all other applicable laws and rules in effect at the time.

<u>Licensing</u> :	<u>Applications</u>			
	Rhett Van Fossen – Motor Vehicle Salesperson			
	Board members reviewed the application and supporting documents.			
	After discussion, it was moved by Mr.Touchi, seconded by Mr. Johnsen, and unanimously carried to approve the application for a salesperson's license for Mr. Van Fossen.			
	Matthew B. Williams – Motor Vehicle Salesperson			
	Board members reviewed the application and supporting documents.			
	After discussion, it was moved by Mr. Touchi, seconded by Mr. De Luz, and unanimously carried to approve the application for a salesperson's license for Mr. Williams subject to his submittal of a signed written explanation describing the duties of his position at Kuhio Motors.			
Next Meeting:	Tuesday, October 28, 2014 9:00 a.m. Queen Liliuokalani Conference Room 335 Merchant Street, 1 st Floor Honolulu, HI 96813			
Adjournment:	There being no further business to discuss, the meeting adjourned at 11:06 a.m.			
	Taken and recorded by:			
	/s/ Alice Worthy			
	Alice Worthy, Secretary			
Reviewed and approv	ved by:			
/s/ Christine Rutko	wski			
Christine Rutkowski Executive Officer				
CR:aw 9/25/14				
[X] Minutes approve [] Minutes approv	ed as is. ed with changes. See Minutes of			

APPLICATIONS FOR SALESF	DEDSON'S TRANSFERS
Tuesday, August 26, 2014	LISON S TRANSFERS
Tuesday, August 26, 2014	
HONOLULU	
ACIDERA, ROMERO	ALOHA KIA LEEWARD
ARAKAWA, ZANE	CUTTER BUICK GMC INC
ARISTA, JAY	CUTTER BUICK GMC INC
BECKER, ROBERT	VOLVO OF HONOLULU
BENTKOWSKI JR, THOMAS	CUTTER CHRYSLER JEEP DODGE INC
BREEDEN, SHANE	SERVCO SUBARU
CALLAHAN, THOMAS	CUTTER FORD INC
CHANG, CHIH HONG	BMW OF HONOLULU
DIAZ III, MARIO	FRANK THE USED CAR GUY LLC
GERKEN, LEE	CUTTER CHRYSLER JEEP DODGE INC
GOMEZ, ELIAS	CUTTER CHRYSLER JEEP DODGE INC
GRANT, KEVIN	CUTTER CHRYSLER JEEP DODGE INC
HEPA III, PETER	CUTTER CHRYSLER JEEP DODGE INC
HIRABARA, KYLE	ALOHA AUTO GROUP
KOZLIK, MARTIN	GILL ISLAND MOTORS INC
KRAJCHIR, RICHARD	ALOHA MOTORSPORTS LLC
LANDRYSMITH, JONN	CUTTER CHRYSLER JEEP DODGE INC
LEE, JASON	CUTTER CHRYSLER JEEP DODGE INC
LEE, VICTOR	STOEBNER HOLDINGS INC
LEONG, NOEL	GAC AUTO GROUP INC
MARION, JOHN	JN GROUP INC
MAZA, ARMANDO	GAC AUTO GROUP INC
MESSIER, JEFFERY	KING INFINITI OF HONOLULU
NAKASHIMA, BRIAN	ALOHA AUTO GROUP
NGUYEN, HAI	JP AUTOMOBILES INC
NOHARA, MITCHELL	ALOHA AUTO GROUP
OSAKI, WESLEY	SERVCO PACIFIC INC
PARKER, JOHN	AUTO X-CHANGE INC
PAYANAL, LINDA PAYOMO, PHILLIP	ALOHA KIA LEEWARD
PETERSON, RONALD	CUTTER BUICK GMC INC
	JIM FALK AUTOMOTIVE INC
SANDOVAL, HENRY	JN GROUP INC
SCHMIDT, DAVID	JN GROUP INC
SCIMECA, FRANK	J/R MOTORS 730 LLC
STEWART, WILLIAM SUNAHARA, RANDY	GAC AUTO GROUP INC
TSUI, DREVIS	T&SMA LLC
TAKATA, RANDALL	GAC AUTO GROUP INC
WADDINGHAM, MARK	CUTTER BUICK GMC INC
	WESLEY TOMLINSON
WAKAZURU, ZACHARY WALL, ARTHUR	GAC AUTO GROUP INC
WONG, MATTHEW	ALOHA AUTO GROUP
ZIBAKALAM, ALI	HONOLULU FORD INC
CIDAIVALAIVI, ALI	PACIFIC NISSAN DBA TONY NISSAN
LIAMAII	
HAWAII	
FRANKLIN, JOSHUA	J/R HILO ACQUISITION LLC
MAUI	
BIRINGER, JEREMY	ALOHA KIA MAUI
CARLOS, JULIUS	LITHIA OF MAUI-H LLC

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MOTOR VEHICLE INDUSTRY LICENSING BOARD.

