

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, February 19, 2013
Time: 9:00 a.m.
Place: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Present: Werner Umbhau, Public Member, Chairperson
Russell Y. J. Chung, Public Member
Carl D. Johnsen, Public Member
Dennis Short, Industry Member
Donald Touchi, Public Member
Bill van den Hurk, Industry Member
Christine Rutkowski, Executive Officer
Rodney J. Tam, Deputy Attorney General
Alice Worthy, Secretary

Absent: Stan Masamitsu, Industry Member, Vice-Chairperson

Guests: Azad Tirgardoon, Auto Dealer-Voyager Auto Sales
John Gillmor
Charisse Perry, Applicant
Jo Ann Uchida Takeuchi, Deputy Director, DCCA
Kimo Pierce, HIADA
Dave Rolf, HADA

Call to Order: Chairperson Umbhau called the meeting to order at 9:09 a.m., at which time quorum was established.

Introduction of Deputy Director: Deputy Director Jo Ann Uchida Takeuchi introduced herself to the Board, and thanked the Board for the opportunity to address them.

She stated that the director's office has an open door policy; that it's important to interact with the members and to understand their roles regarding the overall licensing process.

She assured the members that the director's office is cognizant of their busy schedules and thanked the members for their time. She extended an open invitation to the members to contact the director's office if they have any questions.

She stated that it is important to keep the line of communication open and if members have any questions, concerns or issues to bring them to the executive officer's attention.

She then asked the members if they had any questions.

Chairperson Umbhau thanked Deputy Director Takeuchi for visiting with the Board.

Additions/Revisions
to Agenda:

Additional distribution relating to agenda item 8.b. for Charisse Perry

Approval of Minutes
of Previous Meeting:

It was moved by Mr. Touchi, seconded by Mr. van den Hurk, and unanimously carried to approve the meeting minutes of December 11, 2012 as circulated.

Chair's Report:

None.

Executive Officer's
Report:

None.

Chapter 91, HRS
Adjudicatory
Matters:

The Chairperson called for a recess from the meeting at 9:18 a.m. to deliberate on the following adjudicatory matter, pursuant to Hawaii Revised Statutes ("HRS") Chapter 91.

In the Matter of the Motor Vehicle Salesperson's License of SEAN K. ORNELLAS, Respondent; MVI 2012-38-L – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

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

After discussion, it was moved by Mr. Johnsen, seconded by Mr. van den Hurk, and unanimously carried to approve the settlement agreement in which:

1. Respondent does not admit to violating any law or rule. Respondent enters into this settlement strictly as a compromise and in order to conserve on the expense of proceeding with an administrative hearing.
2. Respondent agrees to the voluntary surrender of Respondent's license, which shall become effective immediately upon the Board's approval of the Settlement Agreement. Respondent understands that Respondent cannot apply for a new license until the expiration of at least five (5) years from the effective date of the license. Respondent understands that if Respondent desires to become licensed again, Respondent must apply to the Board for a new license, pursuant to and subject to all applicable laws and rules in effect at the time.

At 9:22 a.m., it was moved by Mr. Touchi, seconded by Mr. Chung, 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

At 10:41 a.m., it was moved by Mr. Short, seconded by Mr. van den Hurk, and unanimously carried to return to the Board's regular order of business.

Licensing:

Ratifications

Motor Vehicle Salespersons Transfers

Motor Vehicle Salespersons License

Motor Vehicle Dealer Relocation License

Motor Vehicle Dealers License

Motor Vehicle Distributor License

Motor Vehicle Manufacturer License

Motor Vehicle Auction

Motor Vehicle Consumer Consultant

Upon a motion by Mr. Touchi, seconded by Mr. Chung, it was unanimously carried to ratify the above lists for the licenses sought (as attached).

Applications

Charisse Perry – Motor Vehicle Salesperson

Board members reviewed the application and documents submitted by applicant.

After some discussion, it was moved by Mr. Touchi, seconded by Mr. Johnsen, and unanimously carried to deny the license application for a motor vehicle salesperson's license for Charisse Perry on the basis of §436B-19(14), HRS.

