

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, April 17, 2018
Time: 9:00 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
Steven J. T. Chow, Esq., Public Member, Vice-Chairperson
Byron Hansen, Public Member
Larry Ignas, Public Member
Carl D. Johnsen, Public Member

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

Excused: Russell Wong, Industry Member

Guests: Jason A. Doss, Motor Vehicle Salesperson Applicant
Dave Rolf, Hawaii Automobile Dealers Association ("HADA")

Call to Order: Chairperson De Luz called the meeting to order at 9:02 a.m. at which time quorum was established.

Approval of Minutes of the February 20, 2018 Meeting: Executive Officer Kleinhans requested for the following amendments to the February 20, 2018 meeting minutes as follows:

Page 2, last paragraph – continued to Page 3:

"It was moved by Mr. Hansen, seconded by Mr. Johnsen, and ~~unanimously~~ carried by majority vote (Chairperson De Luz recused himself from decision-making, and Mr. Wong vote nay) to approve the Motor Vehicle Salesperson application for Brandi McKee."

Page 4, last paragraph:

"After further discussion, it was moved by Mr. Wong, seconded by Mr. Hansen, and ~~unanimously carried by majority vote~~ (Chairperson De Luz

recused himself from decision-making) to state the Board supports the intent and”

Page 5, second paragraph:

“After discussion, it was moved by Mr. Hansen, seconded by Mr. Johnsen, and unanimously carried ~~by majority vote~~ (Chairperson De Luz recused himself from decision-making) to support the intent”

Page 5, fourth paragraph:

“After further discussion, it was moved by Mr. Wong, seconded by Mr. Hansen, and unanimously carried ~~by majority vote~~ (Chairperson De Luz recused himself from decision-making) to support facility grandfather period, sales performance criteria, and vendor choice.”

Page 5, last paragraph:

“After discussion, it was moved by Mr. Wong, seconded by Mr. Hansen, and unanimously carried ~~by majority vote~~ (Chairperson De Luz recused himself from decision-making) to support the data agreement proposal...”

It was moved by Mr. Hansen, seconded by Vice-Chairperson Chow, and unanimously carried to approve the minutes of the February 20, 2018 Board meeting with the aforementioned amendments.

Executive Officer's Report:

- a. 2018 First Hawaiian Bank Auto Show, April 13, 2018 – April 15, 2018

Executive Officer Kleinhans informed the Board that several Motor Vehicle Dealer Off-Premise Display Requests were received for the 2018 First Hawaiian Bank Auto Show (“Show”). He stated that he returned the display requests with the Board’s 2016 informational letter that states the Show is distinctively a Manufacturers’ Show and that the requirements of HRS section 437-4(d) (display of motor vehicle at unlicensed premises) do not apply to motor vehicle manufacturers.

Chairperson De Luz requested Mr. Rolf’s assistance in reminding and disseminating this information to Motor Vehicle Dealers (“Dealer”).

Chairperson De Luz announced the Board will recess its meeting to go into adjudicatory matters and subsequently go into Executive Session; the meeting recessed at 9:07 a.m.

Chapter 91, HRS, Adjudicatory Matters:

- a. In the Matter of the Motor Vehicle Dealer License of Auto Mart USA, LLC; MVI 2016-058-L

HEARING OFFICER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER

After discussion, it was moved by Vice-Chairperson Chow, seconded by Mr. Johnsen, and unanimously carried to approve the Recommended Order for the Motor Vehicle Dealer License of Auto Mart USA, LLC; MVI 2016-058-L.

The Board reconvened its meeting at 9:20 a.m., and immediately entered into Executive Session.

Executive Session: At 9:20 a.m., it was moved by Vice-Chairperson Chow, seconded by Mr. Johnsen, 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 9:49 a.m., it was moved by Vice-Chairperson Chow, seconded by Mr. Ignas, 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 Branch License
Motor Vehicle Dealer Licenses
Motor Vehicle Dealer License – Relocation
Motor Vehicle Manufacturer Licenses

Upon a motion by Vice-Chairperson Chow, seconded by Mr. Hansen, it was unanimously carried to ratify the above lists for the licenses sought (as attached).

b. Applications

(i) Mary P. Benson
Motor Vehicle Consumer Consultant

It was moved by Vice-Chairperson Chow, seconded by Mr. Hansen, and unanimously carried to defer decision-making on the Motor Vehicle Consumer Consultant application for Mary P. Benson pending receipt of description of duties in accordance with the application instructions.

