

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: Monday, September 29, 2014
Time: 9:00 a.m.
Place: PVL Examination Room, Room 330
King Kalakaua Building, 3rd Floor
335 Merchant Street
Honolulu, Hawaii 96813

Present: Roy Sasuga, Public Member, Chairperson
Marie Weite, Public Member, Vice-Chairperson
Swee Berkey, Public Member
Michael Tetsutani, Industry Member

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

Call to Order: With the presence of quorum, Chairperson Sasuga called the meeting to order at 9:18 a.m.

Agenda Additions/
Revisions: None.

Minutes of Previous
Meeting: Minutes of the August 21, 2014 Meeting

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

Chair's Report: The Chair reported that Board member Alan Nakamura had submitted his letter of resignation, effective September 24, 2014. Chair Sasuga also reported that Board member Warren Higa had called the Board's office to say he was resigning. Mr. Higa was informed that he needed to submit a letter of resignation.

Chair Sasuga suggested the Board recruit industry members via trade organizations, such as HADA and the Automotive Body & Painting Association.

After a brief discussion, it was moved by Mr. Tetsutani, seconded by Ms. Berkey, and unanimously carried to request the Executive Officer to send letters to the industry organizations informing them of the Board's vacancies and to enlist the organizations' assistance in looking for possible replacements.

Executive Officer's
Report:

Copies of Chapter 437B, HRS, as amended, were given to members for their information. Executive Officer Rutkowski referred members to §437B-23, relating to the motor vehicle mechanic certification program. This was the Board's 2013 administrative bill which the Governor signed on July 7, 2014.

Concerns were expressed regarding future Board meetings as a result of the resignation of Mr. Nakamura, the apparent resignation of Mr. Higa, and the current public member vacancy. The three vacancies pose quorum problems for all future meetings until the vacancies are filled. This means that all four remaining members must attend the meetings, and if there are any applications that require Board action, all four members must be in agreement in their decision.

Ms. Berkey stated that she would not be available for the November 20th meeting, and the first two weeks in December. As a result, the November 20th meeting needs to be rescheduled. Ms. Weite stated that she would not be available the last week in November. Copies of the proposed 2015 meeting schedule were given to members for their information, and members were asked to let Executive Officer Kramer know their availability for purposes of rescheduling the November 20th meeting.

Licensing:

Ratifications

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

At 9:40 a.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 9:46 a.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

Raphael Robert Molina, III – Automedic – Motor Vehicle Repair Dealer

Executive Officer Rutkowski gave a brief summary of the Board's discussion at the August 21, 2014 meeting.

The Board received information that the address where applicant will be engaged in motor vehicle repair activity was a vacant lot. As a result, members questioned whether the property was zoned for the business of repairing motor vehicles. Members also had concerns about the applicant's payment history regarding the fine and restitution in RICO Case No. ARP 97-151. After considerable discussion, the members deferred decision-making in favor of continued discussion.

Executive Officer Rutkowski explained that staff does not routinely check the addresses for the proposed repair facility. It is the applicant's responsibility to be sure that their proposed premise complies with the licensure requirements and zoning requirements. There was discussion about updating the application form and the instructions regarding zoning compliance. Board members agreed by consensus for the instructions to be updated to include contact information for county zoning departments and that the applicant's affidavit be updated to include a statement that the applicant has verified with the applicable county that the premise is zoned to conduct motor vehicle repair activity.

After discussion, it was moved by Mr. Tetsutani, seconded by Ms. Weite, and unanimously carried to delegate to the Executive Officer the authority to approve the application so long as all other information on the application is in order and does not require discretionary decision-making by the Executive Officer. Approval of the application is subject to applicant showing property located at 84-1080 Noholio Road, Waianae, HI 96892 is properly zoned to conduct motor vehicle repair business or provide an alternate business location and to provide proof of compliance from the City and County of Honolulu stating that said property use is in compliance with zoning ordinance.

Next Meeting:

Thursday, November 20, 2014
1:30 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
Honolulu, Hawaii 96813

As discussed earlier, Board members were asked to check their schedules and let Executive Officer Kramer know their availability so the November 20th meeting can be rescheduled for a later date.

Adjournment:

The meeting adjourned at 10:05 a.m.

Taken and recorded by:

/s/ Alice Worthy

Alice Worthy, Secretary

Reviewed and approved by:

/s/ Carol Kramer

Carol Kramer
Executive Officer

CK:aw
10/15/14

Minutes approved as is.
 Minutes approved with changes; see minutes of _____.

MOTOR VEHICLE REPAIR INDUSTRY BOARD

RATIFICATION LIST
Monday, Sept. 29, 2014

RD 4273 TRUCK SHOP MAUI LLC
RD 4274 RICKY LEONES LLC
RD 4275 ALL KINE LLC