Colton Brennan – Motor Vehicle Salesperson

Board members reviewed the application and documents submitted. Board members noted that the applicant did not submit required documents and that the application was incomplete.

It was moved by Mr. van den Hurk, seconded by Mr. Touchi, and unanimously carried to defer this matter subject to the submittal of additional information.

Aloha Car Deals LLC – Motor Vehicle Dealer

Board members reviewed the application and found that more information was necessary.

It was moved by Mr. van den Hurk, seconded by Mr. Touchi, and unanimously carried to defer this matter subject to the submittal of additional information, regarding the premises as per §437-11, HRS.

Correspondence: None.

New Business: 2013 Legislative Session

S.B. No. 618, Relating to the Motor Vehicle Industry Licensing Act
H.B. No. 572, Relating to the Motor Vehicle Industry Licensing Act

The Executive Officer reported that S.B. No. 618 was not scheduled for hearing; therefore, the bill is done for the session.

The Executive Officer reported that H.B. No. 572 was heard on February 8, 2013 by the House Committee on Transportation which deferred the measure. Therefore, this bill is done for the session. As information, this bill is the same bill that was introduced last session.

GM 610 – Don Touchi
GM 517 – William van den Hurk

Confirmation hearings are scheduled for Wednesday, February 27, 2013. Mr. Touchi, who is currently serving as a holdover, is up for reappointment. Mr. van den Hurk, who is currently serving on an interim basis, is up for appointment.

Circuit Court Judgments and Final Orders Against Unlicensed Activity

C & C Auto Group, Inc. dba Cutter Mazda dba Cutter Mazda
of Waipahu
Cutter Chrysler Jeep Dodge Inc. dba Cutter Chrysler Jeep Dodge
of Honolulu
Cutter CJD Inc. dba Cutter Chrysler Jeep Dodge of Pearl City
GAC Auto Group, Inc. dba Cutter Mazda of Honolulu
C & C Auto Group, Inc. dba Cutter Mazda dba Cutter Mazda of
Waipahu

The Executive Officer reported that RICO filed actions for consent judgments against various motor vehicle dealers for unlicensed activity. The court ordered that the dealers pay a fine and not engage in the business until it obtains a license. Board members were provided copies

of the court documents for their information. A list of these actions can be viewed at www.hawaii.gov/dcca/rico.

HIADA:

Kimo Pierce stated that recently HIADA experienced a change in officers. He related that he will now be HIADA's legislative liaison with the Board. On behalf of HIADA, he apologized to the Board for not first approaching the Board with its 2013 legislative initiative. He stated that HIADA understands the need to work with both HADA and the Board so that the parties are on the same page and can address one another's concerns. He stated that HIADA wants to move forward and begin working on an initiative for 2014.

Mr. Pierce stated that HIADA wants to address the following:

Premises of used car dealers. He cited to the lack of pre-license inspections that result in some dealers doing MVD activity from non-conforming sites, such as Waikiki district and agriculture land. He said that before a law change, all MVD's were required to have the dealerships inspected. He added that HIADA understands the State's concerns with funding and resources.

Mr. Azad Tirgardoorn stated checking the Waikiki district is so easy and since Mr. Pierce would be willing to provide a map, DCCA can easily check the map for the address.

Mr. Pierce was asked if he would be present at the Board meetings regarding discussions on legislative issues and he responded that yes he would be in attendance.

Other issues discussed dealt with liability insurance for new and used car dealers, zoning, increase in fees for applications for licenses and renewals, and increasing the value of the bond to \$100,000.

Chair Umbhau stated that the HADA and HIADA must work together and work towards the impact on the Board, industry and consumers.

Mr. van den Hurk volunteered to work with HIADA/HADA on proposed legislation for 2014, and present the proposals to the Board for review and discussion.

Unfinished
Business:

None.

Open Forum:

Dave Rolf expressed concerns regarding H.B. 189 and S.B. 1295, relating to gender equity on boards and commissions and its effect on the Industry Board. The bills propose equal gender representation when nominating and appointing members to a board or commission.