- (ii) Jason A. Doss
Motor Vehicle Salesperson

It was moved by Mr. Hansen, seconded by Mr. Ignas, and unanimously carried to approve the Motor Vehicle Salesperson application for Jason A. Doss subject to the Board's receipt of a letter signed by the Dealer principal in accordance with the application instructions and receipt of an amended application with current Dealer information, and to authorize the Executive Officer to approve the application upon receipt of the letter and amended application.

The Board's consensus was to take the following agenda item out of order.

- New Business: a. Request from U.S. Bank Regarding Hawaii Dealer Licensing Requirements and Subsidiaries of National Banks

Executive Officer Kleinhans stated the Board received an inquiry from U.S. Bank that asked if a Dealer's license is required for the following: An operating subsidiary of a national bank not physically located in Hawaii, that leases motor vehicles through Hawaii Dealers and then sells the vehicles at lease termination to the leasing customer.

Executive Officer Kleinhans advised the Board of its informal interpretation at its June 10, 2010, which exempted national banks from the licensing requirements as a Dealer.

- Executive Session: At 10:10 a.m., it was moved by Vice-Chairperson Chow, seconded by Mr. Johnsen, and unanimously carried to enter into Executive Session 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 10:20 a.m., it was moved by Mr. Johnsen, seconded by Vice-Chairperson Chow, and unanimously carried to return to the Board's regular order of business.

After discussion, it was moved by Vice-Chairperson Chow, seconded by Mr. Ignas, that based on the information provided regarding the activity of an operating subsidiary of a national bank not physically located in Hawaii, that leases motor vehicles through Hawaii Dealers and then sells the vehicles at lease termination to the leasing customer, the subsidiary of a national bank would be exempt from the requirements of a Dealer's license at this time.

In accordance with HAR section 16-201-90, the above interpretation is for informational and explanatory purposes only and based solely on the information provided. It is not an official opinion or decision and therefore not binding on the Board.

Legislation: b. SB 2490 (and subsequent drafts) Relating to Motor Vehicle Industry Licensing Act
This bill amends various aspects of statutes regarding chapter 437, Hawaii Revised Statutes.

Mr. Rolf provided a recap of the progress of SB 2490 and thanked everyone involved including the Board and Executive Officer. He commented that the bill is now in conference committee, and HADA and the Motor Vehicle Manufacturer (“Manufacturer”) stakeholders were in agreement with a proposed SB 2490, SD1, HD2, CD1.

Mr. Rolf summarized the proposed conference draft and highlighted the agreed-upon recall reimbursement rate that would require Manufacturers to pay Dealers 1% per month for the value of used vehicle grounded for lack of a repair part.

After discussion, it was moved by Mr. Hansen, seconded by Mr. Johnsen, and unanimously carried (Chairperson De Luz recused himself from decision-making) to support SB 2490, SD1, HD2.

Public Comment: None.

Next Meeting: Tuesday, April 17, 2017
9:00 a.m.
King Kalakaua Building
Queen Liliuokalani Conference Room
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Adjournment: There being no further business to discuss, the meeting adjourned at 10:45 a.m.

Taken and recorded by:

/s/ Lori Nishimura

Lori Nishimura, Secretary

Reviewed and approved by:

/s/ Kedin Kleinhans

Kedin Kleinhans

Motor Vehicle Industry Licensing Board
Minutes of the April 17, 2018 Meeting
Page 6

Executive Officer

05/14/18

Minutes approved as is.

Minutes approved with changes. See Minutes of _____.

