

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, November 10, 2014

Time: 9:00 a.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st 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
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 9:10 a.m.

Agenda Additions/
Revisions: None.

Minutes of Previous
Meeting: Minutes of the September 29, 2014 Meeting

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

Chair's Report: None.

Executive Officer's
Report: Executive Officer Kramer reported on the following:

(a) A reminder that the deadline to let her know if any member will be attending the December 5, 2014 Board/Commission Orientation is November 14th.

(b) Effective October 20, 2014, and starting with the December 2014 renewals, there will be an increase of about 23% in PVL's initial and renewal license fees for all boards/commissions. The last time there was an increase in fees was in 1982.

(c) The 2015 meeting schedule was given to members for their information. Members were asked to review the schedule and let the Executive Officer know if there were any conflicts. Ms. Berkey was asked to let Executive Officer Kramer know as soon as possible as to

her schedule since Ms. Berkey indicated that she has travel plans that may conflict with the 2015 meeting schedule. Members were reminded that since there are only four of them, attendance is mandatory to have quorum; otherwise no meetings can be held, and thus will delay the processing of applications, if applicable.

- (d) Executive Officer Kramer reported that she had sent letters to HADA and HIADA regarding the Board's two industry vacancies. She stated that she had received a call from a mechanic who expressed interest and was referred to the governor's website to apply online. Ms. Weite reported that she is still working on seeking members for the public vacancy.

Licensing: Ratifications

The Board members reviewed the amended ratification list for motor vehicle repair dealer, motor vehicle repair salvage dealer and motor vehicle mechanic licenses. Upon a motion by Ms. Weite, seconded by Mr. Tetsutani, was unanimously carried to ratify the list (attached).

Applications

David Burnz Mobile Repair LLC – Motor Vehicle Repair Dealer

Applicant currently holds a license under the name "David E Burnz dba David Burnz Mobile Repair" and wants to change the name to "David Burnz Mobile Repair LLC".

In reviewing the application, members expressed concerns with the word "mobile" in applicant's company name. It was noted that in 2002, when applicant was licensed as a sole proprietor, the Board issued mobile licenses, but in 2008 the Board issued a decision stating that it was determined that licensing mobile repair facilities would not be in compliance with §437B-7.5, HRS, which states in part:

"Requirements for licensing of repair dealer; inspection. (a) Before a motor vehicle repair dealer license is granted by the board, the applicant shall establish...and has a repair facility and the equipment necessary to properly perform work in the specialty or area of certification for which licensure is requested. (b) The board may inspect an applicant's repair facility and equipment prior to licensing, and may conduct subsequent inspections of repair facilities..."

Pursuant to §16-87-3, HAR, a mobile repair facility is defined as "...a facility used for repairing or diagnosing malfunctions of motor vehicles away from the dealer's place of business."

Members questioned applicant's place of business and type of business being offered. There was not sufficient information on the location of applicant's business, nor the exact type of work being performed and/or type of service being offered.

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 if applicant's responses to the Board's questions appear satisfactory and are in compliance with the Board's current law; if not, said application will go before the Board for further determination.

New Business: Board's Request for Physical Inspection for New Applications; RDS Premises; ACM

Executive Officer Kramer explained that applications for salvage dealer licenses are sent to RICO to do physical inspections of the property and equipment. Normally a member of the advisory committee will accompany the RICO investigator. Lately RICO has had difficulty in getting members to assist with the inspections. As a result, applications get delayed.

Currently RICO has an application that was submitted in June 2014 and has not been able to move forward with the inspection of the premises and equipment because no advisory committee member has been available to accompany the investigator.

RICO is requesting the Board's assistance in this matter.

RICO is seeking the Board's approval to have the investigator, without an advisory committee member accompanying the investigator, to do a pre-inspection of the property and equipment. Have a RICO investigator make the inspection, make sure the equipment is in working order, and to take photos to ensure the equipment is identifiable, provide a report for the ACM to review, approve and submit to the Board for license approval.

A member asked who the members are on the advisory committee. The Executive Officer responded that the committee is made up of volunteer experts in the field. Based on an ad-hoc selection, RICO will do a background check, then contact these recommended individuals, and ask if they would be interested to be a member on the advisory committee.

After discussion, it was moved by Mr. Sasuga, seconded by Ms. Weite, and unanimously carried to allow the RICO investigator the discretion to inspect the premises and equipment, regarding applications for a salvage repair dealer's license, without a member of the advisory committee and, after said inspection, the RICO investigator will provide the advisory committee member with a completed report for review and approval, then to the Board for license approval.

September 9, 2014 Letter from W. Higa Regarding Sec. 437B-15 –
Estimate for Labor and Parts

The Board received a letter, dated September 9, 2014, from former board member Warren Higa regarding the June 3, 2014 and August 21, 2014 board meeting minutes concerning the discussion on the written estimates for labor and parts.

Mr. Higa is claiming that the June 3, 2014 meeting minutes do not accurately reflect his position on the subject. Mr. Higa's letter stated that he wanted verbal authorization of a repair estimate to become legal and to discourage the use of waivers.

Deputy Attorney General Tam stated that minutes reflect what a person says, not what they meant.

Executive Officer Rutkowski also stated that if what Mr. Higa said was not what he meant, then he should have been clearer in his statement.

After discussion, Board members agreed, by consensus, that the June 3, 2014 meeting minutes, as amended by the August 21, 2014 meeting minutes, accurately reflect the discussions of the Board and the law need not be changed to reflect Mr. Higa's intent.

Next Meeting: Thursday, January 22, 2015
1:30 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
Honolulu, Hawaii 96813

Adjournment: The meeting adjourned at 10:00 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
12/2/14

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

MOTOR VEHICLE REPAIR INDUSTRY BOARD

AMENDED RATIFICATION LIST Monday, November 10, 2014

RD	4277	JEREMIE E <DOMINGO<
RD	4278	GOLDRIVE KARTRAC LLC
RD	4279	ALOHA AUTO GROUP LTD
RDS	4276	GX AUTO INC
RDS	4280	JACE & KIM ENTERPRISES INC
MC	8651	IAN <ZASTROW<
MC	8652	BRYCE <HASHIMOTO<
MC	8653	FELIX G <ERORITA<
MC	8654	JARROD S <GOODE<
MC	8655	ELIA J <TAALA<
MC	8657	CLAYTON <HIRAKAWA<
MC	8658	DANIEL J <CRONIN<
MC	8659	MICHAEL T <MARU<
MC	8660	ROBERT D <CARVALHO<
MC	8661	ROBERT D <DODS< JR
MC	8662	ANDREW J <SHOEMAKER<
MC	8663	JULIO <LOPEZ<