

MOTOR VEHICLE INDUSTRY LICENSING BOARD
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: June 7, 2022

Time: 9:00 a.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
<https://dcca-hawaii-gov.zoom.us/j/97186315308>

Present: Wayne K. De Luz, Industry Member, Chairperson
Steven J.T. Chow, Esq., Public Member, Vice-Chairperson
Byron A. Hansen, Public Member
Marie H. Weite, Public Member
Russell M. K. Wong, Industry Member
John Uekawa, Industry Member
Christopher J. I. Leong, Deputy Attorney General (“DAG”)
Jenny M. Yam, Executive Officer (“EO”)
Ahlani K. Quiogue, Licensing Administrator
Candace Ito, Supervising Executive Officer
LaJoy A. Lindsey, Secretary
Susan Reyes, Secretary, Technical Support
Mia Hoang, Technical Support

Guests: Lei Fukumura, DCCA-PVL, Special Deputy Attorney (“SDAG”)
Dave Rolf, Hawaii Automobile Dealers Association (“HADA”)
Kelton Rippetoe, DAG Intern

Agenda: The agenda for this meeting was posted on the State electronic calendar and filed with the Office of the Lieutenant Governor, as required by §92-7(b), Hawaii Revised Statutes (“HRS”).

A short video was played to explain the meeting procedures and how members of the public could participate in the virtual meeting.

Call to Order: Chairperson De Luz called the meeting to order at 9:10 a.m., at which time quorum was established. All Board members confirmed that they were present and alone.

Approval of the April 12, 2022 Meeting Minutes: It was moved by Vice-Chairperson Chow, seconded by Mr. Uekawa, and unanimously carried to approve the meeting minutes of the executive session and the meeting minutes of the open session of the February 1, 2022 meeting, as circulated.

Adjudicatory Matters: Chairperson De Luz called for a recess from the meeting at 9:13 a.m. to discuss and deliberate on the following adjudicatory matters pursuant to Chapter 91, HRS (Note: Board members and staff entered the Microsoft

Teams meeting):

- A. In the Matter of the Motor Vehicle Dealer's License of LITHIA OF HONOLULU-BGMCC LLC, doing business as HONOLULU BUICK GMC CADILLAC; MVI 2020-80-L Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

It was moved by Mr. Wong, seconded by Vice-Chairperson Chow, and unanimously carried to approve the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

Ms. Fukumura left the Microsoft Teams meeting at 9:30 a.m.

- B. In the Matter of the Motor Vehicle Dealer's and Salesperson's License of EUROPEAN AUTO, INC., and ANGEL L. SANTIAGO; MVI 2011-1-L; MVI 2011-46-L; and MVI 2011-64-L; Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order; Respondent Angel Santiago's Written Exceptions to Hearing Officer's Recommended Order; and Board's Final Order

Summary of events:

6/16/2015: Board Meeting

The Board reviewed the Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order; Respondent Angel Santiago's Written Exception to Hearing Officer's Recommended Order. The Board voted to accept the Hearings Officer's Findings of Fact and Conclusions of Laws; however, determined that it would modify the Hearings Officer's Recommended Order.

6/28/2016: Board Meeting

The Board voted to adopt the action taken by the Board at the June 16, 2015 meeting, and issue the Board's Proposed Final Order.

6/19/2018: Board meeting

The Board voted to approve the Board's Proposed Final Order. It was noted that the Board members signed the Proposed Final Order instead of issuing and signing a Final Order. A copy of the Proposed Final Order was transmitted to the Regulated Industries Complaints Office ("RICO") and the Respondent(s); however, there is no record of the issuance of a Board's Final Order. This matter remained unresolved.

After discussion, it was moved by Vice-Chairperson Chow, seconded by Mr. Hansen, and unanimously carried to accept the Hearings Officer's Findings of Fact, Conclusions of Law, and approve the Board's Proposed Final Order as its Final Order.

Following the Board's review, deliberation, and decision on these matters pursuant to Chapter 91, HRS, Chairperson De Luz announced that the Board reconvene to its Chapter 92, HRS, meeting at 9:49 a.m. Board members and staff returned to the Zoom meeting.

Licensing:

It was moved by Mr. Wong, seconded by Mr. Uekawa, and unanimously carried to enter into executive session at 9:51 a.m., pursuant to HRS §92-5(a)(1), to consider and evaluate personal information relating to individuals applying for professional licenses cited in section HRS §26-9, and pursuant to HRS §92-5(a)(4), to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities. (Note: Board members and staff entered into Microsoft Teams):

EXECUTIVE SESSION

At 10:10 a.m., it moved by Ms. Wong, seconded by Vice-Chairperson Chow, and unanimously carried to return to the open session meeting. Board members and staff returned to the Zoom meeting.

A. Consumer Consultant Application

i. Cameron James Hines

After due consideration of the information received, it was moved by Mr. Hansen, seconded by Mr. Uekawa, and unanimously carried to defer Mr. Hines's consumer consultant application, and ask the applicant to appear before the Board at the next Board meeting.

B. Ratifications:

It was moved by Mr. Wong, seconded by Vice-Chairperson Chow, and unanimously carried to ratify the licenses attached (see, attached list).

