

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, June 18, 2013  
Time: 9:00 a.m.  
Place: Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> 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  
Christine Rutkowski, Executive Officer  
Rodney J. Tam, Deputy Attorney General  
Alice Worthy, Secretary

Excused: Stan Masamitsu, Industry Member, Vice-Chairperson

Guests: Mario Diaz, Applicant (JN Automotive)  
John Cerizo, Applicant (Cutter Automotive)  
Dave Rolf, HADA  
Denise Soderholm, Soderholm Sales & Leasing, Inc.  
Jeff Miller, Attorney for Soderholm  
Kimo Pierce, HIADA

Call to Order: Chairperson Umbhau called the meeting to order at 9:10 a.m., at which time quorum was established.

Aloha and Mahalo: Chairperson Umbhau reported that Mr. van den Hurk has resigned as a member of the Board effective April 24, 2013, and expressed his thanks to Mr. van den Hurk for his contributions to the Board for the short time that he served on the Board.

The Executive Officer stated that today was Mr. Chung's last meeting as his term expires on June 30, 2013. Mr. Chung has served on the Board for eight consecutive years. She expressed her gratitude and thanks for his contributions to the Board.

Additions/Revisions to Agenda: It was moved by Mr. Touchi, seconded by Mr. Short, and unanimously carried to add the following items to the agenda under item 8.b., Applications:

Nicole P. Thompson – Motor Vehicle Salesperson  
Derrick B. Bautista – Motor Vehicle Salesperson  
John Cerizo – Motor Vehicle Salesperson

Approval of Minutes of Previous Meeting: It was moved by Mr. Touchi, seconded by Mr. Chung, and unanimously carried to approve the meeting minutes of April 16, 2013, as circulated.

Chair's Report: Chairperson Uhmbau expressed his thanks to Mr. Chung for his contributions to the Board for the past eight years, and presented Mr. Chung with a Certificate of Appreciation.

Executive Officer's Report: The Executive Officer stated that Board members should have already filed their Financial Disclosure Statements with the Ethics Commission. It was mentioned that in addition to filing online, it can also be done via email. The Commission's website is <http://hawaii.gov/ethics>. Members should call the Ethics Commission if they have any questions.

Chapter 91, HRS Adjudicatory Matters:

None.

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

Chair Umbhau informed the members that the agenda would be taken out of order.

Unfinished Business: Email request from Erik Soderholm regarding HRS 437 requirement that the Department or Director has the right to grant a motor vehicle dealer, franchise or motor vehicle manufacturer license prior to a vote from the Board – Deferred from April 16, 2013 Meeting

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Denise Soderholm appeared before the Board along with her attorney, Jeff Miller. Ms. Soderholm said that Erik Soderholm was not available for today's meeting. Ms. Soderholm asked why the license applications

for manufacturers/distributors are approved at the staff level and not by the Board at a Board meeting. They do not object to the processing of the applications, but object to approvals being handled at the staff level.

The Executive Officer stated that this matter was deferred from the April 16, 2013 meeting and gave a brief summary of the discussion with Erik Soderholm at the last meeting. Deputy Attorney General Tam stated that he would review the matter and report back at today's meeting.

Deputy Attorney General Tam read out loud §437-7(f)(1) through (5), HRS.

Deputy Attorney General Tam also cited to §436B-8, HRS, regarding the Board's delegation of authority to the Executive Officer to perform ministerial functions. It has been the Board's practice to delegate the ministerial functions to the Executive Officer. He said that the manufacturer and distributor requirements for licensure are ministerial. Mr. Miller stated that he did not agree and will consider taking up this matter in the future.

Upon a motion by Mr. Touchi and seconded by Mr. Johnsen, it was unanimously carried to delegate to the Executive Officer the authority to approve all license applications for manufacturers and distributors as long as all requirements have been satisfied.

Licensing:

Applications

Ameritrans Bus, Inc. – Motor Vehicle Manufacturer

Board members reviewed the application and documents submitted.

