

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

MINUTES OF MEETING

Date: July 28, 2022

Time: 1:00 p.m.

Place: Queen Lili'uokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Virtual Participation: <https://dcca-hawaii-gov.zoom.us/j/9809164339>

Members Present: Robert Figaroa, Industry Member, Chairperson
Dansen Carvalho, Industry Member, Vice-Chairperson
Stuart Lau, Public Member
Toby Kakehi, Public Member

Staff Present: Sherman Takao, Executive Officer ("EO")
Christopher Leong, Esq., Deputy Attorney General ("DAG")
LaJoy Lindsey, Secretary
Mia Hoang, Tech Support
Ahlani Quiogue, Licensing Administrator
Candace Ito, Supervising Executive Officer
Lei Fukumura, Special Deputy Attorney General

Excused: Kelvin Kohatsu, Industry

Guests: Tommy Frank Lolagne and Minor Child

Agenda: The agenda for this meeting was posted to the State electronic calendar as required by Hawaii Revised Statutes ("HRS") section 92-7(b).

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: The meeting was called to order at 1:08 p.m., at which time quorum was established.

Chairperson Figaroa welcomed everyone to the meeting and proceeded with a roll call of the Board members. All Board members confirmed that they were present and alone. Mr. Kohatsu was excused from the meeting.

Election of Officers: It was moved by Mr. Kakehi, seconded by Mr. Lau, and unanimously carried to nominate Mr. Figaroa as Chairperson and Mr. Carvalho as Vice-Chairperson.

Approval of the
Open Session
Minutes of the
May 19, 2022,
Meeting:

It was moved by Mr. Lau, seconded by Mr. Carvalho, and unanimously carried to approve the open session minutes of the May 19, 2022, meeting as circulated.

Adjudicatory
Matters:

Chairperson Figaroa called for a recess from the meeting at 1:21 p.m., to discuss and deliberate on the following adjudicatory matter pursuant to Chapter 91, HRS (Note: Board members and staff entered the Microsoft Teams meeting).

A. In the Matter of the Motor Vehicle Repair Dealer License of LS Automotive Repair & Transmission LLC; ARP 2022-21-L; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

After due consideration of the information received, it was moved by Vice-Chairperson Carvalho, seconded by Mr. Kakehi, and unanimously carried to accept the aforementioned Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

Following the Board's review, deliberation, and decision on this matter pursuant to Chapter 91, HRS, Chairperson Figaroa announced that the Board reconvene to its Chapter 92, HRS, meeting at 1:25 p.m. Board members and staff returned to the Zoom meeting.

Chairperson Figaroa asked if anyone from the public would like to provide oral testimony on Chapter 91, Adjudicatory Matters.

It was reported that there were no members of the public who wished to provide testimony.

Licensing:

A. Applications:

The agenda was taken out of order given Mr. Lolagne and his guest were present to discuss his pending applications.

(iii) Tommy Frank Lolagne – Certified Mechanic / European Auto Tech, LLC – Motor Vehicle Repair Dealer

Mr. Lolagne described to the Board in detail his experience as a mechanic and as an owner of a motor vehicle repair shop.

He urged the Board to approve both his application for a mechanic license and motor vehicle repair license based on his G1 ASE certification, which he believes covers all

classifications of the ASE certification, and not just specific categories.

Mr. Lolagne went on to describe his experience and training in HVAC systems, and admitted that he is currently operating his motor vehicle repair shop successfully without an appropriate license.

Chair Figaroa advised Mr. Lolagne, and members agreed, that while empathetic towards his situation, unlicensed activity is not permissible.

Ms. Quiogue suggested that because Mr. Lolagne has two pending applications before the Board, the Board will consider enter into executive session to discuss this matter, at which time, the members will invite him into the executive session to discuss and ask questions regarding his pending applications.

It was moved by Mr. Lau, seconded by Vice-Chairperson Carvalho, and unanimously carried to enter into executive session at 1:31 p.m., pursuant to HRS §92-5(a)(1), to consider and evaluate personal information relating to individuals applying for professional licenses cited in 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):

- (iii) Tommy Frank Lolagne – Certified Mechanic / European Auto Tech, LLC – Motor Vehicle Repair Dealer

Mr. Lolagne and minor child entered the executive session at 1:32 p.m.

Mr. Lolagne and minor child exited the executive session at 1:37 p.m.

- (ii) Alan Ronald Balon – Certified Mechanic
- (i) Joseph L. Espaniola, IV – Certified Mechanic

It was moved by Chairperson Figaroa, seconded by Vice-Chairperson Carvalho, and unanimously carried to return to the open session meeting at 2:18 p.m. Board members and staff returned to the Zoom meeting.

The Board returned to its regular agenda.

A. Applications:

Joseph L. Espaniola, IV – Certified Mechanic

It was moved by Chairperson Figaroa, seconded by Mr. Kakehi, and unanimously carried to approve Mr. Espaniola's application.

(i) Alan Ronald Balon – Certified Mechanic

It was moved by Chairperson Figaroa, seconded by Vice-Chairperson Carvalho, and unanimously carried to place conditions on Mr. Balon's license, which was issued in error.

In particular, it was noted that Mr. Balon obtained the G1 ASE certification, which the Board does not recognize. The G1 ASE certification is a broad certification, which provides general knowledge, and not specialized knowledge in the classification or specialty that Mr. Balon seeks approval for – the A1 Auto/Light Truck Engine Repair.

