

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, December 19, 2017
Time: 9:58 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
Byron Hansen, Public Member
Carl D. Johnsen, Public Member

Kedin Kleinhans, Executive Officer
Mana Moriarty, Deputy Attorney General (“DAG”)
Lori Nishimura, Secretary

Excused: Steven J. T. Chow, Esq., Public Member, Vice-Chairperson

Guests: Lei Fukumura, Special Deputy Attorney General (“SDAG”)
Dave Rolf, Hawaii Automobile Dealers Association (“HADA”)

Call to Order: Chairperson De Luz called the meeting to order at 9:58 a.m. at which time quorum was established.

Approval of Minutes: It was moved by Mr. Wong, seconded by Mr. Johnsen, and unanimously
October 17, 2017 carried to approve the following amendments to the October 17, 2017
Meeting: Board meeting minutes, as requested by Executive Officer Kleinhans:

Page 4 (second paragraph) - Licensing, b. Applications,
(ii) Jennifer Lynn Hill, Motor Vehicle Salesperson:

It was moved by Vice-Chairperson Chow, seconded by Mr. Hansen, and carried by unanimous vote of all members voting on this issue ~~[majority vote]~~ (Mr. Wong recused himself from the vote decision-making) to approve the Motor Vehicle Salesperson application for Jennifer Lynn Hill.

It was moved by Mr. Wong, seconded by Mr. Hansen, and unanimously carried to approve the October 17, 2017 Board meeting minutes with amendments.

Executive Officer's
Report:

- a. Motor Vehicle Dealer's License of Ausagetaliitama P. Taulau dba
Cure Autoplex LLC

Executive Officer Kleinhans provided an update on the status of Mr. Taulau's motor vehicle dealer's license as requested by Mr. Wong at the last Board meeting; Mr. Taulau holds a current license that expires on June 30, 2018.

At 10:05 a.m., Chairperson De Luz announced the Board will recess its meeting to go into adjudicatory matter.

Chapter 91, HRS,
Adjudicatory Matters:

- a. In the Matter of the Motor Vehicle Salesperson's License of Federico Sobrino and In the Matter of the Motor Vehicle Dealer's License of Concordia Motors LLC; MVI 2013-75-L

*SETTLEMENT AGREEMENT PRIOR TO FILING OF PETITION
FOR DISCIPLINARY ACTION AND BOARD'S FINAL ORDER*

After discussion, it was moved by Mr. Johnsen, seconded by Mr. Wong, and unanimously carried to approve the Settlement Agreement for the Motor Vehicle Salesperson's License of Federico Sobrino and the Motor Vehicle Dealer's License of Concordia Motors LLC; MVI 2013-75-L.

The Board reconvened its meeting at 10:16 a.m., and immediately entered into Executive Session.

Executive Session:

At 10:16 a.m., it was moved by Mr. Johnsen, seconded by Mr. Wong, 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).

EXECUTIVE SESSION

At 10:47 a.m., it was moved by Mr. Johnsen, seconded by Mr. Hansen, and unanimously carried to return to the Board's regular order of business.

Licensing:

- a. Ratifications

Motor Vehicle Car Salesperson Transfers
Motor Vehicle Car Salesperson Licenses
Motor Vehicle Dealer Licenses
Motor Vehicle Dealer License - Relocation

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

b. Applications

- (i) Brandi McKee
Motor Vehicle Salesperson

It was moved by Mr. Hansen, seconded by Mr. Wong, and unanimously carried to defer decision-making on the Motor Vehicle Salesperson application for Brandi McKee. The Board instructed Executive Officer Kleinhans to invite Ms. McKee to the Board's next meeting, either in person or call-in (telephone interview) to assist the Board in the decision-making on her application.

- (ii) Amanda Lumen
Motor Vehicle Salesperson

It was moved by Mr. Hansen, seconded by Mr. Johnsen, and unanimously carried to approve the Motor Vehicle Salesperson application for Amanda Lumen.

- (iii) Aaron James Guevara
Motor Vehicle Salesperson

It was moved by Mr. Hansen, seconded by Mr. Johnsen, and unanimously carried to approve the Motor Vehicle Salesperson application for Aaron James Guevara.

- (iv) John Platiro
Motor Vehicle Consumer Consultant

It was moved by Mr. Wong, seconded by Mr. Hansen, and unanimously carried to approve the motor vehicle consumer consultant application for John Platiro.

