

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, January 11, 2012
Time: 9:30 a.m.
Place: King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Present: Roy Sasuga, Public Member, Vice-Chairperson
Swee Berkey, Public Member
Warren Higa, Industry Member
James Hiramawa, Industry Member
Alan Nakamura, Industry Member
Benjamin Waiolama, Public Member

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

Excused: Steven J.T. Chow, Esq., Public Member, Chairperson

Guests: Ralph E. Fujiyama, Licensee
Nelson H. Kinoshita, Attorney for Ralph Fujiyama
Bobbi Lum-Mew, RICO Staff Attorney

Call to Order: With the presence of quorum, Vice-Chairperson Sasuga called the meeting to order at 9:36 a.m.

Agenda Additions/ The Executive Officer requested that the following item be added
Revisions: to the agenda under Item 8. New Business: 2012 Legislative Session.

Upon a motion by Mr. Nakamura, seconded by Mr. Higa, it was unanimously carried to add the following item to the agenda under item 8. New Business: 2012 Legislative Session.

Minutes of Previous Meeting: Minutes of the November 16, 2011 Meeting

It was moved by Mr. Higa, seconded by Mr. Hiramawa, 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 introduced Mr. Kenyatta Nichols, who has recently joined the PVL staff as an executive officer. Mr. Nichols will be observing today's meeting.

Vice-Chairperson Sasuga announced that the agenda would be taken out of order.

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. Higa, seconded by Mr. Nakamura, it was unanimously carried to ratify the lists (attached).

New Business: 2012 Legislative Session

There was discussion on the Board's legislative delegate for the 2012 legislative session. Board members briefly discussed the upcoming legislative session and the possibility that Board input may be required on bills that could impact the Board's program of work. The Board further discussed the logistics involved in convening a meeting, establishing a quorum of members, the requirement to file an agenda, etc., and the impact on the Board's ability to deliver its comments in a timely manner. Mr. Higa and Mr. Nakamura volunteered to be the Board's delegates. The Executive Officer thanked Mr. Higa and Mr. Nakamura for volunteering.

After discussion, it was moved by Ms. Berkey, seconded by Mr. Hiraakawa, and unanimously carried to appoint Mr. Higa as the Board's representative, and that he be authorized to handle legislative matters on behalf of the Board, including being the contact person to give comment on bills, and delivering testimonies at the legislature as needed, with Mr. Nakamura as Mr. Higa's backup.

Vice-Chairperson Sasuga announced that the Board would return to the order of the agenda.

At 9:46 a.m., it was moved by Mr. Sasuga, seconded by Ms. Berkey, and unanimously carried to enter into Executive Session to consider and evaluate personal information relating to the individual applying for licensure in accordance with Chapter 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 Chapter 92-5(a) (4), Hawaii Revised Statutes.

EXECUTIVE SESSION

In the Matter of the Motor Vehicle Repair Dealer's License of
770 Kinoole Auto Care, Inc., and In the Matter of the Motor
Vehicle Mechanic's License of Ralph E. Fujiyama

At 10:14 a.m., it was moved by Ms. Berkey, seconded by Mr. Nakamura, and unanimously carried to return to the Board's regular order of business.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chairperson called for a recess from the meeting at 10:15 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 Dealer's License of 770 KINOOLE AUTO CARE, INC., and In the Matter of the Motor Vehicle Mechanic's License of RALPH E. FUJIYAMA, Respondents; ARP 2006-74-L; ARP 2007-22-L; ARP 2007-41-L; and ARP 2007-86-L; ARP 2008-64-L - Motion for Reconsideration of the Board's Final Order for Non-Compliance with Two Previous Settlement Agreements, filed August 25, 2011; Memorandum in Support of Motion; Affidavit of Ralph E. Fujiyama; Exhibit "A"; Notice of Hearing; and Memorandum in Opposition to Respondents' Motion for Reconsideration of the Board's Final Order for Non-Compliance with Two Previous Settlement Agreements; Affidavit of Bobbi W.Y. Lum-Mew; Exhibit "A"

Previously, the Board approved two settlement agreements in which Respondents agreed to comply with the terms of those agreements. Respondents also agreed that if they failed to comply, their licenses would be suspended for one year, without a hearing, upon RICO's filing of an affidavit that Respondents failed to comply. As a result of Respondents non-compliance, RICO filed an affidavit and the Board suspended Respondents' licenses. Respondents are now requesting reconsideration and RICO is opposing the motion.