The Executive Officer stated that she had received an email from Ameritrans on April 17, 2013 requesting their application to be placed on today's agenda. She further stated that the application and supporting documents are in order and that applicant has met all the requirements.

With a motion by Mr. Johnson, seconded by Mr. Touchi and unanimously carried, the application for a motor vehicle manufacturer's license for Ameritrans Bus, Inc. was approved and said license is effective as of today, June 18, 2013.

At 9:35 a.m., it was moved by Mr. Short, seconded by Mr. Touchi, 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

Gary S. Twombly – Motor Vehicle Salesperson  
Mario R. Diaz III – Motor Vehicle Salesperson

At 9:58 a.m., it was moved by Mr. Short, seconded by Mr. Johnsen, and unanimously carried to return to the Board's regular order of business.

Mario R. Diaz III – Motor Vehicle Salesperson

Board members reviewed the application and documents submitted.

It was moved by Mr. Short, seconded by Mr. Touchi, and unanimously carried to approve the application for a motor vehicle salesperson's license for Mario R. Diaz III, subject to receipt of additional documents from the State of California and provided that the documents have no deviation from the information presented by Mr. Diaz.

At 9:59 a.m., it was moved by Mr. Chung, seconded by Mr. Johnsen, 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

Aloha Auto Group, Ltd. – Display of Motor Vehicle at Unlicensed Premise  
Nicole P. Thompson – Motor Vehicle Salesperson  
Derrick B. Bautista – Motor Vehicle Salesperson  
John Cerizo – Motor Vehicle Salesperson

At 10:33 a.m., it was moved by Mr. Short, seconded by Mr. Johnsen, and unanimously carried to return to the Board's regular order of business.

Licensing:

Applications (continued)

Gary S. Twombly – Motor Vehicle Salesperson

Board members reviewed the application and documents submitted.

It was moved by Mr. Touchi, seconded by Mr. Johnsen, and unanimously carried to approve the application for a motor vehicle salesperson's license for Gary S. Twombly.

Paradise Rent-A-Car Inc. – Motor Vehicle Dealer

The Executive Officer reported that Paradise Rent-A-Car requested that the application be removed from today's agenda because it needs more time to prepare additional information for its application.

Aloha Auto Group, Ltd. – Display of Motor Vehicle at Unlicensed Premise,  
Prince Kuhio Plaza, May 17, 2013 to April 17, 2013

Board members reviewed Aloha Auto Group's letter request to display a vehicle at the Prince Kuhio Plaza in Hilo from May 17, 2013 to April 17, 2014.

After a brief discussion, it was moved by Mr. Short, seconded by Mr. Chung, and unanimously carried to approve Aloha Auto Group's request to display a vehicle at the Prince Kuhio Plaza in Hilo from May 17, 2013 to April 17, 2014.

Nicole P. Thompson

Board members reviewed the application and documents submitted.

It was moved by Mr. Short, seconded by Mr. Touchi, and unanimously carried to approve the application for a motor vehicle salesperson's license for Nicole P. Thompson.

Derrick B. Bautista – Motor Vehicle Salesperson

Board members reviewed the application and documents submitted.

It was moved by Mr. Short, seconded by Mr. Touchi, and unanimously carried to approve the application for a motor vehicle salesperson's license for Derrick B. Bautista.

John Cerizo – Motor Vehicles Salesperson

At this time of the meeting, Mr. Cerizo presented a volume of documents for the Board members to review. Several members stated that there were too many documents to be reviewed in such a short time. In fairness to Mr. Cerizo and to provide the members sufficient time to review the documents and after a brief discussion, it was moved by Mr. Touchi, seconded by Mr. Short, and unanimously carried to defer the review of Mr. Cerizo's application until the next meeting upon receipt of additional information.

Chairperson Uhmbau announced that the Board would return to the order of the agenda.

Correspondence: None.