New Business:

- a. Letter from HADA to Legislature – Proposed Legislative Updates to HRS chapter 437

Mr. Rolf provided a brief summary of HADA's (Hawaii Automobile Dealer's Association) letter to the Hawaii State Senate Commerce and Consumer Protection and Health Committee that outlined requested updates to HRS chapter 437. He stated that Hawaii's franchise laws have not been updated for many years and that the revisions address several challenges the industry has in Hawaii, being that it is a geographically-unique state. Mr. Rolf summarized the updates as follows:

(i) Common ownership salesperson license

To allow a Salesperson to work at other Dealer location(s) in the same county affiliated by common ownership. Mr. Rolf also commented that common ownership includes entities that share common owner through individuals, corporations, trusts or other entity.

Mr. Hansen stepped out of the meeting at 10:55 a.m., at which time quorum was lost; thus, the meeting recessed.

The Board attained quorum at 11:00 a.m. and reconvened its meeting.

(ii) Recall Reimbursement Language

To require Manufacturers to pay Dealers 1.75% per month for the value of used vehicle grounded for lack of a repair part. Mr. Rolf added that this was initiated due to the recent Takeda air bag recall and the Ford ignition-switch recall.

(iii) Facility Grandfather Period

To require a 7-10 year period after a Manufacturer-required facility upgrade before another upgrade can be required of a Dealer.

(iv) Sales Performance Criteria

To stipulate that the Manufacturer be required to consider unique circumstances within a Dealer's market, as Hawaii is a geographically-isolated state.

(v) Vendor Choice

To allow a Dealer to use a vendor with similar-quality materials for manufacturer-ordered facility upgrades.

(vi) Data Agreement

To establish the Dealer's data as its property and it may not be accessed by the Manufacturer or a Manufacturer's vendor without the Dealer's permission.

Mr. Wong commented these appear to be mirroring what is going on with other states; only the common ownership salesperson license issue may be unique to Hawaii. DAG Moriarty inquired whether the data agreement's shared information includes law

enforcement data? DAG Moriarty further added it "should not place a prohibition to law enforcement".

Chairperson De Luz directed Board members to provide their comments/concerns to the Executive Officer. Mr. Wong commented that HADA should work together with the Executive Officer and DAG Moriarty to review the proposed bill.

Public Comment: None.

Next Meeting: Tuesday, February 20, 2018
9:00 a.m.
King Kalakaua Building
Queen Liliuokalani Conference Room
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Adjournment: Chairperson DeLuz requested the Board to discuss the definition of "demo" pursuant to HRS section 437.

There being no further business to discuss, the meeting adjourned at 11:42 a.m.

Taken and recorded by:

/s/ Lori Nishimura

Lori Nishimura, Secretary

Reviewed and approved by:

/s/ Kedin Kleinhans

Kedin Kleinhans
Executive Officer

01/18

Minutes approved as is.

Minutes approved with changes. See Minutes of _____.

MOTOR VEHICLE INDUSTRY LICENSING BOARD MEETING

RATIFICATION LISTS Tuesday, December 19, 2017

CAR SALESPERSON TRANSFERS

a. City and County of Honolulu

CALDEIRA, Faith	Premier Automotive
CAPRIO, Thomas	JN Group Inc.
CHEUNG, Carmen	Shelly Eurocars LLC dba Mini of Hawaii
DAVIS, Larry	Cutter CJD Inc. dba Cutter Chrysler Jeep Dodge of Pearl City
HERNANDEZ, Eva J.	Cutter Honolulu Inc. dba Cutter Chrysler Jeep Dodge of Honolulu
ISALES, Joseph	Cutter CJD Inc. dba Cutter Chrysler Jeep Dodge of Pearl City
JACKSON, Greg L.	JN Group Inc.
JENKINS, Lennie A., Jr.	Aloha Auto Group Ltd.
JENKINS, Lennie A., Jr.	Lithia of Honolulu – BGMCC LLC
KIM, Tommy	GAC Auto Group Inc. dba Cutter Mazda of Honolulu
MCKIBBEN, Brian	Windward Auto Sales Inc.
MUNERO, Sebastian N.	GAC Auto Group Inc. dba Cutter Mazda of Honolulu
PAYOMO, Phillip P.	Cutter Honolulu Inc. dba Cutter Chrysler Jeep Dodge of Honolulu
SASAKI, Steven T.	Pacific Auto Outlet Inc.
VON ENDE, Craig	Premier Automotive
YAMADA, Gavin	Autosource LLC
YOKOYAMA, Jason K.	Pacific Auto Outlet Inc.

