

TESTIMONY TO
COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY

STATE SENATE
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2009
ON
APRIL 6, 2009 1:15 PM

BY
NEUMANN SHIM
PRESIDENT,
ALOHA STADIUM SWAP MEET VENDOR'S ASSOCIATION

To Senate Committee on Economic Development and Technology Senator Carol Fukunaga, Chair, Senator Rosalyn Baker, Vice Chair, members of the committee.

Thank you for the opportunity to testify today. My name is Neumann Shim. I have been a vendor of the Aloha Stadium Swap Meet for over ten years and the current President of the Aloha Stadium Swap Meet Vendor's Association, since 2007. I represent close to 400 vendors.

Regarding GM 285, GM 286, GM 289, GM 290, GM 291 in the confirmation of gubernatorial nominees KATHLEEN O. AHINA, KEVIN H. M. CHONG KEE, ALEXANDER C. KANE JR., MARCIA J. KLOMPUS, NELSON G. OYADOMARI, respectively, to the Stadium Authority, I strongly opposed their confirmation.

Over the past year the Aloha Stadium Swap Meet vendors have tried unsuccessfully to gain any positive support from the current Aloha Stadium Authority. We have sincerely tried to negotiate our concerns with the three decision making entities of the Swap Meet, the Stadium Authority, Stadium Management, and the Swap Meet Management Contractor, Centerplate. We have sat in many meetings with these entities trying desperately to get them to rule in favor of our voiced concerns. We've suggested many ideas, brought in marketing professionals, submitted a detailed petition and expressed what we as small business owners felt were important to our success and the success of the Aloha Stadium's largest revenue source, the Swap Meet. Whatever was most important to us was totally ignored. As a result, changes that we felt were detrimental were made, and many vendors have suffered greatly, some to the point of businesses folding.

The Stadium Authority will try to persuade you that the Vendor's Association only represents a small group of vendors. This is simply not true. We have submitted names

of our officers to stadium management, those officers have been physically introduced to Authority Members, attended countless Authority and Management meetings, and the names of our officers are publicly listed with the Department of Commerce and Consumer Affairs. In addition I submitted a 2007 survey of our members to Stadium Manager Scott Chan, of the original questionnaires which listed the names and vendor number of each of our members. Copies of the forms are available upon request. Close to 90% of those members were opposed to Centerplate's contract being extended in 2008. In addition 120 of our members met with Stadium Authority, Stadium Management, Centerplate and their hired Consultant in a Special Meeting on August 6, 2008. They knew who we were, they knew we existed.

I passed out exactly 300 memos on Wednesday April 1, 2009 to vendors in their D Row stalls equivalent to that many selling spaces. D Row vendors pay the highest rent as it is considered the primary selling area. A single stall consists of 2 parking spaces in area. A double stall has 4 parking spaces. A triple stall has 6 parking spaces. Some vendors own one or more single, double or triple stalls. From Vendors that have provided me with their contact information (and only Association members do) in the past, I can deduct that there are about 230 vendors that rent those 300 selling spaces that are operated through themselves, their employees, and family. On Saturday I asked the vendors in 10 of 15 sections, if they considered themselves to be a part of the Vendor's Association. It took me 8 hours of approximately 3 minutes per person to compile a list of 160 Vendor's Association members. There wasn't enough time to complete 4 sections each with 15 to 30 selling spaces. I will complete those next Saturday if requested.

In the monthly Stadium Authority meetings, where discussions follow the agenda of the day, unless we ask to be on the agenda at least 24 hours in advance, are not allowed to speak, comment, ask questions or participate in any of the discussions as instructed by the Stadium Authority Chairman, Kevin Chong Kee. Instead, we are required to quietly accept any decision made at the time or ask to be given a chance to comment in 30 days.

The Stadium Authority at the request and payment from Centerplate, hired a consultant to submit recommendations in regards to the Swap Meet. In the discussions between the Vendors Association and management, all parties agreed that the hiring the consultant would be okay, provided he would be allowed to observe, interview vendors, and gather information on his own, without company from any of the parties to insure an honest and unbiased gathering of information from the vendors. However, the day the consultant arrived, Centerplate manager Davy Maruyama insisted in escorting the consultant. The vendors felt the consultant would only be used as a conduit for Centerplate to accomplish the changes Centerplate wanted for Centerplate's interest. Subsequently, a special meeting was held with the consultant, the Stadium Authority, Stadium Management, Centerplate and 120 vendors. In that meeting, the consultant claimed that he had talked to over 100 vendors. Yet when all 120 vendors were asked if they talked to the consultant, only 1 raised his hand. Eventually, the recommendations of the consultant, in his report, and much to the demise of the vendors, were accepted by the Stadium Authority, even though he apparently lied.

