

Transportation Commission Meeting Minutes
May 29, 2007
10:00 a.m.
Waimea Civic Center

Members Present: Kate Ahia, Robert Ward, Doug Espejo, Elizabeth Hultman-Salfen, John Fernandez, Benjamin Watai, and John Lockwood.

Staff: Tom Brown, Transit Administrator
Betty Alcover, Transit Program Assistant
Pat O'Toole, Deputy Corporation Counsel
William Brilhante, Corporation Counsel

I. Call to Order

Meeting was called to order at 10:05 a.m., by Commissioner Ahia.

II. Roll Call

Ms. Alcover called roll, absent were Elizabeth Hultman-Salfen and John Lockwood (both arrived at approximately 10:30 a.m.) – quorum established.

III. Approval of Agenda

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

Motion Carried.

IV. Approval of Minutes

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

Motion Carried.

V. Public Statements

None

VI. Unfinished Business

A. Applications for New Certificates of Public Convenience

1. Elsa Rogers applied for one certificate.

Commissioner Ward asked how long have you been driving a taxi? Ms. Rogers replied a couple of years.

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

All ayes. Motion carried.

2. Peter Paul Quesada, III, applied for one certificate.

Commissioner Fernandez expressed concerns about traffic abstract. He inquired about the violation for speeding and turning on a red light. Mr. Quesada replied that it happened in Waikiki and he did not know you cannot turn right on red and the speeding ticket was on his motorcycle. Commissioner Espejo inquired about the business name of Cruz'n Taxi and Mr. Quesada replied that it was his cousin's company but he will have his own taxi. Commissioner Ahia expressed concern about a no insurance violation and Mr. Quesada replied that it was his friend's vehicle and he supposedly had insurance but did not have proof. Commissioner Ward asked an administration question - if the board granted a certificate, can it have a stipulation like good for one year. Commissioner Ward wanted to know if he had any other violations since, and if he had other violations in other states. Mr. Quesada replied he did not.

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

All ayes. Motion carried.

3. Candy Uilano Nakagawa applied for one license.

Ms. Alcover stated that Ms. Nakagawa has moved, gave no forwarding address, and disconnected her phone. This is the third time her application has been before the board. Commissioner Ward asked legal counsel if the board can just say since she has not been present for the third time, her application is denied. Mr. Brillhante, legal counsel, replied yes.

Motion to deny application by Commissioner Ward, second by Commissioner Espejo.

All ayes. Motion Carried.

4. Misty Lyn Carver applied to have grandmother's taxi business (Percy) transferred to her. Commissioner Espejo inquired if she was sure she wanted to do this and Ms. Carver replied yes, she knows the business as she has been the dispatcher for many years and she has been driving a taxi for two years. Commissioner Ahia inquired if she will continue the shared-ride program, and Ms. Carver replied yes.

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

All ayes. Motion carried.

VI. New Business

B. Applications for New Certificates of Public Convenience

1. Amador Cabudol applied for one certificate.

Commissioner Espejo asked Mr. Cabudol what has changed since his last traffic violations. Mr. Cabudol stated he is more careful and follows the posted speed limit signs. Commissioner Ward asked if he received any more violations, and Mr. Cabudol replied no. Commissioner Espejo asked if he is currently driving and Mr. Cabudol replied no but that he used to drive for Marina Taxi. Commissioner Lockwood inquired how he was going to drum up business and Mr. Cabudol replied word of mouth and business cards.

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

Motion carried.

2. Air Taxi & Tours, LLC applied for two certificates.

Michael Stretton was not present, however, Bea Shibata was there on his behalf. Ms. Shibata mentioned that Mr. Stretton could not be present because his mother is ill back in England and he needed to be there. Commissioner Ward inquired about the hiring policy and Ms. Shibata replied that traffic and criminal abstracts and taxi driver's permits are obtained. Commissioner Ward then inquired if all vehicles will be taxis and PUCs and Ms. Shibata replied that if they are running as a PUC then the taxi dome will be removed from the vehicle. Commissioner Lockwood inquired if you have a dome on and meter in, can you take off your dome if the client would rather go as a tour. Ms. Shibata replied yes.

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

All ayes. Motion carried.

3. Michael Kapeliela applied for one certificate.

Commissioner Fernandez inquired if Mr. Kapeliela ever drove a taxi before and Mr. Kapeliela replied no, however he has driven a 7-passenger van before. Commissioner Lockwood inquired how will he drum up business and Mr. Kapeliela replied through the internet, word of mouth and from other taxis.