b. County of Maui

BIRINGER, Jeremy	Kihei Auto Sales Inc.
CABEBE, Craig	Hawaii Motorsports, LLC
CABEBE, Joseph	Hawaii Motorsports, LLC
CAMBRA, Kyle K.	Valley Isle Motors
DOLLOPAC, Nestor	Valley Isle Motors
EASLEY, William A.	Lithia of Maui-H LLC
EVANGELISTA, Tiare O.	Jim Falk Motors of Maui Inc.
GUCKER, Kyle	Hawaii Motorsports, LLC
HESSICK, John W.	Hawaii Motorsports, LLC
NOHARA, Mitchell S.	Maui Autoplex Inc.
PARKER, Jordan	Hawaii Motorsports, LLC
PEREZ, Carly-Selene K.	Jim Falk Motors of Maui Inc.
ROSE, Gerald	Hawaii Motorsports, LLC
TASSILL, Kalani	Valley Isle Motors
TORRES, John W., II	Hawaii Motorsports, LLC

VALERIA-DAOG, Greyland S. P.
VIERRA, Lance K.

Kuhio Motors Inc. dba Kuhio Auto Group
Kihei Auto Sales Inc.

c. County of Kauai

none

d. County of Hawaii

EXCOLL, Keith M.
MENIG, John W.
MICKEY, Michael S.

Orchid Isle Auto Center
Big Island Toyota Inc.
MMI Motors LLC

CAR SALESPERSON LICENSES

HAWAII RANDY J <ACOB<	BIG ISLAND TOYOTA INC
KAUAI JOHN <ATKINS<	OHANA MOTORS INC
HAWAII MALUHIA <AWAI<	BIG ISLAND TOYOTA INC
OAHU MICHAEL J <BALAI<	JN CHEVROLET
OAHU PEYTON M <BENJAMIN<	KING WINDWARD NISSAN
OAHU HEDI <BIZID<	SAHARA SERVICES LLC
OAHU MARY M <BOBONIC<	CYCLE CITY LTD
OAHU ALANA A K <BOYCE<	INFINITI OF HONOLULU
OAHU NOEL V <CABATO<	JN CHEVROLET
OAHU ETHAN A <CADAVONA<	TONY VOLKSWAGEN
OAHU KEONE C <CARREIRA<	CAR DEPOT
MAUI JAMES C <CASTRO<	VALLEY ISLE MOTORS LTD
OAHU ALISSA M <COKER<	JN CHEVROLET
OAHU ABNER <COLMENARES<	CUTTER CHEVROLET
OAHU JAMES H <CROSSWHITE<	SERVCO TOYOTA HONOLULU
OAHU MARK R <DELA CRUZ<	CUTTER BUICK GMC INC
OAHU RIDGE C <DELA CRUZ<	HONDA WINDWARD
OAHU NAYTHAN D J <EISCHEN-LEE<	CUTTER CJD INC
MAUI TIARE O <EVANGELISTA<	JIM FALK MAZDA
OAHU ALBERT E <GALANG<	CUTTER MAZDA OF HONOLULU
KAUAI MICHAEL J <GANZAGAN<	MIDPAC AUTO CENTER INC
OAHU DARRYL <GERALDS<	ALOHA AUTO GROUP LTD
OAHU ROBERT <GIBBS<	TONY HYUNDAI HONOLULU
OAHU STEVEN S <GIBU<	KING WINDWARD NISSAN LLC
OAHU JOSHUA I <GRIFFITH<	PACIFIC NISSAN INC DBA TONY NISSAN