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Next Meeting: Tuesday, April 16, 2013
9:00 a.m.
Queen Liliuokalani Conference Room
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Adjournment: There being no further business to discuss, the meeting adjourned at
11:28 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
3/21/13

[X] Minutes approved as is.

[] Minutes approved with changes. See Minutes of _____.

APPLICATIONS FOR SALESPERSON'S TRANSFERS**Tuesday, February 19, 2013****HONOLULU**

ANCHETA, MANUEL			HAWAII NISSAN INC		
BELL, SCOTT			VOLVO OF HONOLULU		
BRONS, JOHN			ALOHA AUTO GROUP LTD		
CHAU, MICHAEL			HONOLULU FORD INC		
DEAN, AIYAZ			CUTTER BUICK GMC INC		
DELLAPENNA, JOSEPH			KING WINDWARD NISSAN		
OBATAY, LOKELANI			KING WINDWARD NISSAN		
FINLEY, HOWARD			KING WINDWARD NISSAN		
FRANCE, LORENZO			KING WINDWARD NISSAN		
FLOWERS, LADONNE			GAC AUTO GROUP INC		
GERALDS, DARRYL			VOLVO OF HONOLULU		
GOSHI, BRODI			VOLVO OF HONOLULU		
HIGA, BRYSON			SERVCO PACIFIC INC		
HIRATA, KENNETH			CUTTER CJD INC		
HO, HUY			WINDWARD AUTO SALES INC		
HO, HUY			HAWAII NISSAN INC		
JACKSON, MARC			VOLVO OF HONOLULU		
JORDAO, ROGERIO			SERVCO PACIFIC INC		
JOSLIN, LISA-ANN			PACIFIC NISSAN DBA TONY NISSAN		
KINGSLEY, SANG			HONOLULU FORD INC		
KIM, MICHAEL			ALOHA AUTO GROUP LTD		
KOZLIK, MARTIN			VOLVO OF HONOLULU		
MULLIGAN, MELVIN			HAWAII NISSAN INC		
NAUGHTON, TOM			CUTTER BUICK GMC INC		
NAUGHTON, TOM			STOEBNER HOLDINGS INC		
NERO, JEROME			RAINBOW CHEVROLET INC		
ORONA, RENE			J/R MOTORS 744 LLC		
PEDERSEN, KEITH			ALOHA AUTO GROUP LTD		
PESTANO, DEAN			ALOHA KIA LEEWARD		
PESTANO, DEAN			ALOHA AUTO GROUP LTD		
PRICE, MARK			CUTTER CJD INC		
PURDY, TRAVIS			SERVCO PACIFIC INC		
RULE, GAWNIE			CUTTER FORD INC		
SAKUMA, DAVID			SERVCO PACIFIC INC		
SARVER, MICHAEL			M&g AUTOMOTIVE GROUP		
SANTIAGO JR, ANGEL			VOLVO OF HONOLULU		
SAWICZ, SANDRA			KING WINDWARD NISSAN		
SHERMAN, MARK			JN GROUP INC		
SEINFELD, ANDREW			KING WINDWARD NISSAN		
SLEVIN, BRIAN			VOLVO OF HONOLULU		
SMITH, MICAH			VOLVO OF HONOLULU		
SOFFA, JORDAN			ALOHA AUTO GROUP LTD		
TANUVASA, LENE			VOLVO OF HONOLULU		
THIESSEN, TY			VOLVO OF HONOLULU		
TRAPP, ARIC			STOEBNER HOLDINGS INC		
VEIZAGA, ERICK			HAWAII AUTOMOTIVE LLC		
WESTERVELT, NICHOLAS			MAKENA HAWAII WINDWARD		
YOUNG, JONATHAN			KING WINDWARD NISSAN		
WOOD, KENNETH			VOLVO OF HONOLULU		

