

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, April 18, 2017

Time: 9:05 a.m.

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

Present: Wayne De Luz, Industry Member Chairperson
Russell Wong, Industry Member Vice-Chairperson
Steven J. T. Chow, Esq., Public Member
Byron Hansen, Public Member
Carl D. Johnsen, Public Member
Dennis Short, Industry Member

Christine Rutkowski, Executive Officer
Rodney J. Tam, Deputy Attorney General ("DAG")

Excused: None.

Guests: John Blalock, Burton's Fire
Brooke Cho, O'Sung Inc.
Darrel Crail, Darrel Custom Auto
Fred Kubota, H T & T Truck Center
Corianne Lau, attorney for Halcore
Charles Paulino, Motor Vehicle Salesperson Applicant
Nathan Reyes, Hawaii Specialty Vehicles
Dave Rolf, Hawaii Automobile Dealers Association ("HADA")
Erik Soderholm, Soderholm Sales & Leasing Inc.

Call to Order: Chairperson De Luz called the meeting to order at 9:05 a.m. at which time quorum was established.

Approval of Minutes
February 21, 2017

Meeting: It was moved by Mr. Chow, seconded by Mr. Johnsen, and unanimously carried to approve the minutes of the February 21, 2017 meeting as circulated.

Executive Officer's
Report: None.

Licensing: a. Ratifications

Motor Vehicle Salesperson Transfers
Motor Vehicle Salesperson License
Motor Vehicle Dealer License

Upon a motion by Vice-Chairperson Wong, seconded by Mr. Short, it was unanimously carried to ratify the above lists for the licenses sought (as attached).

Executive Session: At 9:15 a.m., it was moved by Mr. Chow, seconded by Mr. Short, and unanimously carried to enter into Executive Session to consider and evaluate personal information relating to the individual 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), Hawaii Revised Statutes.

EXECUTIVE SESSION

At 11:45 a.m., it was moved by Vice-Chairperson Wong, seconded by Mr. Short, and unanimously carried to return to the Board's regular order of business.

b. Applications

(i) Charles K. Paulino – Motor Vehicle Salesperson

It was noted that the Board reviewed the application at the February 21, 2017 meeting and deferred making a decision. Vice-Chairperson Wong moved to approve the application based on the Board's interview with him during Executive Session. The motion was seconded by Mr. Johnsen, and unanimously carried to approve the motor vehicle salesperson application for Charles K. Paulino.

(ii) Jordan D. DeMattos – Motor Vehicle Salesperson

It was moved by Vice-Chairperson Wong, seconded by Mr. Short, and unanimously carried to approve the motor vehicle salesperson application for Jordan D. DeMattos, subject to the Board's receipt of a letter signed by the dealer principal in accordance with the application instructions, and to authorize the Executive Officer to approve the application upon receipt of the letter.

(iii) Darrel M. Crail dba
Darrelcustomauto – Motor Vehicle Dealer

It was moved by Vice-Chairperson Wong, seconded by Mr. Hansen, and unanimously carried to approve the motor vehicle dealer application for Darrel M. Crail dba Darrelcustomauto.

- (iv) Hawaii Motorsports LLC dba
Maui Motorcycle Co. – Motor Vehicle Dealer

It was moved by Vice-Chairperson Wong, seconded by Mr. Hansen, and unanimously carried to approve the motor vehicle dealer application for Hawaii Motorsports LLC dba Maui Motorcycle Co. for Yamaha and KTM motorcycle line makes only.

- (v) O Sung Inc. – Motor Vehicle Dealer

It was moved by Mr. Hansen, seconded by Mr. Short, and unanimously carried to approve the motor vehicle dealer application for O Sung Inc.

- (vi) Ariens Company – Motor Vehicle Distributor

It was moved by Mr. Short, seconded by Vice-Chairperson Wong, and unanimously carried that based solely on the information submitted by applicant and the oral testimony of Fred Moreaux, applicant be approved for a Motor Vehicle Manufacturer license subject to applicant submitting a revised application form and statement that it is a motor vehicle manufacturer of the Gravely line make; that the Executive Officer is authorized to approve the application upon receipt of the required documents. Board members agreed by consensus that no action be taken on the application for a Motor Vehicle Distributor.

