

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: Wednesday, September 14, 2011
Time: 9:30 a.m.
Place: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Present: Steven J.T. Chow, Esq., Public Member, Chairperson
Roy Sasuga, Public Member, Vice-Chairperson
Swee Berkey, Public Member
Warren Higa, Industry Member
James Hirakawa, Industry Member
Alan Nakamura, Industry Member
Benjamin Waiolama, Public Member

Christine Rutkowski, Executive Officer
Rodney J. Tam, Deputy Attorney General
Alice Worthy, Secretary

Guests: None.

Call to Order: With the presence of quorum, Chairperson Chow called the meeting to order at 9:33 a.m.

Welcome New Board Member: Chairperson Chow welcomed new member Swee Berkey and asked her to give a brief summary of her background. Ms. Berkey is a law librarian at the UH law library, teaches legal research, and serves on various committees at the UH law library.

The Chairperson then asked Mr. Hirakawa and Mr. Waiolama to give brief summaries of their backgrounds. Mr. Hirakawa owns Palolo service station and has been in the business since 1944. Mr. Hirakawa volunteers at the Queen's Medical Center volunteer desk. He stated that he is an advocate for repair shops and the public. Mr. Waiolama retired after serving 35 years in the Army. Staff was introduced. The Chairperson and Executive Officer answered questions from Ms. Berkey regarding the Board and its function.

Agenda Additions/

Revisions: None.

Minutes of Previous Meeting: Minutes of the July 20, 2011 Meeting

It was moved by Mr. Sasuga, seconded by Mr. Hirakawa, and unanimously carried to approve the minutes as circulated.

Chair's Report: None.

Executive Officer's Report: Office of Information Practices – None.
Hawaii State Ethics Commission – None.

Other

The Executive Officer informed the members that the meeting schedule for 2012 is being worked on now, and asked the members if they are okay with the current meeting day and time. By consensus, members agreed that the current meeting day and time are fine.

The Executive Officer reported that board meeting minutes are now posted on-line for public access.

Chapter 91, HRS, Adjudicatory Matters:

The Chairperson called for a recess from the meeting at 9:48 a.m. to deliberate on the following adjudicatory matter, pursuant to Hawaii Revised Statutes ("HRS") Chapter 91.

In the Matter of the Motor Vehicle Repair Licenses of WESTERN MOTORS SERV INC., and ELVIN K. KAIKAPU, Respondents; ARP 2010-64-L – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

Deputy Attorney General Tam briefly summarized the above matter and a discussion followed.

After discussion, it was moved by Mr. Sasuga, seconded by Mr. Higa, and unanimously carried to approve the settlement agreement, in which:

1. Respondents do not admit to violating any law or rule, and enter into this settlement agreement as a compromise of the claims and to conserve the expense of a hearing.
2. Terms of Settlement
 - Respondents agree to pay a fine in the amount of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00).
 - If Respondents fail to fully and timely pay the fine as set forth in this settlement agreement, Respondents' licenses shall be automatically revoked upon RICO's filing of an affidavit with the Board attesting to such failure. In case of

such revocation, Respondents understand that Respondents cannot apply for a new license until the expiration of at least five (5) years after the effective date of the revocation. Respondents understand that if Respondents desire to become licensed again, Respondents must apply to the Board for new licenses pursuant to and subject to HRS §§92-17, 436B-21 and all other applicable laws and rules in effect at that time.

At 9:54 a.m., the Chairperson announced that the Board would return to its regular order of business.

Licensing: Applications – None.

Ratification

The Board members reviewed the ratification lists for motor vehicle repair dealer and motor vehicle mechanic licenses. Upon a motion by Mr. Sasuga, seconded by Mr. Higa, it was unanimously carried to ratify the lists (attached).

New Business: RICO Motor Vehicle Repair Advisory Committee – 2010 Term and Addendum Language

Board members reviewed the list of advisory committee members and the addendum language. Upon a motion by Mr. Sasuga, seconded by Ms. Berkey, it was unanimously carried to approve the list and the addendum language (attached).