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

All ayes. Motion carried.

4. Hermingildo Rafol applied for one certificate.

Hermingildo Rafol was not present; his wife stated he is at work and she will represent him. Commissioner Fernandez expressed his desire to defer Mr. Rafol's application until the next meeting as he had written to the Transportation Commission that he will be operating a safe and reliable service but yet his traffic abstract has many violations including a DUI. Mrs. Rafol asked if she can take over the application. Ms. Alcover from Mass Transit replied no as she is not the applicant, her husband is, therefore, whoever's name is on the application for the certificate, is the one applying and appears before the Transportation Commission. Commissioner Lockwood noted that Mr. Rafol does not have any experience in the taxi business. Mrs. Rafol stated she does and she used to have her own taxi business. Commissioner Lockwood asked if it's still active and Mrs. Rafol replied maybe. Ms. Alcover stated that Ms. Rafol's certificate was revoked a while back.

Commissioner Ahia told Mrs. Rafol that she should ask to defer her husband's application until the next meeting so her husband can be present and answer questions. Mrs. Rafol stated she didn't know when he can come to the meetings. Commissioner Lockwood stated that maybe she should apply for the certificate herself and Mrs. Rafol asked if she can do it right now. Counsel replied no, that paperwork must be submitted to Mass Transit. Mrs. Rafol asked if she can just renew her license and Ms. Alcover replied no as her certificate was revoked as she did not renew her license, so she must reapply again. Commissioner Ahia asked Ms. Rafol once again if she wanted to defer the application until the next meeting. Mrs. Rafol replied yes.

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

All ayes. Motion carried.

5. Jeffrey Apostol applied for one certificate.

Jeffrey Apostol was not present due to a sore back, his father, Franco Apostol was there to represent him. Commissioner Lockwood asked if Jeffrey had any experience and Mr. Apostol replied that his son has been driving for him on occasion. In fact, he would like to transfer the business over to him. Mr. Brilhante, asked if Mr. Apostol was applying for a transfer of business and Ms. Alcover replied this is the first time this has been brought up. A transfer of business was never mentioned by Jeffrey Apostol when he brought in his application. Commissioner Fernandez asked what name did he apply under and Ms. Alcover replied Franco's Taxi and Jeffrey Apostol did not state transfer of business, he stated he was applying for his own taxi business and driving under Franco's Taxi. Mr. Brilhante asked Ms. Alcover that what is here in front of us today, is the acceptance of Jeffrey Apostol's application for a certificate and not anything else is that correct and Ms. Alcover replied yes.

Commissioner Ahia asked Mr. Apostol if he wanted to proceed but Mr. Apostol stated he did not want to renew his taxi license. Ms. Alcover stated to Mr. Apostol that he can submit a letter to Mass Transit stating that he is going to give up his business and that he will be selling his vehicle to his son, therefore, his son can use the vehicle as a taxi and still drive it under Franco's Taxi. Commissioner Lockwood stated that from what he understands if the commission approves Jeffrey's certificate, then Jeffrey will still be using the same vehicle only under a different CH number and with the same business name, therefore, everything essentially will remain the same, the business will live on.

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

All ayes. Motion carried.

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

1. CH014A & 34A – A-1 Bob's Taxi

Ms. Alcover stated that these two certificates have been brought up before, but could not be revoked due to certificate holder not receiving notification of hearing. We now have proof that Mr. Takei, owner, has received notice, therefore, these certificates are up for revocation. Mr. Brown also added that he has not been in operation for over one year. Commissioner Ahia asked if there is a motion to revoke.

Motion to have CH014A & CH34A certificates revoked by Commissioner Ward, second by Commissioner Espejo.

All ayes. Motion carried.

2. CH115 – Island Wide Taxi

Mr. Gacula is not present but he did submit a letter stating that he knows his certificate is up for revocation and that it will be revoked.

Motion to have CH115 certificates revoked by Commissioner Ward, second by Commissioner Fernandez.

All ayes. Motion carried.