Once the consultant's report was accepted by the Authority, they chose not to review and decide on the suggestions, and instead, let the Stadium Manager, Scott Chan and Centerplate determine the resulting changes. They even allowed Centerplate to make changes that were more detrimental than was suggested in the Consultant Report. (the Consultant had suggested a timely change of a 4 stall placement rule). The failure of the Stadium Authority to take the time and care in the best interest of a client was clearly evident.

One of the changes that were made was a reconfiguration of the vendor's stalls location placement. This reconfiguration forced vendors that have been in their same location many years, were now forced to be moved to less desired locations, resulting in severe loss of business. In communicating and processing these moves, vendors were promised that there would be enough empty stalls to accommodate them. However, there were not. The Vendors Association questioned the fairness of the process in placement as it appears that some Vendor's had an advantage over others in the process. Management failed to provide adequate explanations.

Some vendors, in the reconfiguration were forced to move under the premise that emergency vehicles needed access in any situation. Although the fire code requires 20 feet wide roadway access several vendors were forced to move even though their stalls fit within the required width. Vendors were also forced to move even though their stall location was NOT included in the list provided by Centerplate (as instructed by Stadium Management) of driveway areas that required emergency vehicle access.

The Vendors Association questioned the motive for the forced move of certain vendors whose stalls locations were okay as is. As documented by the Stadium Authority and Centerplate, one of the reasons was to establish food vendor locations in the vicinity of those areas. Removing certain vendors in certain driveways would allow for unobstructed view from customer foot traffic to the food vendor. The Vendors Association feels that this is a conflict of interest as Centerplate who is also the Food and Concession Contractor for the Aloha Stadium would benefit at the loss of the Swap Meet Vendors. Additionally, the reconfiguration would lessen the inventory of stalls, the possible rent revenues the State would receive, and make it harder for new vendors to obtain stalls. The Stadium Authority chose to overlook the possible conflicts of interest and allowed Centerplate as the Swap Meet Manager and the Food Concession Contractor to have its way. Even now Centerplate will not place a vendor on the C row stall that blocks the view of their B Row food concession.

These situations may seem incidental, but in reality means the loss of thousands of vendors' revenues dollars. The Stadium Authority failed to intervene and allows these inequities to continually hurt the vendors.

A Petition from the Vendors Association was submitted to the Stadium Authority and Management on September 19, 2008 to address in detail, the concerns of the Swap Meet Vendors. One of our concerns, amongst many others was to determine if Centerplate under its agreement with the State of Hawaii to manage the Swap Meet had breach its

contract by failing to “maintain at a minimum of 600 paid vendor stalls with an annual income of at least \$4 million,” as stated in the RFP -04-087-0 dated April 26, 2004. With the reconfiguration it is not physically possible to maintain 600 stalls. Even before the reconfiguration, data showed that less than 600 paid vendors' stalls were maintained. The Stadium Authority and Stadium Management in response to our petition referred us to the contractor in question Centerplate, to voice our concerns. Does this mean that it's okay to have less than 600 paid vendor's stalls has long as the minimum annual revenue is met. Or was the “600 paid vendor's stalls” inserted to insure that those vendors businesses were maintained...I don't know. This made no sense to me, except if you read the language literally, it is a breach.

A similar situation existed in the past when the Vendor's Association asked Stadium Management to investigate another possible breach of the contract. Centerplate management was allegedly taking unauthorized fees from vendors for special consideration in placement and overlooking of rules. Stadium Authority and Management allowed Centerplate investigate their own alleged breach, which resulted in no findings. Subsequently, the managers in question disappeared from operations.

Another questionable practice that the Stadium Authority allows through Stadium Management and Centerplate is to charge a vendor's rent twice for the same stall in the same day. If a vendor is only a few minutes late without consideration for any reason, after having prepaid the rent for the month, has the stall confiscated without reimbursement and the stall only returned if paid for again at the rate of \$75.00. Inconsistently, some vendors are charged only \$3 (the difference \$72 monthly and \$75 daily rates).

The Stadium Authority through management allowed changes in product category and placement that continues to hurt the vendors. Before the changes, Vendors were allowed to operate under Placement dependent on Product Categories. In other words, vendors were allowed to sell only products within their categories and where not allowed to sell their category of products within four stalls of another vendor selling under the same category. This careful merchandizing placement minimized predatory pricing through excessive competition, and allowed safe levels of pricing to insure adequate cash flow for reinvestment and expenses. Once the changes were allowed by the Stadium Authority, all Product Categories and Stall Placement rules were abolished. Stadium supported the idea of a “free market” to supposedly give value to customers and allow for introduction of new products. However, it's been five months, with many resulting incidents of the exact same products being sold next to each other, forcing many vendors to lose or close their business, unable to compete with price. Previously, vendors were forced to be creative in their own categories. Now they don't have to be creative and can sell whatever is moving, even if the same item as their neighbors, adding more redundancy to the market place. It is true that Kevin Chong Kee explained in the hearing on Monday April 30, 2009, that “the vendors are selling the same items.” The decision to have a “free market” made it that way. Creativity will have difficulty to emerge. It takes money to be produce from creativity, and a free market will only diminish profits that would be used to produce from creativity.