MOTOR VEHICLE INDUSTRY LICENSING BOARD MEETING

RATIFICATION LISTS Tuesday, April 17, 2018

CAR SALESPERSON TRANSFERS

a. City and County of Honolulu

ANCHETA, Manuel C.	Cutter Honolulu Inc. dba Cutter Chrysler Jeep Dodge of Honolulu
APPLEBAUM, Treavor C.	Servco Pacific Inc. dba Servco Toyota Honolulu
BALLESTEROS, Ruel	C&C Auto Group Inc. dba Cutter Mazda / Cutter Mazda of Waipahu
BATES, Tristan T.	C&C Auto Group Inc. dba Cutter Mazda / Cutter Mazda of Waipahu
BAYLIS, James E.	JN Group Inc.
BECKER, Robert M.	Cutter Buick GMC Inc.
BIGELOW, Austin L.	JN Group Inc.
BOUSNINA, Ahmed J.	Darrel M. Crail
CIPRIANO, Kathleen	Tropical Car Sales LLC
CHOE, Mike D.	Stoebner Holdings Inc. dba Honda Windward
DYER, Joshua A.	Cutter Honolulu Inc. dba Cutter Chrysler Jeep Dodge of Honolulu
EGNEW, Andrew T. K. M.	Gill Island Motors Inc. dba Windward Ford of Hawaii
EISEN, Bradley P.	Cutter Ford Inc. dba Cutter Ford Isuzu
FERNANDEZ, Brusly A.	M 75 Inc. dba Maui Toyota
FUKUMOTO, Wayne H.	Gill Island Motors Inc. dba Windward Ford of Hawaii
GATEWOOD, Donald K.	Tony Hawaii Automotive Group Ltd dba Tony Hyundai
GERALDS, Darryl	Cutter Buick GMC Inc.
GRANT, Kevin C.	Cutter Buick GMC Inc.
HALUM, Muhammar A.	Lithia of Honolulu-F LLC dba Honolulu Ford
HAMITOUICHE, Karim	Darrel M. Crail
HAN, Zhenyu	Prime Hawaii Auto LLC
HIRATA, Kenneth A.	Tony Hawaii Automotive Group Ltd dba Tony Hyundai
INGLEDUE, Steven R.	Stoebner Holdings Inc. dba Honda Windward
JORDAO, Rogerio	Aloha Auto Group Ltd.
JOSLIN, Lisa-Ann	King Windward Nissan LLC dba King Windward Nissan
KURASHIGE, Sean K.	Servco Pacific Inc. dba Servco Toyota Honolulu
MEDEIROS, Ryan L.	King Windward Nissan LLC dba King Windward Nissan
MOWITZ, Danielle E.	Cutter Honolulu Inc. dba Cutter Chrysler Jeep Dodge of Honolulu
PAE, Joanne M.	Cutter Honolulu Inc. dba Cutter Chrysler Jeep Dodge of Honolulu
REICHERT, Michael L.	King Windward Nissan LLC dba King Windward Nissan

SANTANA, Juan M.	Cutter Buick GMC Inc.
SCIMECA, Frank T.	Shelly Eurocars LLC dba BMW of Honolulu & dba Mini of Hawaii
SHIRAKI, Matthew S.	Cutter Buick GMC Inc.
SHORT, Amar	Shelly Eurocars LLC dba BMW of Honolulu & dba Mini of Hawaii
SUNAHARA, Randy	Cutter CJD Inc. dba Cutter Chrysler Dodge Jeep Ram of Pearl City
TANKERSLEY, Mingo R.	Windward Auto Sales Inc. dba Windward Dodge
THAI, Cuong Q.	J P Automobiles Inc. dba Pacific Honda
THAI, Jason Tri Quoc	J/R Motors 730 LLC dba Proscche of Hawaii
WAGNER, Christopher F.	Pacific Nissan Inc. dba Tony Nissan
WAGNER, Marissa L.	Tony Hawaii Automotive Group Ltd dba Tony Hyundai
YAMASHIRO, Reid M.	Servco Subaru Inc. dba Servco Subaru Kaimuki

b. County of Maui

AFAGA, Rexcie	Kihei Auto Sales Inc.
CAMBRA, Kyle K.	Jim Falk Motors of Maui Inc.
DAFUN, Bryson K.	Jim Falk Motors of Maui Inc.
KAMA, Robert K.	Kihei Auto Sales Inc.
LUMEN, Amanda N.	Jim Falk Motors of Maui Inc.
MORIKI, Justin K.	Ohana Automotive Group Inc. dba Karmart Car Care Center / Karmart Car Care Maui
ODUM, Ryan B.	Ohana Automotive Group Inc. dba Karmart Car Care Center / Karmart Car Care Maui
SEBRING, Andrew J.	Shelly Eurocars LLC dba BMW of Maui
VERGEL DE DIOS, Rey B.	Valley Isle Motors Ltd dba Jim Falk Mazda

c. County of Kauai

SHIOI, Stephen H.	Kuhio Motors Inc. dba Kuhio Auto Group
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d. County of Hawaii