3. CH148 – Classy Taxi

Mr. Allen Bergfalk asked the board not to revoke his certificate as he could now use it. Ms. Alcover stated that he did not renew his license by the end of June 30, 2006, and that caused a letter to be generated on July 8, 2006, notifying him that due to non renewal of his license, his CH number will be up for revocation at the next meeting. Commissioner

Espejo asked if Mr. Bergfalk was here to try to get his certificate back. Mr. Bergfalk replied yes, because he bought a vehicle in October. Mr. Brown stated that Mr. Bergfalk did not renew as of June 30, 2006, and that is why it's placed on the agenda. Mr. Bergfalk stated he called Mass Transit and asked if he can pay his \$120 now and the answer was no. Commissioner Espejo asked if the certificate was revoked, what can Mr. Bergfalk do? Mr. Brown replied he can apply for another one. Mr. Bergfalk stated why does he have to apply for a new one when the commission can decide not to revoke it. Mr. Brown stated that every taxi operator is given a reminder to renew his certificate twice each year and in this case, the operator is stating when he will pay for the certificate instead of paying it when it was due. Mr. Bergfalk stated that it was his understanding that he cannot renew his license if he did not have a vehicle. Commissioner Ward asked if there was a reason he did not have a vehicle and Mr. Bergfalk replied he thinks it was in an accident.

Commissioner Salfen asked if there was a reason why he did not let Mass Transit know there was something wrong with the vehicle and Mr. Bergfalk replied that there was no board and he did call and the office said if there is no vehicle than you cannot pay the \$120. Commissioner Salfen told Mr. Bergfalk that his vehicle was inoperable, and he did not renew his license. In November, 2006, you purchased a vehicle and to her it seems that you wanted your certificate only when you want to renew it, and not when it was up for renewal. Mr. Bergfalk stated if you revoke this certificate, I'm only going to reapply for another one. Ms. Alcover stated to the board that if for some reason you cannot renew by June 30th due to repair problems, replacement problems, being away on vacation, or illness, all you need to do is write Mass Transit stating your problem, and the administration usually grants an extension up to 180 days.

Motion to have CH148 revoked by Commissioner Espejo, second by Commissioner Ward.

All ayes. Motion carried.

4. CH173 - Aa'waiian Taxi

Mr. Paulino Gampon was not present. Ms. Alcover reported he received his notice as his return receipt was signed and returned to Mass Transit. Mr. Gampon's insurance company notified our office that his insurance was cancelled due to non-payment. Our office generated a letter stating to Mr. Gampon that he had 30 days to obtain insurance for his vehicle and submit a copy of the policy to our office. If after the 30 days we still did not hear from him, his certificate would be up for revocation.

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

All ayes. Motion granted.

5. CH267 – Aleta Taxi

Mr. Aleta was not present. Commissioner Lockwood asked what is the nature of the revocation. Ms. Alcover replied that after the commission grants approval for a certificate, the applicant has 30 days to get a vehicle, insurance, meter, dome, vehicle inspected, and all paperwork turned into our office. If after the 30 days we do not hear from them, their certificate is up for revocation and we generate a letter to the certificate holder informing them of the revocation.

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

All ayes. Motion carried.

6. CH273 – Big Island Taxi

Mr. Vaughn was not present and had not turned his paperwork in within the 30 days. We received his signed return receipt indicating he received a letter notifying him of the revocation and the date of the meeting.

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

All ayes. Motion carried.

7. CH298 – Shark’s Taxi & Tours

Mr. Sharkey was not present.

Motion to revoke CH298 by Commissioner Fernandez, second by Commissioner Ward.

All ayes. Motioned carried.

10. CH303 - Ali‘i Taxi

Mr. Enos was not present.

Motion to revoke CH303 by Commissioner Espejo, second by Commissioner Ward.

All ayes. Motion carried.

VIII. Hearing on Notice of Violations

1. Robert Portus dba Cruz’n Taxi – Notice of Violation – Violating condition of Certificate of Public Convenience and Necessity by not charging the metered rate on January 23, 2007, at the Kailua Pier.

William Brillhante, counsel, informed the commission that Ms. Pat O'Toole will be presiding over this portion of the meeting. Commissioner Ahia asked that any potential witnesses leave the room at this time. Mr. Brillhante stated any materials to be handed in as evidence to please bring them up. Three (3) exhibits from the County, and one (1) from Mr. Portus were presented.