- (vii) Burton's Fire Inc. – Motor Vehicle Distributor

It was moved by Mr. Hansen, seconded by Vice-Chairperson Wong, and unanimously carried to approve the motor vehicle distributor application for Burton's Fire Inc.

- (viii) Chicago Scooter Company LLC – Motor Vehicle Distributor

It was noted that the Board reviewed the application at the February 21, 2017 meeting and deferred making a decision. Board members discussed the additional information submitted by the applicant indicating that

applicant intends to distribute 49.5cc scooters in this State. Members discussed that pursuant to HRS section 249-1:

"Moped" means a device upon which a person may ride which has two or three wheels in contact with the ground, a motor having a maximum power output capability measured at the motor output shaft, in accordance with the Society of Automotive Engineers standards, of two horsepower (one thousand four hundred ninety-two watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and which will propel the device, unassisted, on a level surface at a maximum speed no greater than thirty miles per hour; and a direct or automatic power drive system which requires no clutch or gear shift operation by the moped driver after the drive system is engaged with the power unit.

"Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power but which is not operated upon rails, but **excludes mopeds**.

After discussion, it was moved by Vice-Chairperson Wong, seconded by Mr. Short, and unanimously carried to take no action on the application in that the sale of mopeds is not a regulated activity under HRS Chapter 437.

(ix) Braun Industries, Inc. – Motor Vehicle Manufacturer

It was moved by Mr. Johnsen, seconded by Vice-Chairperson Wong, and unanimously carried to approve the motor vehicle manufacturer application for Braun Industries, Inc.

(x) Corporation Micro Bird Inc. – Motor Vehicle Manufacturer

It was moved by Mr. Hansen, seconded by Vice-Chairperson Wong, and unanimously carried to approve the motor vehicle manufacturer application for Corporation Micro Bird Inc.

(xi) Halcore Group, Inc. – Motor Vehicle Manufacturer

It was moved by Mr. Hansen, seconded by Vice-Chairperson Wong, and unanimously carried to approve the motor vehicle manufacturer application for Halcore Group, Inc.

New Business: a. First Hawaii Bank International Auto Show

Board members engaged in a brief discussion about the action it took for the 2016 Auto Show. Mr. David Rolf of HADA distributed copies of the Board's announcement of 2016, as per attached.

Board members discussed its 2016 decision, which was recorded in the minutes. Vice-Chairperson Wong stated that the announcement did not correctly characterize the Board's decision. Mr. Short relayed that the announcement was accurate.

It was agreed by consensus that the matter be deferred to the next meeting.

b. Hawaii Automobile Dealers Association – Definition of Final Stage Manufacturer

Mr. Rolf distributed a handout with the definition of Final Stage Manufacturer.

Mr. Erik Soderholm stated that the Board needs to first recognize and act on an apparent conflict of interest on the part of Board members who are also members of the HADA Board.

Mr. Soderholm further stated that he understood that the Board made a decision about the matter during a previous meeting.

Vice-Chairperson Wong expressed disagreement with Mr. Soderholm's comment about conflict of interest. He stated that he is not a member of the HADA Board and did not appreciate Mr. Soderholm's generalization about Board members having conflict of interest.

Discussion ensued on a 2016 Legislative Bill that sought to amend HRS Chapter 437 relating to this matter, which the Board did not support. It was further discussed that if the industry desires to change the law, they should first engage in discussion and develop language that both sides can agree to. Thereafter, the industry should bring their agreed upon language to the Board for discussion.

It was agreed by consensus that this matter be placed on the next meeting's agenda.

Old Business:

a. 2017 Legislative Session

Board members reviewed the summary of bills (attached).

b. Applications for License Forms – Proposed Revision

(i) Motor Vehicle Dealers and Auctions

(ii) Motor Vehicle Manufacturers and Distributors

The Executive Officer was directed to work on revisions and report to the Board when drafts are ready for Board review.

Public Comment: None.

Next Meeting: Tuesday, June 20, 2017
9:00 a.m.
Queen Liliuokalani Conference Room
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Adjournment: There being no further business to discuss, the meeting adjourned at 12:30 p.m.

