

Transportation Commission Meeting Minutes
October 22, 2007
10:00 a.m.
Liquor Control Conference Room
Kailua-Kona, Hawaii

CALL TO ORDER

Kate Ahia called the meeting to order at 10:04 a.m. at the Liquor Control Conference Room in Kona.

ROLL CALL

Present: Kate Ahia
Robert Ward
Doug Espejo
John Fernandez
Benjamin Watai

Staff: William Brilhante, Corporation Counsel
Tom Brown, Transit Administrator
Betty Alcover, Transit Program Assistant

APPROVAL OF AGENDA

Motion to approve agenda by Commissioner Fernandez, second by Commissioner Espejo.
Motion Carried.

APPROVAL OF MINUTES

Motion to approve minutes by Commissioner Ward, second by Commissioner Fernandez.
Motion Carried.

PUBLIC STATEMENTS

There were no public statements.

UNFINISHED BUSINESS

A. Applications for New Certificates of Public Convenience

1. Hermingildo Rafol – applied for one certificate.

Ms. Alcover stated that at the last Transportation Commission meeting, Mr. Rafol was not present due to work. Although his wife was present, the commissioners wanted to speak to Mr. Rafol directly and deferred his application.

Commissioner Watai asked Mr. Rafol about his operating time. Why would he operate a taxi only in the afternoons? Mr. Rafol replied that he will run the taxi when he is off work. Commissioner Fernandez expressed concerns over his traffic abstract especially a DUI. Mr. Rafol replied he was at a party, had a few drinks and he got caught for DUI. He does not drink and drive now. Commissioner Ahia expressed concerns over his speeding violations. Mr. Rafol stated he got off of work late and didn't want to get to his second job late so he was driving fast. Commissioner Fernandez asked Mr. Rafol if you had passengers in your cab and you were running late, will you speed to get there? Mr. Rafol replied no.

Motion to approve by Commissioner Ward, second by Commissioner Espejo.

Two ayes, three nays. Voting ayes were Commissioners Ward and Espejo. The nays were Commissioners Ahia, Fernandez and Watai.

Mr. Brilhante stated that Mr. Rafol's application can be placed on the next meeting's agenda due to the fact that there are only five (5) commissioners present, and it must be a unanimous decision when voting occurs.

Commissioner Ward moved to have Mr. Rafol's application placed on the next meeting's agenda. Second by Commissioner Fernandez.

NEW BUSINESS

A. Applications for New Certificates of Public Convenience

1. Mario's Taxi & Tours applied for once license. Ms. Paula Cuello, co-owner was present. Mr. Brilhante asked Ms. Cuello to state her name and address.

Commissioner Ward asked her how many cabs she currently operates, and Ms. Cuello replied "two." He asked if she was busy and she replied yes she is, for someone who is not in the phone book.

Motion to approve by Commissioner Espejo, second by Commissioner Ward.

Motion carried.

2. Daniel Millare applied for two certificates. Mr. Millare was present and was asked to state his name and address. Commissioner Fernandez asked Mr. Millare why he feels he needs two taxis. Mr. Millare replied there are a lot of tourists and the need for good service. Commissioner Ahia asked if he will be driving one of the taxis. Mr. Millare replied yes, and he has a driver for the other vehicle. Commissioner Ahia stated that he has a speeding violation for driving at 79 miles per hour. Mr. Millare stated he is very sorry and he does not plan to speed again.

Motion to approve by Commissioner Ward, second by Commissioner Espejo.

Motion Carried.

3. Fe Inocencio was called but was not present. Mr. Brilhante stated that if the applicant is interested in putting her application on the next agenda, she may do so.

Motion to approve by Commissioner Ward, second by Commissioner Fernandez.

Motion carried.

4. Mark Freitas was called but was not present. Commissioner Ward asked if this is the same situation as the previous applicant and Mr. Brilhante replied yes. Commissioner Ward moved to have Mr. Freitas' application, if he is interested, on the next agenda.

Motion to approve by Commissioner Ahia, second by Commissioner Fernandez.

Motion carried.

5. Orlino Valiente applied for one license. Mr. Valiente was asked to state his name and address. Commissioner Ward asked Mr. Valiente about his speeding violation. Mr. Valiente stated he was working for Speedy Shuttle at the time and his dispatcher was telling him to hurry up. Mr. Millare stated he won't do it again and that no one will push him to speed. Commissioner Espejo stated that it needs to be stressed to all taxi operators to watch their speed while driving.

Motion to approve by Commissioner Espejo, second by Commissioner Ward.

Motion carried.