All vendors were forced to sign The Rules and Regulations of October 31, 2008 even though they did not agree with those rules. A vendor would not be allowed to sell unless the rules were signed. Stadium Authority, Stadium Management, Centerplate and The Department of Accounting and General Services has represented that the Vendor's Association wants to break the rules. The Vendors Association has submitted through our Petition dated September 19, 2008 our exact position on "rules." The Vendors Association's position is that the rules should be enforced. Yet management only enforces rules inconsistently and only when convenient. Management failed historically to monitor the swap meet for product category and placement violations when those rules existed previously. However, the Vendor's Association constantly asked management to make exceptions only to help place vendors whose items were unique to their neighbors yet in categories that were the same. For example, during that time, a Vendor named Brian who sells the only Paper Lamps of its kind in Hawaii could not get placement because his product was under the category of Home and Bath and could not be placed next to soap, pictures, etc. It was the Vendor's Association position that an exception should be made in this and many other similar situations by management to allow Brian to be placed. Even Stadium Authority member Marcia Klompus stated directly to Centerplate's manager Davy Maruyama that an exception should be made. Davy through is action, refused. On one hand he enforced the rule while at the same time failing to enforce the countless placing by Centerplate of vendors whose product categories were in violation of the four stall rule. It is the Vendor's Association that every selling situation is unique and should be handled uniquely. Stadium Management and the Stadium Authority support Centerplate in not taking the time and care to handle those situations.

It's been over four years since the current Stadium Authority has attempted to direct the success of the Swap Meet. It is obvious that they have acted without sincere regard for the vendors. It has resulted in a constant downward trend of the numbers, with little hope of significant recovery. Their actions are reflected in the extremely low moral, hopelessness and fear in the faces of the vendors, afraid to speak any longer, feeling that no matter what, nothing can be done. The vendors operate in an environment where are three management entities are only accountable to each other and need not be accountable to their largest revenue producing source. The numbers of issues and incidents are overwhelming. Management will constantly tell us that they are trying to do what is best for everyone and that not everyone will be happy and that some will suffer. They will say that because of these hard economic times it cannot be helped. A close friend and teaching partner said, "It is true, these are hard economic times. Even more so, we need to take care of each and every small business person, as they affect not only themselves, but their families and their families, families. The ripple down effect into the population is significant."

I have poured my heart and soul, sacrificing my family and personal business to help insure the livelihood of all these vendors. There are countless inequities to constantly address. Until a few weeks ago, I had given up hope... resigning to the fact the only solution was there is no solution. After reviewing the status of Bills and Committee reports, reading inquiries and witnessing Hearings from this legislative session, I began to

realize that there is hope in this legislative process. I have confidence that you as our representatives have the ability to do the right thing and insure our fair and just representation. I would feel this assurance undoubtedly, knowing that all your highly qualified abilities were being used to select some of the future Stadium Authority members as outlined in this bill.

Lastly if possible, I would like your committee to support SB 382 HD1 which changes the way the Stadium Authority is selected. There is a pending amendment that will be reviewed in conference between the Senate and the House that will allow for the Vendor's Association through its President, to select one qualified nominee to be appointed to the Stadium Authority. If you decide not to confirm these Stadium Authority nominees today, I strongly urge you fill those vacancies through SB 382 HD1 if possible, to insure the interest of vendors as your biggest revenue generating source of the Aloha Stadium for the State of Hawaii.

Thank you again, for allowing me to testify.

Neumann Shim
President, Swap Meet Vendor's Association

DOES THE SWAP MEET VENDOR'S ASSOCIATION REPRESENT YOU AND ARE YOU A MEMBER OF THE VENDOR'S ASSOCIATION?