Taken and recorded by

/s/ Christine Ruktowski

Christine Rutkowski
Executive Officer

05/17

[X] Minutes approved as is.
[] Minutes approved with changes. See Minutes of _____.

MOTOR VEHICLE INDUSTRY LICENSING BOARD MEETING

RATIFICATION LISTS Tuesday, April 18, 2017

CAR SALESPERSON TRANSFERS

a. City and County of Honolulu

ACERET, Bradlee-Scott K.	Shelly Eurocars, LLC dba Mini of Hawaii
ASAO, Daniel T.	Honolulu Buick GMC Cadillac
BORSET, Paul A.	Cutter Honolulu Inc.
CALLAHAN, Thomas	A-1 Auto Sales, LLC
CARRIL, Kenneth	Gill Island Motors, Inc. dba Windward Ford of Hawaii
CLARK, James D.	JN Group, Inc.
ENOS, Jonathan	King Windward Nissan, LLC
FAIRCHILD, Robert C.	Shelly Eurocars, LLC dba Mini of Hawaii
GONZALES, Jerry A.	King Infiniti of Honolulu LLC dba Infiniti of Honolulu
GRANT, Kevin C.	C & C Auto Group Inc.
HIRSCH, Ronald	Lau Ltd.
HO, David T. L. K., Jr.	JN Group, Inc.
JORDAO, Rogerio	Aloha Kia Leeward
KIM, Kevin	Hawaii Nissan Inc.
LIBRE, Jonah	King Windward Nissan, LLC
LOWMAN, Phillip L.	JN Group, Inc.
LY, William	JN Group, Inc.
MATERAZZI, Matthew M.	Shelly Eurocars, LLC dba Mini of Hawaii
MATSUOKA, Jared A.	Cutter Buick GMC Inc.
MEADOWS, Wayne	Today Auto LLC
MOWITZ, Danielle E.	Stoebner Holdings Inc. dba Honda Windward
OKAMURA, Vincent G.	Cycle City, Ltd.
ORIAN, Robert K. L.	Cutter Chrysler Jeep Dodge of Pearl City
PESTANA, Darrel F.	Shelly Eurocars, LLC dba Mini of Hawaii
PERRY, Lance	GAC Auto Group dba Cutter Mazda Honolulu
QUARTANA, Mary J.	Shelly Eurocars, LLC dba Mini of Hawaii
RATCLIFFE, Cory	Servco Toyota Windward
SOBERANO, Vincent K.	Tony Hawaii Automotive Group dba Tony Hyundai
SOSA, Anthony M.	Cutter Honolulu Inc.
TAKUSHI, Ryan H.	Shelly Eurocars, LLC dba Mini of Hawaii
TESTA, Albert B.	Jim Falk Automotive Inc.
YAMASHITA, Troy Y.	GAC Auto Group Inc. dba Cutter Mazda of Honolulu

b. County of Maui

IBARRA, Patrick N.	Jim Falk Motor of Maui Inc.
KONG, Joshua T. K.	Jim Falk Automotive Inc.
RIBILLIA, Jeffery L.	Jim Falk Automotive Inc.

c. County of Kauai

AIONA, Shannon Q.

Niethammer Family LLC dba King Auto Center

d. County of Hawaii

HICKEY, David R.

Big Island Toyota Inc.