6. Efren Aleta applied for one certificate. Mr. Aleta was asked to state his name and address. Ms. Alcover reported to the commissioners that Mr. Aleta had received an approval two meetings ago, but did not turn in his paperwork on time, therefore, his certificate was revoked at the last meeting in Waimea.

Commissioner Espejo asked Mr. Aleta why he didn't hand in his paperwork within the 30 days. Mr. Aleta replied that he was waiting to have his meter placed in his vehicle.

Motion to approve by Commissioner Fernandez, second by Commissioner Ward.

Motion carried.

7. Remedios Labiano has applied for one certificate. Ms. Labiano was asked to state her name and address. Commissioner Ward asked her why she felt a need for more taxis. Ms. Labiano stated that taxis are needed for subdivision riders. Commissioner Ward asked Ms. Labiano if she had any estimates. Ms. Labiano stated she already has people calling her up asking her for more rides. Commissioner Fernandez asked if she currently owns a taxi. Ms. Labiano replied yes, and she already has a driver. Commissioner Ahia stated to Ms. Labiano that safety is first, and to please abide by the speed limit.

Mr. Brillhante asked if the taxi business is profitable. Ms. Labiano replied it's good and busy.

Motion to approve by Commissioner Ward, second by Commissioner Espejo.

Motion carried.

8. Keith Bergfalk applied for one certificate. Cody Bergfalk represented his father, Keith Bergfalk. He was asked to state his name and address. Cody Bergfalk stated he is vice-president of Classy Taxi. Commissioner Ward asked Mr. Bergfalk how many taxis they have. Mr. Bergfalk replied four or five. Commissioner Espejo asked if he drives. Cody Bergfalk replied no.

Mr. Brillhante asked how many years have they been in business. Mr. Bergfalk replied about 11 years and he has been vice-president for six years.

Motion to approve by Commissioner Ward, second by Commissioner Fernandez.

Motion carried.

9. Albrecht Pfizenmaier has applied for one certificate. Mr. Pfizenmaier was asked to state his name and address. Ms. Alcover stated that the commissioners should consider asking Mr. Pfizenmaier to change his taxi name as he would like to use Big Al's Taxi and there is currently an Al's Taxi in Kona.

Commissioner Espejo stated its better if he did not have a similar name. Commissioner Ahia stated that the commission would like Mr. Pfizenmaier to have a different name so it will not confuse or create any hassles. Mr. Pfizenmaier stated he will change his business name to Marek's Taxi. Commissioner Ward asked him the difference between being a Honolulu taxi driver and a Hilo taxi driver. Mr. Pfizenmaier replied the income would be different. He currently collects social security and he is not ready for the rocking chair yet. Commissioner Ahia asked Mr. Pfizenmaier to adhere to all safety rules.

Motion to approve by Commissioner Ward, second by Commissioner Fernandez.

Motion carried.

10. Rey Cabaccang applied for one certificate. Commissioner Fernandez asked if this is his second taxi. Mr. Cabaccang replied yes. Commissioner Ahia asked how long has he been driving and Mr. Cabaccang replied six months. Commissioner Ward asked who will be driving the second vehicle. Mr. Cabaccang replied his friend. Commissioner Ward asked Mr. Cabaccang what changed in his driving habits since he hasn't gotten a traffic violation for a while. Mr. Cabaccang replied his family and his passengers' safety comes first. Commissioner Espejo asked if he plans on doing the shared-ride program and Mr. Cabaccang replied not at this time.

11. Alberto Rodriguez applied for one license. He was asked to state his name and address. Mr. Brillhante asked Mr. Rodriguez what is the name of his taxi. Mr. Rodriguez replied that he was going to call it Al's but since he cannot he has to come up with another name. Commissioner Espejo asked what times he will operate. Mr. Rodriguez replied 4 p.m. to 11 p.m., but he can start at 2:00 p.m. after his regular job. Commissioner Ahia asked Mr. Rodriguez if he will service the pier and the airport and Mr. Rodriguez replied yes if he can. Commissioner Fernandez expressed concern over a traffic violation for overtaking a vehicle. Mr. Rodriguez stated he stopped behind someone who was making a left turn and noticed someone passing them in the right shoulder lane so he followed behind that car but the police stopped his car and gave him a ticket and not the other car.

Motion to approve by John Fernandez, second by Commissioner Ward.

Motion carried.