KHADDAR, Safir B. K.	J/R Kona Acquisition LLC dba Big Island Honda - Kona
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Motor Vehicle Industry Licensing Board
Ratification List
April 17, 2018
Page 3 of 5

CAR SALESPERSON LICENSES

OAHU SAMSON K <AH MOOK SANG<	CAR DEPOT LLC
MAUI DUSTIN K H <AKIONA<	JIM FALK MAZDA
OAHU LITO R <ALBANTARA< JR	CUTTER MAZDA OF WAIPAHU
HAWAII CECILIA A <ALVARADO<	KAMAAINA MOTORS
MAUI ANGELINA <ANDERZA<	JIM FALK MOTORS OF MAUI INC
HAWAII JOSHUA K S H <ARAKI-KWEE<	KAMAAINA MOTORS
OAHU ATEA J <ARQUETTE<	HONOLULU FORD
OAHU JESSIE G <BAYUDEM<	CUTTER BUICK GMC INC
HAWAII THOMAS F <BELEKANICH<	BIG ISLAND TOYOTA INC
HAWAII GRANT K <BLOOMQUIST<	ALOHA KIA
HAWAII JANA C <BOOTH<	KAMAAINA MOTORS
OAHU JORDAN K <BRACEROS<	SERVCO AUTO WAIPAHU
OAHU KAREN <CAMP<	NEW CITY NISSAN
OAHU KEELY M <CHOY<	HONDA WINDWARD
OAHU NICK M <CORDREY<	CUTTER FORD ISUZU
OAHU WENDY M <COWLAND<	RAINBOW CHEVROLET INC
HAWAII RANDALL S <DAHL<	BIG ISLAND TOYOTA INC
MAUI GONZALO E <DEL SOLAR VELANDO<	JIM FLAK MOTORS OF MAUI INC
OAHU PHILIP J K <DOSEO<	SHELLY EUROCARS LLC
OAHU ROCKY <DUQUE<	TONY HONDA
OAHU JAMES T <DYKES<	CYCLE/CITY LTD
OAHU BRANDON V <ENOS<	TCA AUTO
HAWAII NELSON K <ENOS<	BIG ISLAND HONDA - HILO
OAHU CINDY A <FERNANDEZ<	TONY HONDA
OAHU KRISTAL M <FIAMATE<	CUTTER MAZDA OF HONOLULU
KAUAI DUSTIN J M <FONTANILLA<	KUHIO AUTO GROUP
OAHU MICHAEL C <GOLD<	TONY HONDA
OAHU ANDREW K <GORMAN<	TESLA INC
OAHU JOJI <GOTO<	TESLA INC
OAHU ANDREW H <GRANT<	CUTTER FORD INC
OAHU ALONZO A <GREENE<	RAINBOW CHEVROLET INC
OAHU BERNHARD T <HAGER<	SHELLY EUROCARS LLC
MAUI STEPHANIE A <HERNANDEZ<	JIM FALK MAZDA
OAHU HAO <HU<	PRIME HAWAII AUTO LLC
OAHU JULIAN D <ISANBERG<	JN CHEVROLET
MAUI AUSTIN K <KAN HAI<	JIM FALK MAZDA
OAHU PHONG <KHA<	H & T CORPORATION
OAHU ALEKSEI <KOROTCHENKOV<	JN CHEVROLET
MAUI ARIEL K K <KOYANAGI-PERREIRA<	JIM FALK MOTORS OF MAUI
OAHU RICHARD <LAM<	H & T CORPORATION
OAHU ERLIN <LARIVA GONZALEZ<	DARREL M CRAIL

