

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: Thursday, November 16, 2017
- Time: 1:30 p.m.
- Place: King Kalakaua Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813
- Members Present: Marie Weite, Public Member, Chairperson  
Robert Figaroa, Jr., Industry Member, Vice-Chairperson  
Stuart Lau, Public Member  
Michael Tetsutani, Industry Member
- Staff Present: Carol Kramer, Executive Officer  
Mana Moriarty, Esq., Deputy Attorney General ("DAG")  
Ronni-Ann Bumgarner, Secretary
- Guests: Stacia M. Silva, Regulated Industries Complaints Office ("RICO")  
John Hassler, RICO  
Daria Loy-Goto, RICO  
Paul Eisenberg, Pacific Motorworks  
Zachary Summerfield Esq., Attorney for Paul Eisenberg, (by phone)
- Call to Order: There being a quorum present, Chairperson White called the meeting to order at 1:34 p.m.
- Approval of Minutes: It was moved by Mr. Tetsutani, seconded by Mr. Figaroa, and unanimously carried to approve the minutes of the September 21, 2017, meeting as circulated.
- Executive Officer's Report: a. 2018 Board Meeting Schedule  
Executive Officer Kramer distributed the 2018 Board Meeting Schedule to the Board. The Board members agreed with the days and times.
- New Business: a. Daria Loy-Goto, Regulated Industries Complaints Office, on Proposed Legislation  
Ms. Loy-Goto introduced herself to the Board and explained the legislation that RICO is interested in proposing for the upcoming legislative session.

RICO has worked hard in the last few years to try to maximize and do more with the resources that they have. There have been a lot of different initiatives that have worked, one of which is early case resolution, which is identifying certain cases that are appropriate for settlement early on and having the intake investigators handle those cases. Intake investigators, in the past, would answer phones and help consumers file complaints with their office. But RICO realized that these investigators were not really engaging in the investigative process. So, RICO identified certain types of cases that an intake investigator could handle from their desk. This has helped cut down on the number of cases that are being referred for field investigation.

Another area that RICO has been working on with licensees is the area of citations. RICO routinely issues citations for unlicensed activity. A citation carries with it a cease and desist order. It is an action that an investigator can use based on information they gain from the field. They can issue a citation, and the person is then put on notice that RICO has a pending order against them. RICO has in the past two legislative sessions successfully brought in a citation provision that allows RICO to issue citations in very limited circumstances to licensed massage therapists and to those in cosmetology. RICO is focusing on the types of violations that are readily apparent. Once issued a citation, a licensee can contest it and request a hearing.

Ms. Loy-Goto is proposing to the legislature a Motor Vehicle Repair bill that would build in a citation piece which would address very limited circumstances. The proposed violations are: 1) failure to conspicuously display the dealer's registration certificate in the place of business. It will give the investigator an opportunity to do a compliance check on unlicensed activity; 2) failure to conspicuously display the Board approved sign that identifies the place of business as a licensed repair facility and describes what a customer is entitled to. The Board will be revising the sign, so it will briefly explain what RICO's role is with contact information; and 3) failure for the motor vehicle mechanic to carry or have available for inspection their pocket card. RICO is seeking the Board's support. RICO did limit the fine to carry an abatement and a fine of \$250.00 for a motor vehicle dealer and \$100.00 for a mechanic.

Chairperson Weite asked, when the bill is presented to the legislature, how the Board could help with the bill. Ms. Loy-Goto said that RICO would appreciate testimony in support from the Board.

By consensus of the Board, the following agenda item was taken out of order, so that the Board could call Zachary Summerfield Esq., who is representing Mr. Paul Eisenberg, owner of Pacific Motor Works, Inc.

Matters: Affidavit of John T. Hassler

At 1:50 p.m., Chairperson Weite called a recess to discuss the adjudicatory matter, pursuant to Chapter 91, HRS:

At 2:33 p.m. Chairperson Weite reconvened the meeting.

New Business: b. Revision to Repair Dealer Signage

Executive Officer Kramer introduced the proposed revisions to the repair dealer signage. The Board approved the revised sign (as identified with the box) to be distributed to and posted by all the licensed repair dealers.

Licensing: a. Ratifications

The Board members reviewed the ratification list for Motor Vehicle Repair Dealers and Motor Vehicle Mechanic licenses.

It was moved by Vice-Chairperson Figaroa, seconded by Mr. Tetsutani, and unanimously carried to ratify the following lists:

RD Ratification List

RD 4375 ROYDEN'S AUTO SERVICE LLC  
RD 4376 AUTO TECH 360 LLC  
RD 4377 FANTASTIK AUTO REPAIR SHOP INC  
RD 4378 SOS RECOVERY & SERVICE LLC  
RD 4379 AUTO GENIUS LIMITED LIABILITY COMPANY

MC Ratification List

MC 8885 RYAN L GLASGO  
MC 8886 ANDREW A MILLER  
MC 8887 KEVEN N UNCIANO  
MC 8888 JOSEPH R CORDERO  
MC 8889 BLAINE K KAPU  
MC 8890 GEORGE G PASCUAL JR  
MC 8891 FELIX A CRUZ JR  
MC 8892 DAVID Q DURAN  
MC 8893 KALEIKAUMAKA C MA'ELE  
MC 8894 EDWARD V COSTA  
MC 8895 CLIFFORD P BISARRA  
MC 8896 EVERETTE J NABORS  
MC 8897 DUSTIN C HUEY

b. Application for Exam and License

Executive Session:

At 2:40 p.m., it was moved by Mr. Lau, seconded by Vice-Chairperson Figaroa, and unanimously carried to move into executive session pursuant to HRS §92-5 to consider and evaluate personal information relating to individuals applying for professional or

vocational licenses cited in section HRS §26-9 or both, as provided in HRS §92-5(a)(1).

EXECUTIVE SESSION

At 2:45 p.m., it was moved by Vice-Chairperson Figaroa, seconded by Mr. Lau, and unanimously carried to move out of executive session.

Motor Vehicle Mechanic

1. Frank Empron

After some discussion, it was moved by Mr. Tetsustani, seconded by Vice-Chairperson Figaroa, and unanimously carried to approve Mr. Empron's application for his mechanic license.

2. Freddie Carabbacan

After some discussion, the Board agreed to defer Mr. Carabbacan's application until he submits the requested document.

Next Meeting: Thursday, January 18, 2018  
1:30 p.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building, 1st Floor  
Honolulu, Hawaii 96813

Adjournment: The meeting adjourned at 3:00 p.m.

Taken and recorded by:

/s/ Ronni-Bumgarner

\_\_\_\_\_  
Ronni-Ann Bumgarner, Secretary

Reviewed and approved by:

/s/ Carol Kramer

\_\_\_\_\_  
Carol Kramer, Executive Officer

CK:rb  
12/12/17

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