As such, based on the foregoing, the Board hereby imposes the following conditions on Mr. Balon's conditional license:

1. Mr. Balon's mechanic license, License Number MC-9216 is hereby conditioned.
2. Mr. Balon has duly filed an application for a State mechanic license in accordance with Hawaii Revised Statutes section 437B-7 and HAR sections 16-87-25 and 16-87-26.
3. Mr. Balon is currently unable to obtain a full and unrestricted license in the State of Hawaii due to the requirement of holding the appropriate A1 Auto/Light Truck: Engine Repair ASE certification.
4. Upon issuance of, and submittal to the Board of proof of holding the A1 Auto/Light Truck: Engine Repair ASE certification, a full and unrestricted license may be issued by the Board.
5. Should Mr. Balon wish to have the conditions removed from his conditional mechanic license, he shall make a request in writing to the Board, at which time the Board would consider his request. When doing so, he shall provide evidence of holding the A1 Auto/Light Truck: Engine Repair ASE certification.

(ii) Tommy Frank Lolagne – Certified Mechanic / European Auto Tech, LLC – Motor Vehicle Repair Dealer

It was moved by Chairperson Figaroa, seconded by Mr. Lau, and unanimously carried to defer Mr. Lolagne's application for a mechanic license and the European Auto Tech, LLC's application for a motor vehicle repair dealer license.

The members noted that the Board does not recognize the G1 ASE certification. As such, Mr. Lolagne must obtain the appropriate recognized certification to receive a mechanic license with the appropriate classification(s).

Consequently, because Mr. Lolagne is listed as the certified mechanic or mechanic in charge of European Auto Tech, LLC's motor vehicle repair dealer application, this application must also be deferred. The Board may consider European Auto Tech, LLC's application if Mr. Lolagne is able to provide information, which reflects that there is a licensed mechanic in charge of the facility.

B. Ratifications

It was moved by Vice-Chairperson Carvalho, seconded by Mr. Kakehi, and unanimously carried to accept the following ratification lists:

(i) Repair Dealer (RD) Ratification List

RD-4480-0 GEOMECHTRIC LLC

(ii) Certified Mechanic (MC) Ratification List

MC-9203-0	NICHOLAS GRAYSON BUSCHER
MC-9197-0	CHASE YAMASHIRO
MC-9198-0	MANU TOKOMAATA
MC-9199-0	KRISTOPHER HITCHCOCK
MC-9200-0	SHAYNE ISSAC ZUPSICH
MC-9201-0	BRANDON K SANTOS
MC-9202-0	GERRY M DINONG
MC-9203-0	NICHOLAS GRAYSON BUSCHER
MC-9205-0	ERIC JOSEPH SMITH
MC-9206-0	JUNIOR A TABANGCURA
MC-9207-0	CAMILLE ANDREA BASA
MC-9208-0	ERIC ANSELMO AGUINALDO JR

MC-9209-0	EMILIANO C MACALIPIS
MC-9210-0	AARON D LUNDGREN
MC-9211-0	MICHAEL KANG-LONG WANG
MC-9212-0	BENNY B BENAVENTE JR
MC-9213-0	CORY HIROSHI TAKAMATSU
MC-9214-0	DEREK COLOMA LUCAS
MC-9215-0	JONATHAN ROBERT CORREA
MC-9217-0	TRAVIS A AMORAL

(iii) Motor Vehicle Repair Salvage Dealer (RDS)

None.

New Business: A. Delegation of Authority to Executive Officer to Approve Applications

Pursuant to HRS section 436B-8(b)(3), the Board will consider delegating to its Executive Officer the approval of: (1) applications that disclose a prior conviction not directly related to the practice (e.g., DUI, DWI, traffic violations, etc.); and (2) motor vehicle repair dealer/salvage dealer applications that do not include adverse or derogatory information.

Several members stated that the delegation to approve applications with prior alcohol-related or traffic incidents was delegated to the executive officer previously provide the conviction is not directly related to the practice. The executive officer may work with the Board Chairperson or another member to determine whether a matter is discretionary or not.

Mr. Takao mentioned that there are applications, that include information related to DUIs that are over 10 years old.

Ms. Ito asked if the Board would be comfortable with one DUI or limited number.

Chairperson Figaroa related that the Board discussed this matter before, and his position is that if the DUI is older than five years, and the terms of the conviction or traffic violation have been met (e.g., all fines paid, courses completed, etc.), then the executive officer may approve the application.

Discussion followed. It was moved by Chairperson Figaroa, seconded by Vice-Chairperson Carvalho, and unanimously carried to delegate to its executive officer the authority to approve applications, which disclose DUI/DWI convictions or traffic violations, provided that the conviction is 5 years or older, all terms have been met, and the conviction is not directly related to the practice.

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Executive Officer's Report: EO Takao will be retiring from State service after 30 years of service on August 31, 2022. Ms. Quiogue will serve as the EO and may reach out to the Board members for their expertise.

Next Meeting: To Be Determined.

Adjournment: There being no further business to discuss, the meeting was adjourned at 2:41 p.m.

Taken and recorded by:

/s/ LaJoy A. Lindsey

LaJoy A. Lindsey, Secretary

Reviewed and approved by:

/s/ Ahlani K. Quiogue

Licensing Administrator

AKQ:lal

8/14/22

Minutes approved as is.

Minutes approved with changes. See Minutes of _____.