

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”).

Date: Tuesday, August 18, 2015

Time: 9:00 a.m.

Place: King Kalakaua Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

Present: Wayne De Luz, Industry Member  
Byron Hansen, Public Member  
Carl D. Johnsen, Public Member  
Dennis Short, Industry Member  
Russell Wong, Industry Member

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

Absent: Wendee Wilson, Public Member

Guests: Dave Rolf, Hawaii Automobile Dealers Association (HADA)  
Cuong Quoc Thai, Motor Vehicle Salesperson Applicant

Call to Order: There being a quorum established, the Executive Officer called the meeting to order at 9:14 a.m.

Additions/Revisions to Agenda: Additional information was distributed to the members for item 7.b.iii. Paul A. Ramos.

The Executive Officer announced that the agenda would be taken out of order.

Election of Officers: a. Chairperson

The Executive Officer opened the floor for nominations. Mr. Wong nominated Wayne De Luz for the Chairperson. Mr. Hansen seconded the motion. During discussion, Mr. Short asked if there were any volunteers for the position.

Mr. De Luz volunteered for Chairperson. Mr. Wong restated his motion, seconded by Mr. Hansen. The matter was voted on, unanimously carried and Mr. De Luz accepted the position.

b. Vice Chairperson

Chairperson De Luz opened the floor for nominations for Vice Chairperson. It was moved by Chairperson De Luz, seconded by Mr. Short and unanimously carried to nominate Mr. Wong as Vice-Chairperson. With no other nominations, Mr. Wong was unanimously elected Vice Chairperson. Mr. Wong accepted the position.

Mr. Johnsen arrived at 9:25 am.

Chairperson De Luz announced that the Board would resume the order of the agenda.

Approval of the  
June 16, 2015  
Meeting Minutes:

It was moved by Mr. Short, seconded by Mr. Johnsen and unanimously carried to approve the meeting minutes of June 16, 2015 as circulated.

Chairperson De Luz stated that more discussions is needed regarding end stage manufacturers. He directed the Executive Officer to place the matter on the October 2015 agenda.

Welcome New  
Board Members:

Chairperson De Luz introduced two new board members, Byron Hansen and Russell Wong. Chairperson De Luz asked the new board members to introduce themselves and to give a brief background about themselves. Chairperson De Luz also thanked Mr. Johnsen for volunteering to serve a second term on the board.

Mr. Hansen stated that he is looking forward to serving on the Board. He comes with twenty-eight years of dealer lending experience (Bank of Hawaii). He was previously a Volkswagen dealer. Now retired, Mr. Hansen stated that he wants to give back to the community.

Mr. Wong stated that his background is also in lending. He was employed with Ford Credit for ten years, then Bank of Hawaii for five years. In 2000, he shifted his focus to retail dealership and presently he is the CFO at Aloha Auto Group Ltd. Mr. Wong stated that he is eager to serve.

Mr. Johnsen stated that he has been in shopping center management since the late 1970'

Executive Officer's  
Report:

a. Parking for Board Meetings

The Executive Officer asked board members to take note of DAG's rules regarding parking procedures:

- 1) The parking permit must be displayed on your vehicle's rear view mirror or dashboard with the date and time visible for the parking enforcement officer to see.
- 2) The parking permit is only valid in metered and attendant lots indicated on the map of the parking lots mailed to board members with the parking permit.
- 3) Failure to comply with 1 & 2 above, may result in a \$40 fine, payable by the board member.
- 4) Free metered parking for electric vehicles.

b. 2016 Board Meeting Schedule

The Executive Officer reported that the Professional and Vocational Licensing Division (PVL) is working on the conference room scheduling reservations for the 2016 Board meetings. The Executive Officer noted that the Motor Vehicle Industry Licensing Board meetings are usually held on the third Tuesday of every other month, at 9:00 a.m., in the Queen Liliuokalani Conference Room. Board members related that they were amenable to the days and time. The Executive Officer will send the tentative meeting dates to the board members once it's finalized.

Chairperson De Luz reminded the board members to inform the Executive Officer or the secretary if they will not be able to attend the meeting. He stated that the board has seven (7) members which consist of three (3) Industry members and four (4) public members. To establish quorum, the board needs four (4) members in attendance and will require five (5) members to vote on additions to the agenda.

Executive Session: At 9:41 a.m., it was moved by Mr. Short, seconded by Mr. Johnsen, and unanimously carried to enter into Executive Session to consider and evaluate personal information relating to the individuals applying for licensure in accordance with HRS §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 HRS §92-5(a) (4).

**EXECUTIVE SESSION**

At 10:45 a.m., it was moved by Mr. Short, seconded by Vice Chairperson Wong and unanimously carried to return to the Board's regular order of business.

Chairperson De Luz explained that the ratification list attached to the agenda represent license applications and salespersons' transfers that

were processed/approved at the staff level. Board delegations authorize staff to approve applications that meet the licensure requirements, and that do not require the exercise of discretion on the Board's part. The Executive Officer added that the board shall ratify the work of staff.