Ms. O'Toole stated that the violation we are addressing is that Mr. Portus did not charge the fare that is in the County Code but instead charged a flat rate for a tour on January 23, 2007. Ms. O'Toole's first witness identified himself as Thomas Brown, Transit Administrator for Mass Transit. Ms. O'Toole asks if he knows Mr. Portus and Mr. Brown replied yes as a taxi operator when he first applied, and when he goes to the Kona Pier to check on taxis. Ms. O'Toole asked Mr. Brown if Mr. Portus possessed a Certificate of Public Convenience and Necessity. Mr. Brown replied yes he does. Ms. O'Toole shows Mr. Brown Exhibit #1 and asked if this is Mr. Portus' taxi identification card and Mr. Brown replied yes. Ms. O'Toole asked Mr. Brown is there a license plate number listed on it and Mr. Brown replied yes, its HJE 048. Ms. O'Toole asked what type of operation is Mr. Portus entitled to with his certificate. Mr. Brown replied he can provide a taxi service island-wide. Ms. O'Toole asked if Mr. Portus had a PUC license and Mr. Brown replied that according to his conversations with John Leite, the State PUC officer, he does not have one. Ms. O'Toole asked Mr. Brown if taxi fees are regulated by the County Code and Mr. Brown replied yes, under Section 18. Ms. O'Toole asked Mr. Brown to explain the fees charged. Mr. Brown stated that under Section 18, the taxis must run the meter unless they are doing service under the County's Shared-Ride program. The meter rate starts at \$3.00 which is a flag drop rate and it's 30 cents for each 1/8 mile. Ms. O'Toole then asked Mr. Brown was is a flat rate. Mr. Brown replied that flat rating is what PUC operators would charge, which is a set fee for transportation whether they go 5, 10, 20 or 30 miles. Ms. O'Toole asked if taxis can charge a flat rate. Mr. Brown replied taxis must charge the meter rate. Ms. O'Toole asked Mr. Brown if his office retains a private investigator. Mr. Brown replied yes, Vic Vierra and Associates. Mr. Vierra is the former police chief of Hawaii County. Ms. O'Toole asked Mr. Brown the purpose for retaining Mr. Vierra. Mr. Brown replied to follow up on complaints he receives. If he feels that there is undercover work that needs to be done, he'll call Mr. Vierra's firm and send him out. Ms. O'Toole asked if Mr. Brown received any complaints regarding Mr. Portus. Mr. Brown replied yes we have received several complaints on him so he contacted Mr. Vierra and asked him to send somebody out to Kona to investigate. Ms. O'Toole asked if he received a report from Vic Vierra & Associates and Mr. Brown replied yes. Ms. O'Toole showed Mr. Brown a report and asked if this was the one and Mr. Brown replied yes. Ms. O'Toole asked Mr. Brown that after receiving this report, if he sent Mr. Portus a notice of violation and Mr. Brown replied yes, he mailed it on May 2, 2007. Ms. O'Toole asked what violation did he charge Mr. Portus with. Mr. Brown stated failure to follow Section 18-49A of the Hawaii County Code Schedule of Fares, which states that a) no driver or owner of a taxicab while operating the taxicab within the County shall charge, demand, collect, or receive a fare other than that based on the

following schedule, except as provided by this section: 1) Initial meter actuation shall equal to \$3 and shall entitle customer to one-eighth of a mile or less, or one minute waiting or elapsed time or less. 2) Thereafter, 30 cents for each additional one-eighth of a mile or fraction thereof. 3) Thirty cents for each additional one minute of waiting or elapsed time or fraction thereof. Ms. O'Toole stated that is all the questions she has for Mr. Brown.

Mr. Portus told Mr. Brown, that you have seen me at the pier, you have seen me with my sign, and I have asked you in the past if we can tell people what the price would be ahead of time and you said yes you can give them a quote. Mr. Brown replied yes he did, Mr. Portus can estimate how much it would cost. Mr. Portus replied that is what he was doing, and if anyone saw anything different. Ms. O'Toole objected as he was arguing the questions when he only supposed to ask questions. Mr. Brilhante advised Mr. Portus to only direct questions to Mr. Brown. Mr. Portus then stated to Mr. Brown that Mr. Brown has seen him at the pier, holding up my signs, and that Mr. Brown stated he can quote prices. Mr. Brown replied that he has told Mr. Portus that he can estimate the price and you must run the meter. Commissioner Ahia asked if there were any more questions for Mr. Brown and Mr. Portus replied no.