RATIFICATION LISTS Tuesday, August 26, 2014

OAHU CLAYTON S S <LEE<

OAHU HARRY J <LEE<

CAR SALESPERSONS

ENVY HAWAII LLC

A-Z BUS SALES INC

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cs	OHANA MOTORS INC	KAUAI	KELLIN ALII <achuara<< td=""></achuara<<>
C\$	WINDWARD AUTO SALES INC	ОАНО	ALATIA V <adams<< td=""></adams<<>
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CS	BEST AUTO GROUP INC	OAHU	GINO <anefi<< td=""></anefi<<>
CS	TONY HAWAII CORPORATION		RAYMOND <balderama<< td=""></balderama<<>
cs	GILL ISLAND MOTORS INC		MOHAMMED H <bckhamseen<< td=""></bckhamseen<<>
cs cs	CUTTER CJD INC TRADEWIND AUTO SALES LLC		ERIC T <bentkowski<< td=""></bentkowski<<>
CS	OHANA AUTOMOTIVE GROUP INC		BRIAN K <birkhead<< td=""></birkhead<<>
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CS	ENVY HAWAII LLC	UHAO	JASLINE <chen<< td=""></chen<<>
CS	TODAY AUTO LLC		XINO MING <chen<< td=""></chen<<>
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CS CS	GILL ISLAND MOTORS INC JN GROUP INC		AIYAZ SAIF <dean< <del="" alexander="" castillo<="" k="" td=""></dean<>
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CS	FERDINAND R SANTOS		CELSO M <domingo<< td=""></domingo<<>
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C5	INTER PACIFIC MOTORS INC	HAWAII	THOMAS E < DUCK<
CS .	CUTTER FORD INC		LISA E <engebretsen<< td=""></engebretsen<<>
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CS CS	BIG ISLAND TOYOTA INC JN GROUP INC		SCOTT A <griffith< <harris<<="" brandon="" t="" td=""></griffith<>
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CS	PACIFIC NISSAN INC		RONALD T <hata<< td=""></hata<<>
	WHEELS AND DEALS LLC	ОНАВ	JUSTIN <hein<< td=""></hein<<>
	ALOHA AUTO GROUP LTD		KYLE Y <hirabara<< td=""></hirabara<<>
	CYCLE CITY LTD CUTTER CHRYSLER JEEP DODGE INC		ANDREW T <hirakawa<< td=""></hirakawa<<>
cs	BIG ISLAND TOYOTA INC		JOSHUA C <holland<< td=""></holland<<>
	PRE-OWNED MOTOR CARS LTD		ALYSSA: P < JASSO< DAVID C < JIMENEZ<
cs	CYCLE CITY LTD		KEVIN S <johnson<< td=""></johnson<<>
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	GAC AUTO GROUP INC		JHONAVI K K <lau<< td=""></lau<<>
	ENUV HAMATI LLC		CLAYTON S S CLESC

MOTOR VEHICLE INDUSTRY LICENSING BOARD

RATIFICATION LISTS Tuesday, August 26, 2014

CAR SALESPERSONS (cont'd)

<u> </u>	TOTILLOT LITOUTIO (COIN a)		
CS	TODAY AUTO LLC	UHAO	BINGNING <li<< td=""></li<<>
cs	HAWAII TRUCK PARTS SALES AND SERVICES LLC	OAHU	JOSHUA H <ligsay<< td=""></ligsay<<>
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CS	BIG ISLAND TOYOTA INC		RICHARD J <taylor<< td=""></taylor<<>
CS	JN GROUP INC		ROBERT C <torres<< td=""></torres<<>
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CS	KING INFINITI OF HONOLULU LLC		RANDALL R <yamamoto<< td=""></yamamoto<<>
CS CS	CUTTER FORD INC		WILLIAM K <yamashita<< td=""></yamashita<<>
CS	HAWTHORNE PACIFIC CORP		JAY M <yasumiishi<< td=""></yasumiishi<<>
CS	CUTTER CJD INC .		YAHSHUDA I <zawadi<< td=""></zawadi<<>
cs	CHOICE AUTOMOTIVE LLC		STEVEN M <zertuche<< td=""></zertuche<<>

MOTOR VEHICLE INDUSTRY LICENSING BOARD

RATIFICATION LISTS Tuesday, August 26, 2014

DEALERS

MVD	1004 F	II 96707	HAWAII TRUCK PARTS SALES AND SERVICES LLC
MVD	1005 F	II 96818	HI QUALITY LLC
MVD	1006	II 96753	OHANA AUTOMOTIVE GROUP INC
MVD	1007 H	II 96744	WINDWARD WHEELS LLC
MVD	1008 F	11 96819	TODAY AUTO LLC
MVD	1009 F	11 96817	COUNTRYSIDE CARS LLC

BRANCHES

MVB-61 1	Cycle City Ltd.
MVB-94-5	JN Group Inc.
MVB-976-1	Envv Hawaii LLC

RELOCATIONS

MVD-980	CARS	4	LESS	T.T.C
けいコーラロロ	OTIVO	7	ייטיינוב	$_{\rm DDO}$

740 Kohou St., #D Honolulu, HI 96817

MVD-595 Shawn E. Fields

2022 Republican St. Honolulu, HI 96819