

MOTOR VEHICLE REPAIR INDUSTRY 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 section 92-7(b), Hawaii Revised Statutes ("HRS").

Date: Thursday, March 20, 2014

Time: 1:30 p.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Present: Steve J.T. Chow, Esq., Public Member, Chairperson
Roy Sasuga, Public Member, Vice-Chairperson
Swee Berkey, Public Member
Warren Higa, Industry Member
Michael Tetsutani, Industry Member
Marie Weite, Public Member

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

Excused: Alan Nakamura, Industry Member

Call to Order: With the presence of quorum, Chairperson Chow called the meeting to order at 1:33 p.m.

Agenda Additions/
Revisions: None.

Minutes of Previous Meeting: Minutes of the November 21, 2013 Meeting

It was moved by Ms. Berkey, seconded by Mr. Tetsutani, and unanimously carried to approve the minutes as circulated.

Chair's Report: The Chair reported that he had appeared before the legislature regarding the motor vehicle mechanic certification program, and answered questions asked by the legislators.

Executive Officer's Report: None.

Chapter 91,
HRS, Adjudicatory
Matters:

Chairperson Chow called for a recess from the meeting at 1:38 p.m. to deliberate on the following adjudicatory matter, pursuant to Hawaii Revised Statutes ("HRS") chapter 91.

In the Matter of the Motor Vehicle Mechanic's License of CHRIS N. SOUTHICHACK, Respondent; ARP 2010-72-L - Settlement Agreement After Filing of Petition for Disciplinary Action and Board's Final Order, and Petition for Disciplinary Action Against Motor Vehicle Mechanic's License

It was moved by Ms. Weite, seconded by Mr. Sasuga, and unanimously carried to approve the settlement agreement, in which:

1. Respondent admits that he violated:
 - (a) HRS §437B-11(6) – failure to comply with this chapter to it; to wit: HAR §16-87-11(e) - registration of motor vehicle repair dealer shall be limited to the specialties or areas of certification in which the dealer and the dealer's full-time employees, or both, have been registered or certified as mechanics by the board;
 - (b) HRS §437B-11(6) – failure to comply with this chapter or rules adopted pursuant to it; to wit: HRS §437B-11 – no motor vehicle mechanic shall engage in the repair of motor vehicles unless that person is also licensed as a motor vehicle repair dealer or unless that person is in the employ of a motor vehicle repair dealer; and
 - (c) HRS §437B-15 – failure to give written estimate for a job prior to commencement of the job, unless waived in writing by customer.
2. Respondent agrees that this settlement agreement is intended to resolve the issues raised in RICO's investigation in ARP 2010-72-L.
3. Respondent enters into this settlement agreement as a compromise of the claims and to avoid the expense of a hearing.
4. Terms of Settlement
 - Respondent agrees to pay a fine in the amount of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00).
 - 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 that Respondent cannot apply for a new license until the expiration of at least five (5) years after the effective date of the revocation. Respondent understand 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.

Licensing: Ratifications

The Board members reviewed the ratification lists for motor vehicle repair dealer and motor vehicle mechanic licenses. Upon a motion by Mr. Sasuga, seconded by Ms. Berkey, it was unanimously carried to ratify the lists (attached).

At 1:50 p.m., it was moved by Mr. Tetsutani, seconded by Ms. Weite, 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 2:00 p.m., it was moved by Mr. Tetsutani, seconded by Ms. Berkey, and unanimously carried to return to the Board's regular order of business.

Applications

Grant S. Sargeant – Motor Vehicle Mechanic (deferred from September 19, 2013 meeting)

Board members reviewed additional information submitted by applicant.

After discussion, it was moved by Ms. Berkey, seconded by Ms. Weite, and unanimously carried to approve the application for a motor vehicle mechanic's license for Grant S. Sargeant.

Bryce T. Nishio – Motor Vehicle Mechanic

Board members reviewed the application and documents submitted by applicant.

After discussion, it was moved by Ms. Berkey, seconded by Ms. Weite, and unanimously carried to approve the application for a motor vehicle mechanic's license for Bryce T. Nishio.

Lance J. Lizares – Motor Vehicle Mechanic

Board members reviewed the application and documents submitted by applicant.