Ms. O'Toole then called Russell Botelho as her next witness. Ms. O'Toole asked Mr. Botelho where is he employed, and Mr. Botelho replied with Vic Vierra & Associates as an investigator. Ms. O'Toole asked if he is familiar with the practice of flat rating and Mr. Botelho replied yes. Ms. O'Toole asked him to explain what it is, and Mr. Botelho replied a fee that you received with the meter off and you can charge anything \$35, \$45, \$50 instead of running the meter. It is his understanding that is not permitted under the County Code. Ms. O'Toole asked why was he investigating Cruz'n Taxi for possible flat rating and Mr. Botelho replied that on January 23, 2007, they received some information regarding taxis flat rating so then went down to investigate. At 9:45 a.m., they observed Mr. Portus talking to some people at the pier and then escorting six people to a white colored van that was parked across the street. Mr. Botelho stated he left his post and followed them and watched Mr. Portus directing the people to the van and leave. Mr. Botelho approached the van and asked the driver his name, and he replied Bucky. Mr. Botelho introduced himself as an investigator and questioned him where he was going and how much was he charging? The driver replied he does not collect the money, his boss handles the money and all he does is drive. Ms. O'Toole asked if he can described the vehicle the people got into, and Mr. Botelho stated a white Mazda van with license plate #HGA 448 and with CH246 on the bumper. Ms. O'Toole asked if Mr. Botelho spoke with the passengers and Mr. Botelho replied yes. He had asked the driver if he had permission to speak to the passengers and the driver stated no problem. Mr. Botelho introduced himself and asked where they were going. The passengers replied a three hour tour. Then Mr. Botelho asked the passengers how much were they charged, and they replied \$35 a person. Mr. Botelho said that the driver, Bucky, stated he wanted no trouble and that he did not collect the money. Mr. Botelho mentioned that later his

phone rings and it's the driver, Bucky. Bucky told him that on some days a customer will be charged \$35, and then another time it could be \$20. Mr. Botelho stated that the driver repeated that he does not collect any money, his boss does that - all he does is drive. Ms. O'Toole had no further questions.

Mr. Portus asked Mr. Botelho that when he spoke with the passengers, did they mention that they paid already. Mr. Botelho stated yes, \$35 a person. Mr. Portus then stated that Mr. Botelho saw him at the pier holding up a sign. Mr. Botelho stated that was correct. Mr. Portus asked Mr. Botelho what was the nature of the sign. Mr. Botelho stated the sign offered tours. Mr. Portus then asked Mr. Botelho if he was requested to investigate Cruz'n Taxi and Mr. Botelho replied yes. Mr. Portus asked Mr. Botelho when he saw the van, did it have a dome on, any markings, and a meter in. Mr. Botelho stated yes, it had a dome on, Cruz'n Taxi was clearly marked and he did not notice if a meter was in. Mr. Portus stated that the question is whether there was flat rating going on, if there was a visual of it, and don't you have to actually see it when it happens because basically flat rating is charging a certain amount and taking people out without the meter running. Ms. O'Toole objected stating that Mr. Portus is arguing again which Mr. Portus replies he is not. Ms. O'Toole stated that Mr. Portus needs to answer questions to elicit facts and at the end you can argue. Mr. Portus then asked Mr. Botelho if the gentleman stated he paid already, and Mr. Botelho stated no. Mr. Portus replied that Mr. Botelho said that they paid for it. Mr. Botelho stated no, he said that the passenger said he is being charged \$35 a person. Mr. Portus said there should be something showing the passengers paid him.

Commissioner Lockwood stated that it seems to him that the question is not who collected the money, but whether Mr. Portus received the money and if the driver did what is legal and ran the meter. He then asked if Mr. Botelho received any contact information from the passengers. Mr. Botelho replied no because tourists tend to get antsy, and if you ask for names and addresses, they want to know what for. Commissioner Lockwood said then its all heresay. Mr. Brilhante, counsel, asked Commissioner Lockwood what is his actual question. Commissioner Lockwood replied do we have the name of this man involved and can we contact him? Mr. Brilhante replied no. Mr. Botelho said to look at his report, I have the taxi operator saying he does not collect the money, and the passenger stating he was charged \$35 per person. Commissioner Ahia asked if anyone have any further questions. All replied no.

