

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, August 18, 2020

Time: 9:00 a.m.

Place: Virtual via Zoom

Present: Wayne De Luz, Industry Member, Chairperson  
Steven J. T. Chow, Esq., Public Member, Vice-Chairperson  
Byron Hansen, Public Member  
John Uekawa, Industry Member  
Russell Wong, Industry Member  
Kedin C. Kleinhans, Executive Officer (“EO”)  
Christopher J. I. Leong, Deputy Attorney General (“DAG”)  
LaJoy Lindsey, Secretary  
Terry Akasaka-Toyama, Deputy Director’s Secretary  
Karyn Takahashi, Director’s Secretary  
Kellie Teraoka, PVL Secretary  
Charlene L.K. Tamanaha, Licensing Administrator (“LA”)

Guests: Dave Rolf, Hawaii Automobile Dealer’s Association (“HADA”)  
Lei Ann

Call to Order: Vice-Chairperson Chow called the meeting to order at 9:21 a.m. at which time a quorum was established. A video was shown on virtual meeting procedures and roll call was taken. Messrs. DeLuz, Chow, Hansen, Uekawa and Wong were all present.

Approval of Minutes of February 25, 2020 meeting: It was moved by Mr. Wong, seconded by Vice-Chairperson Chow and unanimously carried to approve the February 25, 2020 meeting minutes. Messrs. Chow, DeLuz, Hansen, Uekawa and Wong all approved.

Chapter 91, HRS, Adjudicatory Matters a. In the Matter of the Motor Vehicle Dealer’s License of Premier Enterprise Sales and Service Inc. doing business as Premier Automotive; MVI 2019-30-L

RECESS IN: 9:24 a.m.  
RECESS OUT: 9:29 a.m.

At 9:24 a.m. it was moved by Mr. Wong and seconded by Mr. Uekawa to recess for Chapter 91 adjudicatory matters. Roll call was taken and Messrs. Chow, DeLuz, Hansen, Uekawa and Wong all approved motion to recess. DAG Leong read the settlement agreement to the board

members. Upon completion, it was moved by Mr. Wong and seconded by Mr. Uekawa to approve settlement agreement. Roll call was taken and Messrs. Chow, DeLuz, Hansen, Uekawa and Wong all approved settlement and agreed to exit recess and return to open meeting.

Licensing:

a. Ratifications

Motor Vehicle Salesperson Transfers  
Motor Vehicle Salesperson License  
Motor Vehicle Dealer License  
Motor Vehicle Dealer Relocation

Mr. Wong asked if the double posting of salesperson transfers that we annotate the current place of employment. There were no conflicts between majority of board members and those on the ratification list except for Chairperson DeLuz who opted to abstain. That being the case, Mr. Wong moved to approve the ratification lists, Mr. Hansen seconded, a roll call was taken and Messrs. Chow, Hansen, Uekawa and Wong approved the list, while Mr. DeLuz abstained.

b. Applications

(1) D.K. LLC – Motor Vehicle Dealer

EXEC SESSION IN: 9:45 a.m.  
EXEC SESSION OUT: 10:18 a.m.

At 9:45 a.m. it was moved by Mr. Hansen, seconded by Chairperson DeLuz and unanimously carried to enter executive session. Roll call: Chairperson DeLuz, Vice-Chairperson Chow and Messrs Hansen, Uekawa and Wong all voted yes.

At 10:18 it was moved by Mr. Hansen, seconded by Chairperson DeLuz and unanimously carried to exit executive session. Roll call: Chairperson DeLuz, Vice-Chairperson Chow and Messrs Hansen, Uekawa and Wong all voted yes.

Once the board returned to open session it was moved by Mr. Wong, seconded by Mr. Hansen and unanimously carried to defer the D.K. LLC application pending the submittal of letters of recommendation from members of the community. In addition, the Board requested clarification from managing member Mr. Hudman regarding his employment history in California. Roll call: Chairperson DeLuz, Vice-Chairperson Chow and Messrs Hansen, Uekawa and Wong all voted yes.

New  
Business:

a. Discussion to  
amend schedule  
of revisions to  
Hawaii Admini-  
strative Rules  
Chapter 86

Mr. David Rolf from the Hawaii Automotive Dealers Association

Mr. Rolf indicated HADA is prepared to discuss and provide comments for potential revisions to the Board's licensing rules. Vice-Chairperson Chow acknowledged that input provided by the dealers would be valuable. Mr. Rolf sent EO Kleinhans an e-mail with three issues that he would like to discuss at the applicable meeting.

EO Kleinhans reported new dates for each meeting a rules section will be discussed as COVID-19 impeded the previous calendar. He added that more content can be added and discussed, and that yo-yo financing would be one of the anticipated topics.

Vice-Chairperson Chow asked EO Kleinhans if he could send the schedule to the board, interested stakeholders, and public. EO Kleinhans will oblige. Mr. Wong expressed his pleasure that the board is able to convene again albeit virtually.

Mr. DeLuz indicated that electronic documents were difficult to review while simultaneously participating in a virtual meeting. EO Kleinhans responded we will do our best to mail physical packets LA Tamanaha noted there are documents that are fine to send via e-mail, but there are some documents, e.g. documents with confidential information, that must be sent via mail. Mr. Wong mentioned that having a hard copies would be much easier.

b. Delegation and/  
or Clarification  
of responsibi-  
lities and  
general pro-  
cesses in  
response to

COVID-19:

EO Kleinhans reviewed the current process for all licensing applications, which are delegated to the EO to processing, especially during this time when having scheduling and administering meetings may be difficult. EO Kleinhans further described that certain criminal convictions for salespersons are delegated to the EO for review and further disposition, such as DUI no more than twice within one year, or open beverage in a motor vehicle.

LA Tamanaha asked if the Board has an Application Review Committee. EO Kleinhans replied that the Board does not have an Application Review Committee as the laws and rules are particularly detailed on the documentation required for license, and discretion is generally required for applications with “yes” answers.

Mr. Wong asked if EO Kleinhans had questions with the current process – there have only been a few instances when the EO places applications on the agenda for Board review and consideration. EO Kleinhans replied that he wanted to review the current process but did not have any questions. Vice-Chairperson Chow stated that the Board is not overwhelmed with the amount of applications brought before them.

Public Comment: Mr. Rolf reiterated HADA is prepared to provide input on the Board’s rule-revision process.

Next Meeting: Tuesday, October 13, 2020  
9:00 a.m.  
Virtual Videoconference Meeting  
Zoom Webinar

Adjournment: With no further business, Vice-Chairperson Chow briefly mentioned of COVID-19 and its impact on the industry, and he extended his best wishes to all Dealers. There being no further business to discuss, the meeting adjourned at 10:42 a.m.

Taken and recorded by:

/s/ LaJoy Lindsey

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LaJoy Lindsey, Secretary

Reviewed and approved by:

/s/ Kedin C. Kleinhans

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Kedin C. Kleinhans  
Executive Officer

9/18/20

Minutes approved as is.

Minutes approved with changes. See Minutes of \_\_\_\_\_.