Mr. Nelson Kinoshita, attorney for Respondents, appeared before the Board on behalf of his clients. Mr. Kinoshita briefly explained that his client does comply with the law and gives his customers the written estimate of labor and parts before doing the work. He provided the Board with additional documents, which the Board reviewed. Mr. Kinoshita stated that the Board should not suspend Respondents' licenses.

Bobbi Lum-Mew, RICO staff attorney, also appeared before the Board. Ms. Lum-Mew stated that Respondents failed to comply with the terms of the agreements, and RICO notified the Board of this failure. Ms. Lum-Mew said that RICO maintains that licensees comply with the law. Ultimately, it is up to the Board to decide on sanctions.

At 10:41 a.m., Vice-Chairperson Sasuga asked that the parties be excused from the meeting for the Board to deliberate with its Deputy Attorney General.

At 11:10 a.m., Vice-Chairperson Sasuga resumed the meeting, at which time the parties returned to the meeting room.

After discussion, a motion was made by Mr. Higa to rescind the Board's Final Order based on additional evidence submitted at today's meeting. The motion died.

After further discussion, it was moved by Mr. Sasuga, seconded by Ms. Berkey, and carried by a majority vote (Mr. Higa opposed), to deny Respondent's Motion for Reconsideration and confirm that the Board's Final Order in this matter is the decision of record.

At 11:18 a.m., the Chairperson announced that the Board would return to its regular order of business.

Unfinished

Business: None.

Other

Organizations: None.

Correspondence: None.

Next Meeting: Wednesday, March 21, 2012
9:30 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
Honolulu, Hawaii 96813

Adjournment: The meeting adjourned at 11:19 a.m.

Taken and recorded by:

/s/ Alice Worthy

Alice Worthy, Secretary

Reviewed and approved by:

/s/ Christine Rutkowski

Christine Rutkowski
Executive Officer

CR:aw
2/10/12

[X] Minutes approved as is.
[] Minutes approved with changes; see minutes of _____.

VLI_LICENSE_VIEW

Monday January 09, 2012

LTYPE	LIC NUM	BP NAME PART 1
RD	4162	GRANT M <HIGA<
RD	4163	BRANDON M <LAU<
RD	4164	HAWAIIAN ISLAND TIRE CO INC
RD	4165	RAY'S SOUTH MAUI CHOPPERS LLC
RD	4166	ISLAND FLEET SERVICES
RD	4167	TONY HAWAII AUTOMOTIVE GROUP LTD
RD	4168	GRACE AUTOMOTIVE LLC
RD	4169	TNR PARTNERS LLC
RD	4171	SKULLYZ KUZTOM SKOOTS LIMITED LIABILITY COMPANY

VLI_LICENSE_VIEW

Monday January 09, 2012

LTYPE	LIC NUM	BP NAME PART 1
MC	8455	MELVIN P <LOPEZ<
MC	8456	SHERWIN K <YAMASAKI<
MC	8457	KALEOMANAO K <LOANDO<
MC	8458	BRANDON M <CHANG<
MC	8459	JAYSEN S <KUSHI<
MC	8460	GAGE Y <YAHATA<
MC	8461	EDWARD D <ABE<
MC	8462	HERMAN J <CALASA< III
MC	8463	LORIN M <GIMA<
MC	8464	STEVEN G <NEVLING<
MC	8465	ROGELIO A <BULSECO< JR
MC	8466	JONATHAN T <VERSOLA<
MC	8467	DEREK C <PACE<
MC	8468	KABEL B <GEBEKE<