New Business: April 16, 2013 Email Request from Erik Soderholm Regarding

- (1) Discussion regarding whether Board's Executive Officer has no authority to approve motor vehicle manufacturer license applications and motor vehicle manufacturer license applications shall be conducted in open session as per State Sunshine law

Mr. Soderholm is asserting that the Board cannot have closed meetings because no personal matters are discussed.

§§ 92-4 and 92-5, HRS, state that "...A board may hold a meeting closed to the public pursuant to section 92-4 for one or more of the following purposes: ...".

- (2) All license applications for motor vehicle salespersons, dealers, auction and manufacturers must be on agenda to comply with State Sunshine law

Mr. Soderholm is concerned with the ratification ("RAT") list. Mr. Soderholm is requesting that all the names on the RAT list be listed on the agenda or if not, then attached to the agenda. Mr. Soderholm believes that the public should know who the applicants are in the event there are questions concerning the individual(s) on the list; the public should be able to give input on the applicants, then the issues can be addressed. The list is not available to the public until after the fact. Mr. Soderholm asked whether the Board was in compliance with the Sunshine law. Deputy Attorney General Tam stated that he will look into this.

By consensus, it was agreed to defer this matter until the next meeting.

- (3) Board is wrong to allow the City to buy directly from an unlicensed mainland motor vehicle manufacturer

The Executive Officer stated that the Board previously discussed this matter and is recorded in its September 4, 2012 meeting minutes.

Board members commented that as stated previously, the Board does not have authority over procurement code issues.

Open Forum: Dave Rolf, HADA, had no report for the Board, also thanked Mr. Chung for his years of service as a member.

Kimo Pierce, HIADA, had no report for the Board.

The Executive Officer asked both Dave Rolf and Kimo Pierce if HADA and HIADA will be submitting names to the Governor's Office to fill the industry member vacancy. Dave Rolf stated that HADA will be submitting Wayne DeLuz' name and Kimo Pierce stated that HIADA will try to submit a name.

Next Meeting: Tuesday, August 20, 2013  