CAR SALESPERSON LICENSES - CONTINUED

OAHU JUNE R <LEE<	CUTTER MAZDA OF HONOLULU
OAHU YOUNG H <LEE<	PEARL CITY AUTO CENTER INC
OAHU ANDY Q <LONG<	SELECT AUTO GROUP LIMITED LIABILITY COMPANY
OAHU VICTOR D R <LORENZ< JR	ALOHA KIA
HAWAII JOHN M <LOVE<	ORCHID ISLE AUTO CENTER
OAHU DARIUS <MA<	CUTTER MAZDA OF HONOLULU
OAHU CLARK E <MADAMBA<	SERVCO PACIFIC INC
OAHU JUSTIN E <MALONE<	CUTTER MAZDA OF HONOLULU
OAHU JAMES J <MANARPAAC<	CUTTER BUICK GMC INC
HAWAII BRANDI H <MCKEE<	KAMA'AINA NISSAN
OAHU AARON <MENDEZ<	TONY HYUNDAI
MAUI ELENA <MIHAI<	JIM FALK MOTORS OF MAUI INC
OAHU MICHAEL S <MIUER<	ALOHA CAR DEALS LLC
OAHU RIHAB <MOHAMMED<	AUTOZILLA HAWAII LLC
MAUI KYLSAN L A <MORTON<	JIM FLAK MOTORS OF MAUI INC
MAUI SANTO L <MUNOZ<	OHANA AUTO SALES LLC
OAHU SPENCER <NASH<	ERIC VENCE NASH
OAHU JOSHUA B <NELSON<	HONOLULU FORD
OAHU RICHARD G <NICHOLSON<	HONOLULU FORD
OAHU JACOB D T <OGATA<	CUTTER FORD INC
OAHU GIRLIE C <OLOROSO<	CUTTER MAZDA OF HONOLULU
KAUAI PIILANI M <PALAMA<	KING HONDA DBA KING AUTO CENTER
OAHU WILLIAM D <PANOS< JR	TONY HONDA
OAHU NICOLE L <PATTON<	AUTOLAND LLC
OAHU ARVYDAS <PAULIUKAS<	JN GROUP INC
OAHU JAMES S <PFERSCHY<	AUTOZILLA HAWAII LLC
MAUI PIERS A <POLINSKEY<	JIM FLAK MOTORS OF MAUI INC
OAHU JASON A <RODRIGUEZ<	CUTTER MAZDA OF WAIPAHO
OAHU HECTOR L <SANTIAGO< II	JN CHEVROLET
MAUI ANDREW J <SEBRING<	JIM FALK MAZDA
OAHU SEAN A <SERRAO<	NEW CITY NISSAN
OAHU JAMES A <SHARBASH<	CUTTER MAZDA OF HONOLULU
HAWAII PATRICK P <SOMBRIO< JR	KAMAAINA MOTORS
OAHU SHAWN K <STANIC<	JN CHEVROLET
HAWAII JASON A <STITH<	SHELLY EUROCARS LLC
OAHU LESLIANNE E <SUGANO<	CUTTER FORD ISUZU
MAUI SHELBY M <SUZUKI<	JIM FALK AUTOMOTIVE INC
OAHU SEIRYN K <TAKARA<	A-1 AUTO SALES LLC
HAWAII TIANI K L <TEANIO<	BIG ISLAND HONDA - HILO
HAWAII DAYLAN JAMIE K <TIOGANGCO<	KAMAAINA NISSAN INC
OAHU FASLAKESI <TONGA<	ACE AUTO

CAR SALESPERSON LICENSES - CONTINUED

OAHU NATHANIEL L <TURNER<	CUTTER CJD INC
OAHU CASEY A <TWOHY<	CUTTER CHEVROLET
OAHU TREVOR M <UYEHARA<	HONDA WINDWARD
OAHU JONATHAN I <VELAZQUEZ<	CUTTER MAZDA OF HONOLULU
OAHU REID T <WATANABE<	SERVCO AUTO WAIPAHU
OAHU BARRY L <WILLIAMS<	ADVANTAGE AUTO LLC
OAHU JONATHAN M <YOUNG<	WINDWARD FORD OF HAWAII
OAHU ASHKAN <ZEINALZADEH<	FIRST NATIONAL AUTO GROUP INC

MOTOR VEHICLE BRANCH LICENSE

MVB 61 - 2 CYCLE CITY LTD

MOTOR VEHICLE DEALER LICENSE

MVD 1063 AUTOZILLA HAWAII LLC
MVD 1064 H & T CORPORATION

MOTOR VEHICLE DEALER LICENSE - RELOCATION

MVD 1032 MAUI AUTO EXCHANGE LLC

MOTOR VEHICLE MANUFACTURER LICENSE

F 178 OSHKOSH AIRPORT PRODUCTS LLC
F 179 BRAUN INDUSTRIES INC