CAR SALESPERSON LICENSES

KAUAI KELLIN ALII <ACHUARA<	MIDPAC AUTO CENTER INC
OAHU LIONEL M <AHINA<	CAR CARE HAWAII INC
OAHU JACOB KT <AKAU<	CAR DEPOT
MAUI SHAUNA C <AULT<	VALLEY ISLE MOTORS LTD
MAUI LAURENCE <BROWN< III	JIM FAULK AUTOMOTIVE INC
OAHU KEVIN J <BRYAN<	CUTTER CHRYSLER JEEP DODGE OF HONOLULU
OAHU SUTAH A <CHIRAYUNON<	CUTTER HONOLULU INC
OAHU BROCK B <CORBY<	TONY HAWAII AUTOMOTIVE GROUP
OAHU DIOSDADO <CORPUZ<	JN GROUP INC
OAHU JORDON J <CORTEZ<	CUTTER MAZDA OF WAIPAHU
OAHU BLAKE W <DALE<	CUTTER MAZDA OF WAIPAHU
OAHU ROMMEL C <DELEON<	CUTTER CJD INC
KAUAI CORY JOEL <DOTARIO<	KUHIO MOTORS INC
OAHU DAKOTA S <DUNLAP<	A-1 AUTO SALES LLC
OAHU WILLIAM J <FITZGERALD<	A-1 AUTO SALES LLC
OAHU BEN P <FOWLER<	KING INFINITI OF HONOLULU LLC
KAUAI CRAIG W <HAMILTON<	KUHIO MOTORS INC DBA KUHIO AUTO GROUP
OAHU DAVID D <HAMMANN-AU<	CUTTER MAZDA OF HONOLULU
OAHU EVAN O <HARRIS<	J P AUTOMOBILES INC DBA PACIFIC HONDA
OAHU DANIEL J <HERNANDEZ<	VOLVO OF HONOLULU
OAHU DENNIS V <HERNANDEZPORTER<	CUTTER FORD INC
OAHU JORDAN A <HIRATA<	SERVCO TOYOTA HONOLULU
MAUI ROY E <HOFER<	VALLEY ISLE MOTORS LTD
OAHU PETER D <HOWELL<	JN GROUP INC DBA JN CHEVROLET
MAUI RIZALITO L <IBUOS< JR	VALLEY ISLE MOTORS LTD
OAHU ZACHARY M <JENSEN<	SERVCI AUTO WAIPAHU
OAHU MICHELLE S Y <JONES<	SHELLY EUROCARS LLC MINI OF HAWAII

CAR SALESPERSON LICENSES - CONTINUED

OAHU ROBERT <KACHO<	ISLAND'S BEST AUTO CARE LLC
OAHU JOHN K <KEAWE<	GAC AUTO GROUP INC
MAUI PATRICK H <KEPPEL<	MAUI AUTOMOTIVE LLC
OAHU ANTONIA <KIM<	CUTTER CJD INC
OAHU DOUGLAS R <KIRK<	KING WINDWARD NISSAN
OAHU TAM T <LE<	JN GROUP INC DBA JN CHEVROLET
OAHU ESTHER <LEE FLANDERS<	ENVY HAWAII LLC
OAHU GENARO <MARQUEZ<	ALOHA AUTO GROUP LTD
HAWAII SHAWN A <MCCORMICK<	KAMAAINA NISSAN INC
OAHU BENJAMIN J <MCQUOWIN<	CAR DEPOT
OAHU AMBER K <MEFFORD<	CUTTER CHRYSLER JEEP DODGE OF PEARL CITY
OAHU THOMAS R <MOORE< JR.	HAWAII NISSAN INC DBA NEW CITY NISSAN
KAUAI MARK D <MULLIKIN<	GARDEN ISLAND AUTO SALES LLC
MAUI WILLIAM D <NICKMAN<	VALLEY ISLE MOTORS LTD
MAUI MICHAEL R <O'BRIEN<	SHELLY EUROCARS LLC DBA BMW OF MAUI
OAHU CRYSTAL C <OHARA<	ALOHA AUTO GROUP LTD
OAHU BRAD K <OKAMURA<	HAWAIIAN NISSAN INC
OAHU DOHOVAN A <PARK<	CUTTER MAZDA OF HONOLULU
OAHU SARAH <PETERS<	CUTTER MAZDA OF HONOLULU
OAHU TROY A <RAINEY<	WINDWARD AUTO SALES INC
OAHU DENNIS C <RAZON<	CUTTER CHRYSLER JEEP DODGE OF PEARL CITY
OAHU FABIAN <REYNOSO<	HAWAII NISSAN INC
OAHU SHELBY A <SATO-PERREIRA<	ALOHA AUTO GROUP LTD
OAHU RACHEL N <SHAW<	CUTTER CHRYSLER JEEP DODGE OF HONOLULU
OAHU BRIAN A <SHELTON<	JN GROUP INC
HAWAII VINCENT E <SIMON<	BIG ISLAND HONDA - KONA
OAHU GREGORY E <SMITH<	CUTTER CJD INC
OAHU VINCE <SONG<	CARS 4 LESS LLC
OAHU DARRYL P <TANAKA<	CUTTER MAZDA OF HONOLULU
MAUI THOMAS R <TANG<	ISLAND HONDA