After discussion, it was moved by Ms. Berkey, seconded by Ms. Weite, and unanimously carried to approve the application for a motor vehicle mechanic's license for Lance J. Lizares.

Christopher B.T. Navares – Motor Vehicle Mechanic

Board members reviewed the application and documents submitted by applicant.

After discussion, it was moved by Ms. Berkey, seconded by Ms. Weite, and unanimously carried to approve the application for a motor vehicle mechanic's license for Christopher B.T. Navares.

New Business: 2014 Legislative Session

The Executive Officer reported that the administration bill, H.B. 2273, regarding the motor vehicle mechanic certification program was heard by the House committees on Transportation and Consumer Protection and Commerce, crossed over to Senate and was also heard by the Senate committees on Higher Education and Commerce and Consumer Protection where technical and non-substantive amendments were made (S.B. 2273, S.D. 1). It will then be heard by the Senate Ways and Means Committee.

The Executive Officer further reported that Mr. Nakamura's name had been submitted for reappointment to the Board and is awaiting Senate confirmation.

Oct.-Dec. 2013 Circuit Court Judgments and Final Orders

Copies of the Oct.-Dec. 2013 list of circuit court judgments and final orders against unlicensed activity were given to members for their information only.

Other Honolulu Community College – University of Hawaii MV Certification
Organizations: Program FY 2013 ("Program")

The Executive Officer reported that there has been no contact from HCC.

The Executive Officer was asked whether the remaining funds with UH will be refunded to the Board. The Executive Officer stated that the Board should wait to see what happens with the administration bill regarding the motor vehicle mechanic certification program before doing anything.

Next Meeting: Thursday, May 15, 2014
1:30 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
Honolulu, Hawaii 96813

Adjournment: The meeting adjourned at 2:07 p.m.

Taken and recorded by:

/s/ Alice Worthy

Alice Worthy, Secretary

Reviewed and approved by:

/s/ Christine Rutkowski

Christine Rutkowski
Executive Officer

CR:aw
4/21/13

[X] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____.

MOTOR VEHICLE REPAIR INDUSTRY BOARD
MARCH 20, 2014

RATIFICATION LIST

RD 4240 SERVCO SUBARU INC
RD 4241 JIM FALK AUTOMOTIVE INC
RD 4242 EUROPEN AUTO SPECIALIST OF HAWAII LLC
RD 4243 LAHAINA PETROLEUM LLC
RD 4244 GOMES SCHOOL BUS SERVICES LTD
RD 4245 CUMMINS PACIFIC LLC
RD 4246 VETERAN'S AUTO SERVICES LLC
RD 4247 TOP QUALITY AUTO SERVICES LLC
RD 4248 JOHNNY M <FRANKLIN<
RD 4249 SERVCO SUBARU INC
RD 4250 CHASE <DEACON<
RD 4251 NATIVE HAWAIIAN VETERANS LLC
RD 4252 MASA BOY AUTO REPAIR LLC

MC 8596 DAVID <CROCKER<
MC 8597 KEELAN E <YAMANE<
MC 8598 KELLY E <NASON<
MC 8599 ROBERT Y <ARASHIRO<
MC 8600 THOMAS J <HO<
MC 8601 KEOLUONAONA N <SMITH<
MC 8602 HOYT H <FORTIN<
MC 8603 DUSTIN B <TEXEIRA<
MC 8604 KEVIN H <TRINH<
MC 8605 CLEMENT V <CANESO<
MC 8606 ASTON R <MARTIN<
MC 8607 JOSEPH C <SAARHEIM<
MC 8608 STEVEN M <PAULO<
MC 8609 ROBERT W P <MOORE<
MC 8610 MICHAEL N <MENDOZA<
MC 8611 DANIEL W <VERTREES<
MC 8612 MARC D <WISCHKUEMPER<
MC 8613 AARON K <DEJESUS<
MC 8614 JESSIE T <CALARO<
MC 8615 BRIAN J <LABA<
MC 8616 ERIC R <ROOKE<
MC 8617 ROGER <ONUMA<
MC 8618 DUANE L <BULLARD<
MC 8619 MARK A <ZERFING<
MC 8620 ERNEST <SOARES< JR
MC 8621 SEAN-PATRICK <HAMAI<
MC 8622 KAI M <MCKILLOP<