9:00 a.m.  
Queen Liliuokalani Conference Room  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, HI 96813

Adjournment:            There being no further business to discuss, the meeting adjourned at  
11:04 a.m.

Taken and recorded by:

/s/ Alice Worthy

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Alice Worthy, Secretary

Reviewed and approved by:

/s/ Christine Rutkowski

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Christine Rutkowski  
Executive Officer

CR:aw  
7/11/13

[ X ] Minutes approved as is.

[   ] Minutes approved with changes. See Minutes of \_\_\_\_\_.

<b>APPLICATIONS FOR SALESPERSON'S TRANSFERS</b>						
<b>Tuesday, June 18, 2013</b>						
<b>HONOLULU</b>						
ADDISON III, HENRY						TONY HAWAII AUTOMOTIVE GROUP
ALCANTARA JR, ANTONIO						HONOLULU FORD INC
CORUZ, JAYMEN						TONY HAWAII AUTOMOTIVE GROUP
DAVIS, JOHN						STOEBNER HOLDINGS INC
FONTES JR, ERNEST						JN GROUP INC
FRANCE, LORENZO						ALOHA AUTO GROUP LTD
FUJIMOTO, KIP						RAINBOW CHEVROLET
GETTY, MELISSA						CUTTER CJD INC
GONSALVES, KORWEN						TONY HAWAII AUTOMOTIVE GROUP
GOSHI, BRODI						A-1 AUTO SALES LLC
HASLIP, JON						KING INFINITI OF HONOLULU LLC
KAMAKANA IV, JOHN						TONY HAWAII AUTOMOTIVE GROUP
KIM, KEVIN						ALOHA AUTO GROUP LTD
LOESCH, K C						KING WINDWARD NISSAN LLC
MENASIAN, DANIEL						ALOHA KIA-WAIPAHAU
MOCHIZUKI, GUY						KING INFINITI OF HONOLULU LLC
MORRIS, DONALD						KING WINDWARD NISSAN LLC
NIHEI, JUSTIN						SERVCO SUBARU INC
PENNY, JOHN						COX AUTO SALES AND RENTAL LLC
RUBIO, JON						JP AUTOMOBILES INC
SALA, MATTHEW						KING INFINITI OF HONOLULU LLC
SARAE, ROBERT						CUTTER BUICK GMC INC
SHAW, RICHARD						KING INFINITI OF HONOLULU LLC
SOLIDUM, NASHUA						KING INFINITI OF HONOLULU LLC
SWITKEN, CURTIS						J/R MOTORS 744 LLC
TUCKER, MICHAEL						KING WINDWARD NISSAN LLC
YOUNG, JONATHAN						KING INFINITI OF HONOLULU LLC
<b>HAWAII</b>						
KUNISHIGE, ROYLIN						P&A INESTMENTS INC
TABAKOV, ALEX						BIG ISLAND TOYOTA INC
<b>KAUAI</b>						
CORONA, JEFF						KAUAI HARLEY-DAVIDSON
<b>MAUI</b>						
BROCK, JR, RONALD						CYCLE CITY LTD
KAOPUIKI, ESMOND						VALLEY ISLE MOTORS LTD
LOCHER, RICHARD						KITGAWA MOTORS INC
MARTINEZ, ALEJANDRO						VALLEY ISLE MOTORS LTD
MORIYASU, AKIRA						ALOHA AUTO GROUP LTD