12. Hawaii Nature Explorers (HNE) applied for one certificate. Patrick Matterson is representing the owner of HNE. He was asked to state his name and address. Mr. Matterson stated he has been with HNE for six years. Commissioner Espejo inquired about Mr. Matterson's traffic violation regarding a physical. Mr. Matterson explained that after being stopped by a police officer, he was asked to show the officer his medical PUC card. Commissioner Ward asked if he was now in compliance and will it pose any problems. Mr. Matterson stated yes he has met all the requirements and there should be no problems.

Motion to approve by Commsioner Ward, second by Commissioner Espejo.

Motion carried.

13. Edison Fronda applied for one certificate. Mr. Fronda was asked to state his name and address. Commissioner Ahia inquired about a change of business name as he scratched off the original business name on the application. Mr. Fronda stated he now wants to name his taxi "Princess Taxi & Tours." Commissioner Fernandez inquired about his speeding violation which states he was traveling 47 miles per hour and the speed limit was 25. Mr. Fronda stated it was his first time traveling through the airport and he did not know the speed limit.

Motion to approve by Commissioner Ward, second by Commissioner Espejo.

Motion carried.

14. Gordon Kunewa has applied for four (4) certificates. His brother Karl came up and began speaking. Mr. Brillhante stopped him and asked him to state his name and address. Commissioner Ahia wanted to know where Gordon Kunewa was. After Karl pointed him out on the side, Mr. Brillhante asked Gordon to please come up and sit next to his brother. As Karl began speaking, Mr. Brillhante stopped him and asked him what role does he play in the business, and what role does Gordon have. Karl explains that neither of them will drive any of the vehicles. Gordon is the CEO and Karl runs the business. Karl explained that originally, he wanted five (5) taxis, but only filled out one application; therefore, he was granted only one (1) certificate when he applied. Now he is applying for the other four. He has obtained approval from the State and private medical plans to utilize the four taxis as medical transportation charged at the meter rate. His four vans are equipped with ramps/lifts and if they are transporting someone for medical purposes, the meter will be on and the rate is recorded and submitted for payment to the rider's medical provider and they will issue payment. The transportation will be islandwide.

Motion to approve by Commissioner Ward, second by Commissioner Espejo.

Motion carried.

15. Robert Brigoli, Sr., stated his name and address, applied for one certificate. Commissioner Ahia asked if he lived at the housing center for senior citizens. Mr. Brigoli replied yes. Commissioner Ward asked if he will be a full time driver. Mr. Brigoli replied yes as he is bored sitting at home. Commissioner Ahia asked if he has had any taxi driving experience and Mr. Brigoli replied he has driven for J&W Taxi for over one year. Commissioner Fernandez asked if his operating hours are 8:00 to 5:00 and Mr. Brigoli replied maybe even earlier as he wakes up at 4:00 a.m. every day. Mr. Brigoli stated he will go anywhere and everywhere he is permitted to go.

Motion to approve by Commissioner Ward, second by Commissioner Espejo.

Motion carried.

A. Hearing on Revocation of the following Certificate of Public Conveniences

1. CH019 – Franco’s Taxi

Mr. Franco Apostle was not present. Ms. Alcover reminded the commissioners that at the last meeting in Waimea, Franco Apostle, Sr., represented his son, Jeffrey, who had applied for a certificate and was not present at the meeting. Mr. Apostle originally wanted to transfer his business to his son. His son did not state or imply he was going to take over his father’s business, therefore, Jeffrey Apostle was granted his own certificate. Mr. Apostle has submitted a letter stating he does not operate anymore and that he sold his taxi to his son. His signed return receipt has been received.

Motion to have CH019 certificate revoked by Commissioner Ward, second by Commissioner Espejo.

Motion carried.

2. CH067 – Wiki Wiki Taxi

Mr. James Dunton was not present. Ms. Alcover stated to the commissioners that the owner of Wiki Wiki Taxi had passed away several months ago. When his license was not renewed in June, the office sent a letter to the family regarding revocation of his certificate due to nonrenewal.

Motion to have CH067 certificate revoked by Commissioner Ward, second by Commissioner Espejo.

Motion carried.

3. CH175 – Mom’s Taxi

David Munn was not present. Ms. Alcover stated to the commissioners that the owner David Munn was sent a letter regarding the revocation due to non-renewal of his license. The office received his signed return receipt.

Motion to have CH175 revoked by Commissioner Espejo, second by Commissioner Fernandez.

Motion carried.

4. CH223 - Kazan Taxi

Masami Tanaka was not present. Ms. Alcover stated that Mr. Masami Tanaka had called the office and stated someone told him about the revocation. He explained that he was no longer in business and he had sold his cab. Ms. Alcover asked him to please write a letter

to the transit office stating that he has given up his business and he knows about the revocation. Our office received the letter and that it also stated he is moving to Arizona.