Commissioner Ahia asked Mr. Portus to call his first witness and he calls Peter Quesada. Mr. Portus then states he has no actual witness who was there at the time, but that Mr. Quesada is an employee who can answer questions about the rate sheet. It has been around a long time. Mr. Quesada then said its all right there in black and white what the taxi driver charges. It's a guide on how much or what to expect. Commissioner Hultman-Salfen asks if she went from the pier to a certain area, then she would be charged \$35. Mr. Quesada replied yes. Commissioner Hultman-Salfen asked Mr. Quesada if the prices are always the prices stated on the rate sheet. She said she is reading the rate sheet, and it states one hour is \$10 and a whole day is \$60. So if she goes into Cruz'n Taxi cab for the whole day it would only cost \$60, Mr. Quesada replies no, it would depend upon if he just drops you off and returns later to pick you up. Commissioner Hultman-Salfen said that

there are options of Tour #1, Tour #2 and Tour #3 on the flyer, but Mr. Quesada is adamant that Cruz'n Taxi goes by the meter rate. Commissioner Fernandez stated that since the beginning of this hearing, the driver states he doesn't collect the money, Mr. Portus says there is no proof that he collected the money, then who does handle the money for Cruz'n Taxi. Mr. Portus claims it's the driver that collects the money based on what the meter reads. No further questions were asked of Mr. Quesada. Mr. Brillhante said that it is now time for closing arguments with Ms. O'Toole going first.

Ms. O'Toole said that the case will be decided based on credibility, because of two opposing testimonies regarding flat rating. She said that the witness she called is in the profession of investigations who is familiar with the laws, and he had received information that he believed that Cruz'n Taxi was flat rating. On the other hand, we have Mr. Portus and his cousin who has an interest in Cruz'n Taxi, so therefore are biased. Unfortunately, we cannot fly tourists in to testify so we look at the credibility of the witnesses.

Mr. Portus said that for someone who is supposed to be a professional investigator, he did not get any names, addresses, or contact information from the passengers, and then states he did not even see if a meter was in the taxi, showing that it was not a proper investigation.

Commissioner Lockwood stated that since there were no eye witnesses here to testify, it is all based on hearsay. There is no evidence to substantiate the claims to be investigated. Ms. O'Toole said that we are not in court so the strict rules of evidence that would apply in court, do not apply here. You need to examine the facts that were presented. Commissioner Lockwood said "the person who overheard the conversation is not present and it might be a local Filipino fellow who has some sort of and it might be hypothetically true that this Filipino driver has something against him-but maybe perhaps he is being framed. I don't know the truth and I feel we do not have enough evidence."

Commissioner Salfen stated that throughout the testimony, Mr. Portus and his witness kept calling everything a tour. She stated Mr. Quesada did not know how many miles it was from the Pier to a certain area.

Commissioner Ward stated that a group of six passengers, from what he believes, were not held hostage, would not have opinions or vested interest one way or another, indicated to the investigator that he was charged \$35 per person for a three hour tour.

Commissioner Lockwood would like to defer the decision until the driver, Bucky, can come and testify.

Commissioner Ahia stated a motion was made to defer this decision until the next meeting, is there a second?

No second was made. Mr. Brillhante states that the board will now discuss fines.

Commissioner Salfen moved that a fine of \$250 be imposed. Commissioner Espejo seconded. Commissioner Ahia called for individual votes. Commissioner Fernandez, Commissioner Salfen, Commissioner Ward, Commissioner Watai and Commissioner Ahia all voted aye. Commissioner Lockwood nay. Commissioner Ahia stated majority rules and that now Mr. Portus has the option of paying now or wait until the next meeting.

Mr. Portus said that if the commission is going to impose a fine, than he would rather pay it now and get it over with, as time is money for him and he does not have the time to go to the next meeting. Mr. Brillhante said that if the commission is agreeable, then Mr. Portus can go ahead and pay his fine now.

Mr. Portus paid his fine, but stated that if he had waited until the next meeting and brought counsel with him, it probably would not change anything. It would not make sense to appeal it, so he will pay his fine now and handed the \$250.00 over to Ms. Alcover of Mass Transit who will send him a receipt when she returns to the office.

VII. Transit Administrator's Report

Mr. Brown stated that he will request the County Council to extend the Kokua Zones for another two years, and that additional routes will be implemented soon as new buses will be arriving before the end of the year, in Kona, Volcano, and Puna.

VIII. Next Meeting

The commissioners will be notified when the next meeting will take place.

IX. Adjournment

Meeting was adjourned by Commissioner Ahia at 1:35 p.m.