LTYPE REMARK

VAT\_02\_BPR\_LEGAL\_NAME\_1

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DS	T&SMA LLC	OAHU	JERICK B <ABOBO<
DS	ALOHA AUTO GROUP LTD	OAHU	AUDREY <ADAMS<
DS	SHM INC	OAHU	SADI Y <AHMED<
DS	SHM INC	OAHU	YOUSEF S <AHMED<
DS	DERRICK C TOLENTINO	OAHU	NAKOA A <AREAL<
DS	CUTTER FORD INC	OAHU	BRIAN N <AYALA<
DS	SHELLY EUROCARS LLC	OAHU	MICHAEL J <BAKER<
DS	CUTTER CJD INC	OAHU	RUEL S <BALLESTEROS<
DS	CYCLE CITY LTD	MAUI	DEAN A <BECK<
DS	ALOHA KIA WINDWARD	OAHU	BRIANNA M <BEE<
DS	KING INFINITI OF HONOLULU LLC	OAHU	PAVLIN V <BENSON<
DS	CUTTER CJD INC	OAHU	KATHLEEN L <BLEVINS<
DS	CUTTER FORD INC	OAHU	DAYMOS <BOTELTTO<
DS	SERVCO PACIFIC INC	OAHU	SHANE E <BREEDEN<
DS	JR MOTORS 730	OAHU	BRIANA B <BROOKS<
DS	CUTTER FORD INC	OAHU	EDUARDO E <CALVO<
DS	JN GROUP INC	OAHU	CLIFFORD M <CAMACHO<
DS	GAC AUTO GROUP	OAHU	VINCENT R <CAPOL<
DS	JN GROUP INC	OAHU	CHUN LUNG <CHAU<
DS	SANDRA G SIRACUSA	OAHU	KARIM <CHERKI<
DS	TONY HAWAII	OAHU	MATHEW A <CHONG<
DS	TONY HAWAII AUTOMOTIVE GROUP LTD	OAHU	FABIANO <DA SILVA<
DS	HONOLULU FORD INC	OAHU	JUNG KUM B <DEL CARPIO<
DS	HONOLULU FORD INC	OAHU	RODRIGO I <DEL CARPIO<
DS	KING WINDWARD NISSAN LLC	OAHU	RYAN J <DEMERS<
DS	KUHIO MOTORS INC	KAUAI	ADAM J <DOOLEY<
DS	ALOHA AUTO GROUP LTD	HAWAII	DENNIS W <DOW<
DS	THE CAR STORE	OAHU	JUDITH <EMAMI<
DS	MAUI AUTOMOTIVE LLC	MAUI	MICHAEL <ESSNER<
DS	HONOLULU FORD INC	OAHU	TIFFANY A <FRANCO<
DS	CUTTER FORD INC	OAHU	COURTNEY M <FRANKS<
DS	TELESEEK AUTO LLC	OAHU	TAMAKI H <FUJIYAMA<
DS	CUTTER CHRYSLER JEEP	OAHU	AARON D <GOMEZ<
DS	CYCLE CITY LTD	MAUI	RICHARD J <GRANT<
DS	MAUI AUTOMOTIVE LLC	MAUI	TRAVIS R <GUTHRIE<
DS	MIDNIGHT MOTOR GROUP LLC	OAHU	KEALII J <HAVERLY<
DS	KUHIO MOTORS INC	KAUAI	PETER B <HENNESSEY<
DS	JN GROUP INC	OAHU	BRADLEY A <HETRICK<
DS	LINNE F HOLMBERG	OAHU	ANGELO S <JOHN<
DS	ALOHA AUTO GROUP	OAHU	RORY M <JONES<
DS	VALLEY ISLE MOTORS	MAUI	JOHNNY B <JOSE<
DS	JP AUTOMOBILES	OAHU	HOLU <KAAIHUE<
DS	KUHIO MOTORS INC	KAUAI	JONATHAN W <KAAIHUE<
DS	HONOLULU FORD INC	OAHU	NELSON K <KALUHIWA<
DS	MAUI AUTOMOTIVE LLC	MAUI	CHAD I <KANESHIRO<
DS	KING INFINITI OF HONOLULU LLC	OAHU	THERESA M <KARAS KENTURA<
DS	ALOHA AUTO GROUP LTD	OAHU	JERMAINE L <KAULIA<
DS	LINNE F HOLMBERG	OAHU	MICHAEL R <KEARNS<
DS	FERDINAND SANTOS	OAHU	DAVID I <KEKAHUNA<
DS	JIM FALK MOTORS OF MAUI INC	MAUI	WALLY <KELEK<
DS	ALOHA AUTO GROUP LTD	OAHU	MICHAEL D <KIM<
DS	BEST AUTO GROUP	OAHU	ROMAN <KNYAZ<
DS	TONY HAWAII CORP	OAHU	TRACIE K <KOMORI<
DS	A-1 AUTO SALES	OAHU	DANIEL J <KUENY<
DS	CUTTER CJD INC	OAHU	ROMEO I <LAPITAN<
DS	KING WINDWARD NISSAN LLC	OAHU	PHILIP S <LIMON<
DS	HAWAII AUTOMOTIVE LLC	OAHU	NICHOLAS K <LOUI<