CAR SALESPERSON LICENSES - CONTINUED

OAHU RASHONDA R <TODD<	CYCLE CITY LTD
OAHU JAMES <TRAN<	JN GROUP INC DBA JN CHEVROLET
OAHU EMMELINE M <TURIANO<	CUTTER HONOLULU INC
OAHU JORDON LEE <USSEL<	GILL ISLAND MOTORS INC
OAHU CHERYL Y <WETHINGTON<	C & C AUTO GROUP INC
OAHU CHENG <ZHENG<	HONOLULU FORD

MOTOR VEHICLE DEALER LICENSE

MVD 1043	ISLAND'S BEST AUTO CARE LLC
MVD 1044	HAWAII AUTO LLC

Motor Vehicle Industry Licensing Board – Agenda

Attachment

6. a. 2017 Legislative Session

S.B. No. 478, S.D. 1, H.D. 1 RELATING TO GOVERNMENT RECORDS.

Allows a member of a board to provide other members of the board any government record for which disclosure is required by section 92F-12, HRS, provided that no commitment relating to a vote on the matter is made or sought and no additional discussion other than a statement describing the record and the issue related to the government record is included in the transmittal.

Allows a member of a board to provide other members of the board any government record that is open to public inspection, subject to certain conditions. Takes effect on 1/7/2059. (SD1)

Allows a county council member to provide other council members with government records that are public record and created by persons who are not members or employees of the county council, subject to certain conditions. (SB478 HD1)

H.B. No. 1033, H.D. 1, S.D. 1 RELATING TO ADMINISTRATIVE PROCEDURE

Includes "agencies" within the definition of "persons".

Allows state and county agencies to participate in the administrative procedure by including "agencies" within the definition of "persons" in section 91-1, Hawaii Revised Statutes. (HB1033 HD1)

Allows state and county agencies to participate in administrative procedures under chapter 91, Hawaii Revised Statutes, by including "agencies" within the definition of "persons" in section 91-1, Hawaii Revised Statutes. Takes effect on 1/7/2059. (SD1)

H.B. No. 165, H.D. 1, S.D. 1, S.D. 2, RELATING TO PUBLIC MEETINGS.

Requires, among other things, electronic posting of meeting notices, emergency meeting agendas, cancellation notices, and meeting minutes.

Establishes a working group to develop solutions to the potential administrative burden of public disclosure of the board packet prior to the meeting. The working group shall report to the Legislature before the 2018 Regular Session. Requires, among other things, electronic posting of meeting notices, cancellation notices, and meeting minutes. Establishes notice and disclosure requirements for emergency meetings. (HB165 HD1)

Requires board packets be made available for public inspection and provide notice of the availability of board packets. Requires boards to allow oral testimony to be presented on agenda items separately and at the time the item is first brought up for discussion at the meeting. Establishes notice and disclosure requirements for emergency meetings. Clarifies notice filing requirements, allows electronic mailing of meeting notices, and requires electronic posting of meeting notices, cancellation notices, and meeting minutes. Effective 7/1/2050. (SD1)

Requires board packets be made available for public inspection and provide notice of the availability of board packets. Allows boards to allow oral testimony to be presented on agenda items separately and at the time the item is first brought up for discussion at the meeting. Establishes notice and disclosure requirements for emergency meetings. Clarifies notice filing requirements, requires electronic mailing of meeting notices upon request, and requires electronic posting of meeting notices, cancellation notices, and meeting minutes. (SD2)

S.B. No. 1033, S.D. 1, H.D. 1 RELATING TO BOARD MEETINGS.

Allows boards to file notice of public meetings with the office of the lieutenant governor or appropriate county clerk's office via electronic mail.

Allows state and county agencies to participate in administrative procedures under chapter 91, Hawaii Revised Statutes, by including "agencies" within the definition of "persons" in section 91-1, Hawaii Revised Statutes. Takes effect on 1/7/2059. (SD1)

Allows state and county agencies to participate in the administrative procedure by including "agencies" within the definition of "persons" in section 91-1, Hawaii Revised Statutes. (HB1033 HD1)