Application
Review
Committee:

EO Yam stated that Mr. Sherman Takao will be the new Executive Officer of the Motor Vehicle Industry Licensing Board effective June 17, 2022.

She stated that the Board may consider establishing an application review committee ("ARC"), consisting of 2-3 board members (less than quorum), to assist the Executive Officer to determine applicants' qualifications for licensure. Any existing Board delegations to the Executive Officer regarding applications will remain the same, and anything that is beyond the Executive Officer's delegatory authority will be brought to the Board for review.

Chairperson De Luz asked DAG Leong if an ARC would be permitted by the Sunshine Law.

DAG Leong informed members that since the ARC is less than quorum it is not subject to the Sunshine Law. He went on to say that an ARC is a mechanism to be used to allow administrative staff the ability to make inquiries of members in between meetings. The EO may contact one (1) or more of the members of the ARC for guidance.

DAG Leong suggested that, at a minimum, two of the ARC members should be industry members.

It was moved by Vice-Chairperson Chow, seconded by Mr. Hansen and unanimously carried to establish an application review committee comprised of three Board members, including:

John Uekawa, Industry Member;
Russell Wong, Industry Member; and
Marie Weite, Public member.

Executive
Officer's
Report:

A. Update on Rule Revisions – Title 16, Chapter 86, Hawaii
Administrative Rules

EO Yam stated that the Board approved the proposed draft amendments at its December 7, 2021 meeting. She stated that she is currently drafting a memorandum that outlines each proposed change, which will be sent with the proposed draft amendments to DAG Leong for review soon.

B. 2022 Renewals

EO Yam stated that the renewal deadline is June 30, 2022 and advised licensees to renew (online or via mail) at their earliest convenience. She also advised licensees that are experiencing technical issues using the MyPVL portal may email the Board for assistance.

Next Meeting:

August 9, 2022
9:00 a.m.

Virtual Videoconference Meeting – Zoom Webinar

In-person Location: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street,
Honolulu, Hawaii 96813

Adjournment:

The meeting adjourned at 10:28 a.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Jenny M. Yam

/s/ LaJoy Lindsey

Jenny M. Yam
Executive Officer

LaJoy Lindsey
Secretary

7/1/2022

Minutes approved as is.

Minutes approved with changes. See Minutes of _____.

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RATIFICATION LIST

April 12, 2022

MOTOR VEHICLE SALESPERSON TRANSFERS

CITY AND COUNTY OF HONOLULU

BITAR, JAWDAT I	EBIKES HAWAII CORP DBA ZERO MOTORCYCLES OF OAHU
FELIX, IVAN A	LITHIA OF HONOLULU-F LLC DBA HONOLULU FORD
KIM, MICHAEL	SERVCO PACIFIC INC DBA SERVCO TOYOTA HONOLULU
LEE, VICTOR H	LITHIA OF HONOLULU-F LLC DBA HONOLULU FORD
MULE, DAVID	KD AUTO SALES LLC
NISSEL, JUSTIN-THOMAS T	STOEBNER HOLDINGS INC DBA HONDA WINDWARD
ORR, CHRISTOPHER R	SERVCO PACIFIC INC DBA SERVCO TOYOTA HONOLULU
PAGBA, COLIN A	CUTTER CJD INC DBA CUTTER CHRYSLER DODGE JEEP RAM OF PEARL CITY
PEROS, SEAN KARL S	ALOHA AUTO GROUP LTD DBA ALOHA KIA LEEWARD ALOHA HYUNDAI
PUNZALAN, KEVIN CHARLES	HAWAII NISSAN INC DBA NEW CITY NISSAN
SANTANA, JUAN MANUEL	STOEBNER HOLDINGS INC DBA HONDA WINDWARD
SASAKI, DARREN T	JR MOTORS 818 KAPIOLANI LLC DBA MERCEDES BENZ OF HONOLULU
SHERLOCK, MARK	LITHIA OF HONOLULU-F LLC DBA HONOLULU FORD
SUGUITAN, MILES	PACIFIC NISSAN INC DBA TONY NISSAN

MAUI COUNTY

LONG, ANDREW J	JIM FALK MOTORS OF MAUI LLC
SHIMABUKURU, GUYSON	JIM FALK MOTORS OF MAUI LLC

MOTOR VEHICLE SALESPERSON LICENSES

CITY AND COUNTY OF HONOLULU

CS-20717-0	KEVIN M KITAGAWA	BACON-UNIVERSAL COMPANY INC
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CS-20719-0	TODD HIRAYASU	TCC AUTO LLC
CS-20720-0	JONATHAN THOMAS NICHOLS	TESLA INC

COUNTY OF MAUI

CS-20718-0	VICTOR POBUJANSCHI	MVIC AUTO LLC
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MOTOR VEHICLE DEALER LICENSES

MVD-1124-0	CARLOT HAWAII LLC
MVD-1125-0	MVIC AUTO LLC
MVD-1126-0	TCC AUTO LLC
MVD-1127-0	AUTO Z LLC

DISTRIBUTOR LICENSES

DIS-162-0	KUBOTA TRACTOR CORPORATION
DIS-163-0	ENERGICA MOTOR COMPANY, INC