TYPE REMARK

VAT\_02\_BPR\_LEGAL\_NAME\_1

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CS	ALOHA AUTO GROUP	OAHU	HALISSIA K <LUHAN-HANAWAHINE<
CS	FB AUTO SALES LLC	OAHU	CHRISTOPHER W <MARCHANT<
CS	PACIFIC NISSAN INC	OAHU	CHANEL-MARIE <MARK<
CS	CUTTER BUICK GMC INC	OAHU	NOHEA-IKAIKA K <MARTIN<
CS	CUTTER BUICK GMC	OAHU	ARMANDO S <MAZA<
CS	KING WINDWARD NISSAN LLC	OAHU	KALEOOKALANI M <MCCABE<
CS	HONOLULU FORD INC	OAHU	ANGEL M <MENDIAS<
CS	PRE-OWNED MOTOR CARS	BIG ISLAND	JOHN W <MENIG<
CS	CUTTER CHRYSLER JEEP DODGE INC	OAHU	DANIELLE E <MOWITZ<
CS	P&A INVESTMENT	BIG ISLAND	LUCAS A <MYHRE<
CS	TONY HAWAII CORP	OAHU	PATRICK K <NAKAMURA<
CS	MAX MOTOR LLC	OAHU	BRYCE I <NAKANISHI<
CS	SERVCO PACIFIC INC	OAHU	NATHAN B <NAKASONE<
CS	CYCLE CITY LTD	MAUI	KEITH <NORTON<
CS	CHOICE AUTOMOTIVE LLC	OAHU	WILLIAM <OH<
CS	CUTTER CJD INC	OAHU	JADELYN A <OLIVEROS<
CS	CUTTER CJD INC	OAHU	GOVINDA <PATTERSON<
CS	JN GROUP INC	OAHU	ROY K <PAUL<
CS	ALOHA AUTO GROUP LTD	MAUI	KENNETH F <PROCTOR< JR
CS	HAWAII AUTOMOTIVE LLC	OAHU	RYAN A <RASTEGAR<
CS	KING INFINITI OF HONOLULU LLC	OAHU	PATRICK J <REID<
CS	CUTTER BUICK GMC INC	OAHU	CARL I <RICHIE<
CS	KING WINDWARD NISSAN	OAHU	DARWIN M <RIVAS<
CS	CUTTER BUICK GMC	OAHU	EDWARD E <RIVERA<
CS	HAWAII AUTOMOTIVE RTLING GRP	OAHU	WILLIAM F <ROSARIO<
CS	ALOHA AUTO GROUP LTD	HAWAII	BRYCE K <RUEGG<
CS	RAINBOW CHEVROLET	OAHU	CHRISTOPHER T <RUTTER<
CS	KING WINDWARD NISSAN LLC	OAHU	MATTHEW <SALA<
CS	CUTTER CJD INC	OAHU	JUAN M <SANTANA<
CS	CLEARVIEW CAR SALES INC	OAHU	WILLIAM L <SCHMIDTKE<
CS	SERVCO SUBARU	OAHU	JACE T <SKEDELESKI<
CS	CYCLE CITY LTD	MAUI	JACOB M <SOUTH<
CS	KING WINDWARD NISSAN	OAHU	MICHAEL D <SPOTTS<
CS	WINDWARD AUTO SALES	OAHU	LUKE M <SPROAT<
CS	KING INFINITI OF HONOLULU LLC	OAHU	TAE-HO <SU<
CS	JIM FALK MOTORS OF MAUI	MAUI	JOY <SUMER<
CS	BIG ISLAND TOYOTA	BIG ISLAND	PATRICK T <TALICH<
CS	BEST AUTO GROUP INC	OAHU	SARGON <TAMRAZ<
CS	CYCLE CITY LTD	MAUI	THOMAS <TREMAGLIO<
CS	TONY HAWAII AUTOMOTIVE GROUP LTD	OAHU	ROBERT <UNDERWOOD<
CS	FERDINAND SANTOS	OAHU	JASON T <UYEDA<
CS	A-1 AUTO SALES LLC	OAHU	MARK H <WADDINGHAM<
CS	JN GROUP INC	OAHU	PIOTR <WOJNAR<
CS	ALOHA AUTO GROUP LTD	MAUI	DAVID S <WONG<
CS	GAC AUTO GROUP INC	OAHU	GAVIN L T <YAMANE<
CS	HAWAII AUTOMOTIVE RTLING	OAHU	KANG <ZHAN<
CS	JN GROUP INC	OAHU	TAYLER B <ZIMBA<

		BUSN		
LTYPE	LIC NUM	ST	BUSN ZIP	BP NAME PART 1
MVD	978	HI	96817	ALOHA CAR DEALS LLC
MVD	979	HI	96701	SADI AHMED & MOHAMMED ALLWER
DIS	148	CA	95691	ELECTRO-HYDRAULICS LLC
DIS	149	IN	46515	FOREST RIVER INC
DIS	150	NY	10010	PIAGGIO GROUP AMERICAS INC

MVB-812 1 T&SMA LLC  
MVB-763-2 Aloha Auto Group Ltd