Motion to have CH173 revoked by Commissioner Espejo, second by Commissioner Ward.

Motion granted.

5. CH259 – Hawaii Taxi

Elswood Noeau was not present. Ms. Alcover stated he was notified about his revocation. He stated he did not know he had to renew his license yearly. Commissioner Espejo stated that the rules should be changed to state something like, “if the license is not renewed, it will automatically be revoked,” so that this part of the meeting can be eliminated.

Motion to revoke CH267 by Commissioner Fernandez, second by Commissioner Ward.

Motion carried.

6. CH301

Mr. Edwin Ranan was not present. Ms. Alcover explained that Mr. Ranan had received his certificate at the March meeting in Hilo. He then asked for an extension as he had family problems and needed to go to Japan. An extension was granted until May 28, 2007, to turn in his paperwork. On May 30, 2007, a letter was sent to him stating that his certificate will be placed on the next commission meeting for revocation as he did not have his vehicle operable by the date stated. Another letter was sent to him informing him of his certificate being up for revocation at this meeting. A signed return receipt has been received.

Motion to revoke CH273 by Commissioner Fernandez, second by Commissioner Ward.

Motion carried.

7. CH306 – Cruz’n Taxi

Mr. Peter Quesada was not present. Ms. Alcover explained that Mr. Quesada had received his certificate at the May meeting in Waimea. He wrote a letter to Mass Transit requesting an extension. He was granted an extension until September 25, 2007, to have his vehicle operable. On September 26, 2007, Mr. Quesada was informed that due to the fact that his vehicle was not operable by September 25, his certificate was up for revocation. On October 1 and October 8, a letter was sent to him informing him of the revocation and a copy of the agenda. His signed return receipt has been received.

Motion to revoke CH306 by Commissioner Fernandez, second by Commissioner Ward.

Motioned carried.

Commissioner Ahia asked Mr. Brilhante if she can express her views on the behavior of commissioners. Mr. Brilhante stated that it cannot be discussed unless it is on the agenda, but Mr. Brown can bring it up during his administrator's report. Commissioner Ahia then stated she would like to withdraw her request.

TRANSIT ADMINISTRATOR REPORT

1. Mr. Brown stated he would like to first bring up the fact that he is aware of an email that was sent to all the commissioners and to various people from a commissioner regarding a concern he had, and hoped that the commissioners would discuss it at today's meeting. Mr. Brown stated that during an orientation for Commissioners Watai and Lockwood; Mr. Brilhante, and the transportation commission attorney at the time, Patricia O'Toole, explained the role of a transportation commissioner and what can and cannot be discussed between commissioners, and how they must inform Mr. Brown, Ms. Alcover, or Mr. Brilhante, on what they would like to place on the agenda at transportation commission meetings.

Mr. Brilhante explained that under the Sunshine Law, Hawaii Revised Statutes 92-2-5, two members of a board may communicate or interact privately between themselves to gather information from each other.... Therefore, you can only communicate with one other member of the commission and not with every commission members.

Mr. Brown stated that the transportation commissioners have always played a role in regards to general transportation. He has spoken one on one with Commissioner Ward regarding transportation in Kona, and with Commissioner Fernandez about Kohala. In fact a past commissioner, Michael Sumja, helped with the Kohala-Kona bus route. It was at a Transportation Commission Meeting that the Kokua-Zones came about.

Our office has never passed out telephone numbers or email addresses to anyone. Mr. Lockwood called our office asking for the other commissioner's email stating that he wanted to introduce himself to other commissioners and how he was looking forward to being on the board with them. That was why we gave him your email addresses.

2. The Mass Transit Agency received four new buses and three accessible vans. The buses will be placed on new routes that we are currently working on. The accessible vans are the vans we planned to lease to taxi providers and the contract between the County and the taxi provider is currently being worked on. Hopefully, we will have a provider out in Kona who will not only utilize it as an accessible van, but will also be able to combine the share-a-ride coupons too.

NEXT MEETING

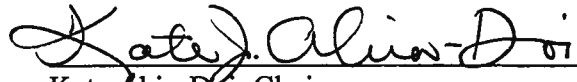
The next meeting date was not set. Ms. Alcover will contact Commissioners to determine their availability for a meeting in the next quarter.

ADJOURNMENT

Meeting was adjourned by Commissioner Ahia at 12:25 p.m.



Thomas Brown, Transit Administrator



Kate Ahia-Doi, Chairwoman