Licensing:

a. Ratifications

It was moved by Mr. Johnsen, seconded by Vice Chairperson Wong, and unanimously carried to ratify approvals for the licenses sought (as attached).

Motor Vehicle Salespersons License

Motor Vehicle Dealers License

Motor Vehicle Dealer Relocation

Motor Vehicle Branch Relocation

Motor Vehicle Manufacturer

Motor Vehicle Salespersons Transfers

b. Applications

1) David Marshall Copeland, Jr. - Motor Vehicle Salesperson

After reviewing the application and documents submitted, it was moved by Mr. Hansen, seconded by Vice Chairperson Wong, and unanimously carried to defer decision-making for more information; applicant did not submit requested information.

2) Cuong Quoc Thai - Motor Vehicle Salesperson

Mr. Thai was present to answer questions. He stated that the board approved his application in 2004, but the license expired in 2010.

He tried to re-apply in June 2012, but became frustrated with the process and did not pursue the application. He was selling cars at Acura of Honolulu at that time. He stated that since he was licensed before, he didn't know why the process was so complicated. He promised that he would abide by the law to sell cars and that he would do his best.

It was moved by Vice Chairperson Wong, seconded by Mr. Johnsen, and unanimously carried to approve the application for a **conditional** motor vehicle salesperson's license for Mr. Thai (APPLICANT), such that:

- APPLICANT is required to notify every motor vehicle dealer that employs him about his criminal history;

- APPLICANT is required to notify every dealer that employs him about the 2006 disciplinary action the Board took against his motor vehicle salesperson's license, the basis for the disciplinary action; and the action the Board took against APPLICANT's previous license; and
- Every dealer that employs APPLICANT shall submit a letter signed by the dealer principal stating that the dealer acknowledges APPLICANT's criminal history, the disciplinary action taken by the Board against APPLICANT's previous license, and why the dealer seeks to employ APPLICANT. The letter shall be submitted with the completed and signed "Certificate of License Transfer – Motor Vehicle Salesperson".

Deputy Attorney General Tam asked Mr. Thai if he understood the conditions under which the board is granting him a new salesperson license. Mr. Thai said he understood.

DAG Tam explained that the conditional license will be issued after he signs a letter that specifies the terms of the conditional license and he returns the signed letter to the board; the letter will be mailed to his employing dealer.

The Board agreed by consensus to delegate to the Executive Officer, the authority to process all future "Certificate of License Transfer – Motor Vehicle Salesperson." regarding APPLICANT.

3) Paul A. Ramos - Motor Vehicle Salesperson

It was moved by Vice Chairperson Wong, seconded by Mr. Hansen, and unanimously carried to approve the Motor Vehicle Salesperson application for Paul A. Ramos.

4) Sergio Leonardo Cuenca - Motor Vehicle Salesperson  
Sergio Cuenca Cars LLC - Motor Vehicle Dealer

The Executive Officer reported that applicant Sergio Leonardo Cuenca requested for the board to defer review of his application and that of Sergio Cuenca Cars LLC because he will be submitting new information.

New Business: a. Request from Christopher Aul, Esq., Legal Counsel, The Manitowoc Company, Inc. regarding why manufacturers of construction cranes are required to be licensed as Motor Vehicle Manufacturers in Hawaii.

Information submitted indicates that Manitowoc Company, Inc. and the named subsidiaries manufacture construction cranes.

Christopher Aul submitted a statement and photos of the cranes, some of which he identified as being capable of being driven on the roads, while others are not.

Board members discussed HRS §§437-1.1 and -2, and HAR §16-86-3 as well as Aul's information that:

- Grove Products ("Schedule 1") are capable of being driven on the roads;
- Manitowoc Products ("Schedule 2") are lattice-boom crawlers that have to be trucked into construction sites; and
- Potain Products ("Schedule 3") are stationary tower cranes that cannot move on their own power.

After considerable discussion, it was moved by Vice Chairperson Wong, seconded by Mr. Short, and unanimously carried to issue the following informal, non-binding interpretation that, based solely on the information provided by Christopher Aul, Esq.:

The cranes described as Manitowoc Products and Potain products do not meet the definition of motor vehicle; and the cranes described as Grove Products meet the definition of motor vehicle. Motor vehicle manufacturers and motor vehicle dealers that sell motor vehicles in this State are required to be licensed.

Open Forum: Dave Rolf stated that on behalf of HADA, he wanted to express gratitude to all members who are serving on the board and to welcome Byron Hansen and Russell Wong.

Next Meeting: Tuesday, October 20, 2015  
9:00 a.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, HI 96813

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Adjournment:            There being no further business to discuss, the meeting adjourned at  
11:18 a.m.

Recorded and approved by:

/s/ Christine Rutkowski  
Christine Rutkowski  
Executive Officer  
09/18/15

[ ] Minutes approved as is.

[ X ] Minutes approved with changes. See Minutes of 10/20/15.