LTYPE	REMARK	VAT_02_BPR_LEGAL_NAME_1
CS	HAWAII AUTOMOTIVE LLC	OAHU RYAN L <ABREGANO<
CS	AUTOMART USA	OAHU MANUEL C <ANCHETA<
CS	KITAGAWA MOTORS INC	MAUI RYAN D <ANDERSON<
CS	JR HILO ACQUISITION	BIG ISLAND LON K <APAKA<
CS	BIS ISLAND SCRAP METAL	BIG ISLAND WENDELL K <APAO< JR
CS	CUTTER CHRYSLER JEEP DODGE	OAHU CHRISTOPHER J <ASMAN<
CS	ALOHA AUTO GROUP	OAHU MICHAEL J <BALAI<
CS	A-1 AUTO SALES LLC	OAHU CARINA E <BEDNARZ<
CS	WINDWARD AUTO SALES	OAHU JAKOB J <BERNIER<
CS	ALOHA AUTO GROUP	OAHU SANDRA G <BERSON<
CS	CUTTER CHRYSLER JEEP	OAHU ROBERT E <BINNIE<
CS	ABC AUTO CENTER	OAHU MELVIN L <BOBILES< JR
CS	HAWAII AUTOMOTIVE RTLING GRP	OAHU CHRISTINA M <BROWN<
CS	TONY HAWAII CORP	OAHU JUAN <BRYAN<
CS	JN GROUP INC	OAHU RICHARD D <BURTON<
CS	ALOHA AUTO GROUP LTD	BIG ISLAND DAVID J <CHENDORAIN<
CS	ALOHA AUTO GROUP LTD	OAHU OLIVIA K N <CHING<
CS	ALOHA AUTO GROUP LTD	OAHU TANYA-LYNN K <COOPER<
CS	CUTTER FORD	OAHU CHRISTIAN J G <DADULLA<
CS	A-1 AUTO SALES INC	OAHU DAVID W <DASH<
CS	FRANK THE USED CAR GUY LLC	OAHU RORY A <DAY<
CS	RAINBOW CHEVROLET INC	OAHU ROEL MICHAEL-THOMLEY <DE JESUS<
CS	ALOHA AUTO GROUP	OAHU JOHN G <DRAGOMANOVICH<
CS	ALOHA AUTO GROUP	OAHU ABDI A <EBRAHIMI<
CS	HONOLULU FORD INC	OAHU AUSTIN J <FALETUFUGA<
CS	ALOHA AUTO GROUP LTD	OAHU LOKELANI M <FARLEY OBATAY<
CS	CUTTER BUICK GMC INC	OAHU LOKAHI T <FERNANDEZ<
CS	INTER PACIFIC MOTORS	BIG ISLAND DUKE A <FERREIRA<
CS	INTER PACIFIC MOTORS INC	BIG ISLAND AMANDA L <FRIETAS<
CS	ALOHA AUTO GROUP	OAHU JAMIELYN W <GALVESO<
CS	VALLEY ISLE MOTORS	MAUI SEBASTIAN L <GOMEZ<
CS	BIG ISLAND SCRAP METAL	BIG ISLAND CODY K <HENRIQUES<
CS	ALOHA AUTO GROUP	OAHU RYAN S <HOYLE<
CS	GAC AUTO GROUP	OAHU ROY I <INOUYE<
CS	CUTTER CJD INC	OAHU SHAYNE K H K <JOHNSON<
CS	A-1 AUTO SALES LLC	OAHU MORGAN R <KAVANAUGH<
CS	CUTTER BUICK GMC INC	OAHU CHARLTON <KEKAUALUA<
CS	ALOHA AUTO GROUP	OAHU WIM K S <KOKI<
CS	WAIPAHU AUTO SALES LLC	OAHU LYNDON J <LAMPHERE<
CS	ALOHA AUTO GROUP LTD	OAHU SOFFA <LAWRENCE<
CS	HAWAII AUTOMOTIVE RTLING	OAHU ANTHONY P <LEDERER< JR
CS	HARBOR MOTORS INC	KAUAI WILLIS L <LEE<
CS	JP AUTOMOBILES INC	OAHU SHERMAN <LEUNG<
CS	CUTTER CHRYSLER JEEP DODGE	OAHU K C <LOESCH<
CS	CUTTER BUICK GMC INC	OAHU TAVITA T <LOGOTABAO<
CS	CUTTER CHRYSLER JEEP	OAHU IZUCHUKWU O <MBA<
CS	JR HILO ACQUISITION	BIG ISLAND MICHAEL S <MICKEY<
CS	CUTTER CJD INC	OAHU TERRALL J <MILLER<
CS	ALOHA AUTO GROUP LTD	OAHU KELLY W <MITCHAM<
CS	HAWAII NISSAN INC	OAHU LLOYD S <MITCHELL<
CS	VALLEY ISLE MOTORS	MAUI KEVIN P <MOLLOY<
CS	CUTTER CJD INC	OAHU ROBERT J <MURPHY<
CS	TONY HAWAII CORP	OAHU HAI TUAN <NGUYEN<
CS	HAWAII AUTOMOTIVE RTLING GRP	OAHU CAMERON L <NICKEL<
CS	MAUI AUTOMOTIVE LLC	MAUI RAMON K <OROZCO<
CS	HONOLULU FORD INC	OAHU SHANTELL M <ORTIZ<
CS	HILO AUTO SALES LLC	BIG ISLAND COLLEEN P <OTANI<

