

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: Tuesday, June 3, 2014
Time: 10:30 a.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
Warren Higa, Industry Member
Alan Nakamura, Industry Member
Marie Weite, Public Member

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

Excused: Swee Berkey, Public Member
Michael Tetsutani, Industry Member

Call to Order: With the presence of quorum, Chairperson Chow called the meeting to order at 10:34 a.m.

Agenda Additions/Revisions: None.

Minutes of Previous Meeting: Minutes of the March 20, 2014 Meeting
It was moved by Ms. Weite, seconded by Mr. Sasuga, and unanimously carried to approve the minutes as circulated.

Chair's Report: The Chair thanked everyone for their hard work and wished everyone well. The Chair noted that the Board is a hard working board and hopes that, in going forward, it will continue its hard work.

Executive Officer's Report: The Executive Officer thanked the Chair for serving two full terms and wished him the best.

Chapter 91, HRS, Adjudicatory Matters: Chairperson Chow called for a recess from the meeting at 10:36 a.m. to deliberate on the following adjudicatory matters, pursuant to Hawaii Revised Statutes ("HRS") chapter 91.

In the Matter of the Motor Vehicle Mechanic License of GREGORY KEONE VALENCIA, Respondent; ARP 2012-51-L - Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

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

1. Respondent does not admit to violating any law or rule, but acknowledges that RICO has sufficient cause to file a Petition for Disciplinary Action against Respondent's license number MC 6344.
2. Respondent enters into this settlement agreement as a compromise of the claims and to avoid the expense of a hearing.
3. Respondent agrees that this settlement agreement is intended to resolve the issues raised in RICO's investigation in ARP 2012-51-L.
4. Terms of Settlement
 - Respondent agrees to pay a fine in the amount of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00).
 - 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.

In the Matter of the Motor Vehicle Repair Dealer's License of AUTOTECH MAUI, INC., Respondent; ARP 2014-1-L - Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

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

1. Respondent does not admit to violating any law or rule, but acknowledges that RICO has sufficient cause to file a Petition for Disciplinary Action against Respondent's license.
2. Respondent enters into this settlement agreement as a compromise of the claims and to avoid the expense of a hearing.
3. Respondent agrees that this settlement agreement is intended to resolve the issues raised in RICO's investigation in ARP 2014-1-L.

4. Terms of Settlement

- Respondent agrees to pay a fine in the amount of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00).
- 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. Nakamura, seconded by Mr. Higa, it was unanimously carried to ratify the lists (attached).

Applications

Derrick Logan dba Amazing Towing – Repair Salvage Dealer

Applicant submitted an application for a salvage repair dealer's license.

After some discussion, it was moved by Mr. Higa, seconded by Mr. Nakamura, and unanimously carried that based on RICO's inspection of the premises and equipment and review of the documents, the application for a salvage repair dealer's license for Derrick Logan dba Amazing Towing be approved.

At 10:53 a.m., it was moved by Mr. Sasuga, 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 11:01 a.m., it was moved by Ms. Weite, seconded by Mr. Sasuga, and unanimously carried to return to the Board's regular order of business.

Charles Barry Thompson, Jr. – Motor Vehicle Mechanic

Board members reviewed the application and documents submitted by applicant.

After a brief discussion, it was determined that applicant submitted an incomplete application. There was not sufficient documentation and members requested that applicant submit additional information.

It was moved by Ms. Weite, seconded by Mr. Sasuga, and unanimously carried to defer decision-making on this application until applicant submits the additional information requested.

Old Business: 2014 Legislative Session

The Executive Officer reported that H.B. 2273, SD 1, CD 1 passed out of Conference Committee and was transmitted to the Governor for signature, at which time it will become law.

UH did not participate in the Legislative hearings. The Executive Officer will write UH requesting that it submit a final accounting of monies for the Program. It was noted that UH still owes for the development of the website.

There was a brief discussion concerning the motorcycle mechanic licensing exam and that Board members should be aware that it is time to update the exam and that their participation would be needed.

Chair Chow stated that issues facing the Board for future discussion are mobile repair shops and insurance companies and salvaged vehicles/repairs.

New Business: Sec. 437B-15 – Estimate for Labor and Parts – Discussion Regarding Estimate When Written Estimate is not Waived in Writing by Customer

There was a brief discussion regarding the customer's consent form to increase cost of repairs pursuant to Sec. 437B-15, and the waiver of right to a repair estimate. It was noted that not all repair shops require customers to sign the waivers; verbal approvals are often given over the phone. The waiver protects both the consumer and the shop. Mr. Higa asked if the Board members would consider a verbal waiver to be acceptable. After a brief discussion, Board members agreed by consensus that a verbal waiver would not be sufficient to protect the consumer.

Next Meeting: Thursday, July 17, 2014
1:30 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
Honolulu, Hawaii 96813

Adjournment: The meeting adjourned at 11:45 a.m.

Taken and recorded by:

/s/ Alice Worthy

Alice Worthy, Secretary

Reviewed and approved by:

/s/ Christine Rutkowski

Christine Rutkowski
Executive Officer

CR:aw
7/3/14

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes of August 21, 2014.

MOTOR VEHICLE REPAIR INDUSTRY BOARD

RATIFICATION LIST Tuesday, June 3, 2014

RD	4252	MASA BOY AUTO REPAIR LLC
RD	4253	LITHIA OF MAUI-H LLC
RD	4254	LITHIA OF HONOLULU-V LLC
RD	4255	LITHIA OF HONOLULU-BGMCC LLC
RD	4256	MONTGOMERY POWERSPORTS LTD
RD	4257	KI'S AUTO REPAIR & FABRICATION LLC
RD	4258	ACE TRANSMISSION & GENERAL REPAIR LLC
RD	4259	KENWORTH K <TOLEDO<
RD	4260	REPAIRS DONE RIGHT AUTO SERVICE LLC
RD	4261	PETE'S GARAGE LLC
RD	4262	GILL ISLAND MOTORS INC
RD	4263	NEXT LEVEL CUSTOMS LLC
RD	4264	REXFORD A <ANG<

MC	8623	KENWORTH K <TOLEDO<
MC	8624	KENNETH <CHAN<
MC	8625	JUSTIN <MIN<
MC	8626	STANLEY <MA<
MC	8627	DANIEL K <CLARK<
MC	8628	KI A M <BANGUEL<
MC	8629	THOMAS W <HATCHER<
MC	8630	CHRISTOPHER B T <NAVARES<
MC	8631	GRANT S <SARGEANT<
MC	8632	BRYCE T <NISHIO<
MC	8633	ALAPAI T <TURQUEZA<
MC	8634	REXFORD A <ANG<
MC	8635	JESSIE D <AGUSTIN<