Unfinished Business:

Mr. Higa asked the Executive Officer the status on the suspensions of the motor vehicle dealer's license of Kinoole Auto Care, Inc. and the motor vehicle mechanic's license of Ralph E. Fujiyama. He wanted to know if the shop was still in business or had been closed. The Executive Officer stated that she did not know; that it is assumed that the respondents are in compliance with the terms of the Board's Final Order. Once the final order is issued it is assumed that the Respondents are in compliance with the order.

Other Organizations:

Discussions continued on the existing contract with HCC regarding the motor vehicle certification program.

The Executive Officer stated that the contract is between the Board and UH to provide services under the motor vehicle certification program. HCC has had a difficult time keeping up with the terms of the contract, and they quit leaving the staff little time to look into what is needed to replace them. UH Office of Research Service Contract Specialist indicates that the Board, not UH, would be required to locate a program and principal investigator to oversee the contract. Further, that UH will not enter into a contract without both the program and the principal investigator.

Board members discussed that this would be a good time for the Board to review the contract to see if the terms are out of date, and it could be that UH is not needed any more. The Board may consider looking at changing the law to delete the UH requirement from the statute. There was further discussion about whether proposed legislation of this nature would fit in with the current administration's philosophy.

Correspondence: None.

Next Meeting: Wednesday, November 16, 2011
9:30 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
Honolulu, Hawaii 96813

Adjournment: The meeting adjourned at 10:23 a.m.

Taken and recorded by:



Alice Worthy, Secretary

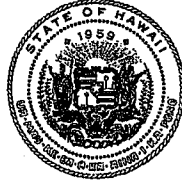
Reviewed and approved by:



Christine Rutkowski
Executive Officer

CR:aw
10/14/11

[] Minutes approved as is.
[✓] Minutes approved with changes; see minutes of 11-16-11.



NEIL ABERCROMBIE
GOVERNOR

BRIAN SCHATZ
LIEUTENANT GOVERNOR

KEALI'I S. LOPEZ
DIRECTOR
DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS

JO ANN M. UCHIDA
COMPLAINTS AND
ENFORCEMENT OFFICER

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REGULATED INDUSTRIES COMPLAINTS OFFICE ("RICO")
MOTOR REPAIR VEHICLE ADVISORY COMMITTEE
EFFECTIVE JANUARY 1, 2012

BIG ISLAND

James K. Nakagawa
Michael T. Saito

MAUI

Max W. Ferris
Thomas K. Hussey
Dwight H. Matsumoto
Kyle Takushi

OAHU

Richard K. Awakuni
Anthony M. Campbell
Buster M. Komori
Gilbert K. Matsumoto
Kyle T. Metcalf
Kevin K. Okawa
Howard T. Osedo
Keith K. Takenouchi
Franklin K.P. Young

ADDENDUM TO RICO MOTOR VEHICLE REPAIR INDUSTRY ADVISORY
COMMITTEE LIST

The Motor Vehicle Repair Industry Advisory Committee also includes any additional interim appointees that RICO deems necessary to aid in its investigations.

LTYPE	LIC NUM	BP NAME PART 1
MC	8443	GREGORY W <MCPHERSON<
MC	8444	RODRICK A <CAMPOS<
MC	8445	JEREMY J <SCHMIDT<
MC	8446	HENDRICK <ASUNCION<
MC	8447	DANIEL L <MATSAMURA<
MC	8449	JUNEL V <BUTAC<
MC	8450	JASON T <MIURA<
MC	8451	BRADLEY J <BURGESS<
MC	8452	OWEN I <NAKAOKA<
MC	8453	DANE W <FERNANDEZ<
MC	8454	DANIEL K M <MENDES< III

LTYPE	LIC NUM	BP NAME PART 1
RD	4156	ELLSWORTH'S CUSTOM CYCLES LLC
RD	4157	KEVIN'S AUTO REPAIR INC
RD	4158	808 DIESEL SPECIALISTS LLC
RD	4159	THE SHOP LLC
RD	4160	MAUI AUTOMOTIVE LLC
RD	4161	TNR PARTNERS LLC