LTYPE REMARK

VAT_02_BPR_LEGAL_NAME_1

LTYPE	REMARK	VAT_02_BPR_LEGAL_NAME_1
CS	HILO AUTO SALES LLC	BIG ISLAND RICHARD N <OTANI< JR
CS	GAC AUTO GROUP	OAHU MICHAEL A <PASCUA<
CS	MIDPAC AUTO CENTER	KAUAI ERIK W <PAUL<
CS	HAWAII AUTOMOTIVE RTLIN GRP	OAHU DEAN L <PESTANO<
CS	CUTTER CJD INC	OAHU MOSES <PILLA< JR
CS	TONY HAWAII AUTOMOTIVE	OAHU RYAN C <RIVEIRA<
CS	TONY HAWAII AUTOMOTIVE GRP	OAHU JON B <RUBIO<
CS	SOUTH SEAS CYCLE	OAHU ASHLEY L <SANTIAGO<
CS	RAINBOW CHEVROLET	OAHU JAMIE L <SCHAKE<
CS	REMARKET SVCS OF HI	OAHU STEVEN K <SERRAO<
CS	J/R MOTORS 744 LLC	OAHU ROBERT T <SMITH<
CS	A-1 AUTO SALES LLC	OAHU JUSTIN <SOLOMON<
CS	HONOLULU FORD INC	OAHU JEREMY L <SPAULDING<
CS	JN GROUP INC	OAHU JONATHAN A <SPRINKLE<
CS	JN GROUP INC	OAHU JIMMIE L <STEWART< JR
CS	INTER PACIFIC MOTORS INC	BIG ISLAND BRANDON I <TOMONO<
CS	AUTOMART USA	OAHU ERICK A <VEIZAGA<
CS	ALOHA AUTO GROUP	OAHU JOHN P <WARING<
CS	HAWAII AUTOMOTIVE RTLING GRP	OAHU HAYDEN R <WEIGHNER<
CS	HAWAII AUTOMOTIVE RTLING	OAHU BRIAN B <WONG<
CS	SERVCO SUBURA INC	OAHU REX L <YAMAGUCHI<
CS	CAPITOL AUTO CONNECTION LLC	OAHU THOMAS <YANCHUK<
CS	HAWTHORNE PACIFIC CORP	OAHU JAY M <YASUMIISHI<
CS	HAWTHORNE PACIFIC CORP	OAHU CLIFFORD K F <YUEN<

LTYPE	LIC NUM	BUSN	ST	BUSN ZIP	BP NAME PART 1
MVD	973	HI	96720	HILO AUTO SALES LLC	
MVD	974	HI	96819	CAPITOL AUTO CONNECTION LLC	
MVD	975	HI	96761	ALOHA MOTORSPORTS LLC	
MVD	976	HI	96813	ENVY HAWAII LLC	

Distributor

DIS	147	TX	78258	GARIA INC
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Manufacturer

F	157	WI	54901	OSHKOSH CORPORATION
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