CAR SALESPERSON LICENSES - CONTINUED

OAHU NATHANIEL J <GUERRERO<	CHOICE AUTOMOTIVE LLC
OAHU MUHAMMAR A <HALUM<	CUTTER CHRYSLER JEEP DODGE OF HONOLULU
OAHU VICTOR JAMES <HARRIS<	AUTO X-CHANGE INC
OAHU JENNIFER L <HILL<	ALOHA AUTO GROUP LTD
HAWAII THOMAS <HING<	BIG ISLAND TOYOTA INC
HAWAII MICHELLE K <HOGAN<	IK MOTORS INC
OAHU NORLAN T <HORITA<	ALOHA AUTO GROUP LTD
OAHU ALBERT F <HURGO< JR	CYCLE CITY LTD
OAHU JOSHUA A <JIMENEZ<	CHOICE AUTOMOTIVE LLC
OAHU CHUCKLER <JULIAN<	CUTTER CHEVROLET
OAHU CLINTON W <KAUHINI<	MAX MOTORS LLC
HAWAII RYAN A <KENNEDY<	PRE-OWNED MOTOR CARS LTD
OAHU TAEHO <LEE<	AUTOSOURCE LLC
OAHU DANA H <LESLIE-MONTOYA<	ALOHA AUTO GROUP LTD YES#5
OAHU CHUN <LIU<	PRIME HAWAII AUTO LLC
OAHU DAVID D <LOOK<	ALOHA KIA
OAHU BRIAN <LOPEZ<	KING WINDWARD NISSAN LLC
MAUI AMANDA N <LUMEN<	YES #5 & 7
MAUI KAMALLA B <LYNCH<	JIM FALK MAZDA
MAUI THERESA M <MARLER<	LTHIA OF MAUI-H LLC
HAWAII BILLIE M <MARTINES<	BIG ISLAND TOYOTA INC
MAUI NATILY R <MARTINEZ<	JIM FALK MAZDA
MAUI ROBERT M <MEDEIROS< III	HAWAII MOTORSPORTS LLC
OAHU SNEZHANA M <MITSEVICH<	JN GROUP INC
OAHU JAVIER <NAVARRETE<	CYCLE CITY LTD
OAHU MICHAEL <NGO<	ALOHA AUTO GROUP LTD
OAHU JARITT K <NIHIPALI<	ACTION GROUP LLC
OAHU MICHAEL V <OROZCO<	C & C AUTO GROUP INC
OAHU BRONSON M <PACTANAC<	CUTTER MAZDA OF HONOLULU
OAHU ADAM <PATRICK<	CUTTER CJD INC
HAWAII ROGER A <PEZZULICH<	PRE-OWNED MOTOR CARS LTD
OAHU KHOI V <PHAN<	CUTTER HONOLULU
OAHU TYRESE X <PRYOR<	CUTTER MAZDA
OAHU DOLORES R M <QUIDACHAY<	CUTTER CHEVROLET
OAHU MICHAEL L <REICHERT<	ACURA OF HONOLULU
OAHU DRASHUN D <RIVERS<	CUTTER CJD INC
OAHU IWYN A <RODRIGUEZ<	KING WINDWARD NISSAN
OAHU JEAN C <RODRIGUEZ NUNEZ<	C & C AUTO GROUP INC

CAR SALESPERSON LICENSES - CONTINUED

HAWAII MUAVAE <SEFO<	BIG ISLAND TOYOTA INC
HAWAII BERNARD V <SILVANO<	KONA AUTO CENTER
OAHU JULIE L <SMITH<	BMW OF HONOLULU & DBA MINI OF HAWAII
OAHU STEVEN N <TAANOA<	CAR DEPOT LLC
HAWAII WAYNALYN L <TAYAMEN<	ORCHID ISLE AUTO CENTER
OAHU CUONG Q <THAI<	HONDA WINDWARD
OAHU JASON H <TOMLINSON<	CYCLE CITY LTD
OAHU NOAH J <TORRES<	RAINBOW CHEVROLET INC
OAHU SIMOTE <VEA<	ACTION GROUP LLC
OAHU MARIO M <WARREN< II	HONOLULU FORD
OAHU KEITH W <WHITFIELD<	NEW CITY NISSAN
OAHU RON K <WILKIN<	CHOICE AUTOMOTIVE LLC
OAHU MICHAEL E <WINTERS<	AUTOSOURCE LLC
OAHU DAQUAN L <WYATT<	SHELLY EUROCARS LLC
HUAJIE <XING<	PRIME HAWAII AUTO LLC
OAHU JASON <YOTSUDA<	SERVCO PACIFIC INC
OAHU ADRIAN K <YUNSON<	RAINBOW CHEVROLET INC
OAHU JAVIER A <ZAPATA<	HONOLULU FORD

MOTOR VEHICLE DEALER LICENSE

MVD 1057	PACIFIC AUTO OUTLET INC
MVD 1058	ACTION GROUP LLC
MVD 1059	MAUI AUTO LLC

MOTOR VEHICLE DEALER LICENSE - RELOCATION

MVD 954	CARS FOR LESS MAUI LLC
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