DATE	VENDOR NUMBER	YES/NO	PHONE NUMBER	EMAIL	NAME	SIGNATURE
1 4/4/09	398	Yes	721-7803	keau@flek.com	Neumann Spinn	
2 4/4/09	32	Yes	741-5478		ROSANA BENITEZ	
3 4/4/09	307	Yes	672-6898		CHIN H. NG	
4 4/4/09	327	Yes	277-5735		Thank You	
5 4/4/09	436	Yes	422-0128		LOI THELO	
6 4/4/09	207	Yes	233-9876		To Sang Kim	
7 4/4/09	875	Yes	352-3609	RIS@HAWAII.RR.COM	RAYMOND BAKER	
8 4/4/09	88	Yes	227-3405	in2datrance@yahoo.com	MARCO DA COSTA	
9 4/4/09	94	Yes	852-6619		Hoe Sun Choi	
10 4/4/09	315	Yes	542-115		Laura Lamm	
11 4/4/09	49	Yes	322-3072	Cadbury01@hawaii.edu	KATHERINE CADBURY	
12 4/4/09	48	Yes	393-7129		JAMES CHALAY	
13 4/4/09	1000	Yes	389-0366		Michelle Lam	
14 4/4/09	11	Yes	255-2323		Sophia Li Tang	
15 4/4/09	330	Yes	230-9833	hwajinsuh@yahoo.com	Tran My Linh	
16 4/4/09	411	Yes	497-6542		HWA SUN SUH	
17 4/4/09	272	Yes	696-7803		PHI T LAY	
18 4/12/09	270	Yes	289-1619		Minz. Nelson	
19 4/4/09	294	Yes	620-9049	HRTMAVAH1@jmail.com	DA COSTA LEO	
20 4/4/09	394	Yes	582-8618	ESM@PRECISION-HAWAII.COM	ERNEST MORI TOMO	
21 4/4/09	352	Yes	284-1862		HWA TANG	
22 4/4/09	229	Yes	782-6715	rich4mci@yahoo.com	SUN YALIN VITALE-VAE	
23 4/4/09	481	Yes	728-8706	SUNNYC888@yahoo.com	SUNNY CHENG	
24 4/4/09	65	Yes	328-3347		Josephine Hoang	
25 4/4/09	323	Yes	489-4510	GOHAWAII@GMAIL.COM	DAVID CHEN	
26 4/4/09	62	Yes	847-5502		WALDEN LAM	
27 4/4/09	274	Yes	845-9005		MINH LUU	
28 4/4/09	271	Yes	542-9679		TY LUU	
29 4/4/09	277	Yes	389-9572		HITE CHIT SALYERS	
30 4/4/09	380	Yes	718-7771		VINH THAHU JUNG	
31 4/4/09	483	Yes	395-9515	markd@yahoo.com	GEORGE W. CARREARO	
32 4/4/09	482	Yes	221-0304		HOI MING KWOK	
33 4/4/09	219	Yes	382-5761		Mark Juh Doo J	
34 4/4/09	431	Yes	386-5630	+19826@yahoo.com	TO NGUYEN	
35 4/4/09	770	Yes	728-7976		WILSON D I E P	
36 4/4/09	919	Yes	398-8535		CINDY LY	
37 4/4/09	276	Yes	629-3742	AVILEVY30@GMAIL.COM	AVI LEVY	
38 4/4/09	332	Yes	622-0709		Hanh Nguyen	
39 4/4/09	474	Yes			AVI LEVY	
40 4/4/09	328	Yes			Hanh Nguyen	

DOES THE SWAP MEET VENDOR'S ASSOCIATION REPRESENT YOU AND ARE YOU A MEMBER OF THE VENDOR'S ASSOCIATION?

DATE	VENDOR NUMBER	YES/NO	PHONE NUMBER	EMAIL	NAME	SIGNATURE
4/4/09	608	Yes	721-5088		SHAN SHAN	[Signature]
4/4/09	171	Yes	488-5388		ASH SAULER	[Signature]
4/4/09	209	Yes	654-0275	minthuc@hawaii.edu	UCH THI WONG	[Signature]
4/4/09	1084	Yes	230-9536	cheepmleang@pac.com	STEVE SCIRE	[Signature]
4/4/09	809	Yes	741-4965		CHEAP M LEANG	[Signature]
4/4/09	123	Yes	734-2838		MILA CO	[Signature]
4/4/09	115	Yes	741-8911		Chi	[Signature]
4/4/09	84	Yes	455-7873	cooper@hawaii.edu	TOM COOPER	[Signature]
4/4/09	201	Yes	218-1497		IM NGUYEN	[Signature]
4/4/09	317	Yes	206-0996		KIM SONG J	[Signature]
4/4/09	536	Yes	450-9554		John Nguyen	[Signature]
4/4/09	678	Yes	258-7076	memoyms@hawaii.edu	RONALD PARKER	[Signature]
4/4/09	302	Yes	833-0467	WMT-Publishing@hawaii.edu	Wendy Parker	[Signature]
4/4/09	1122	Yes	741-8800	nhuocata@yahoo.com	LUY THIA CHAPLES	[Signature]
4/4/09	007	Yes	256-6650		Phat-Phocan	[Signature]
4/4/09	358	Yes	376-7574	ninamamahawaii.com	MINA MARNOS	[Signature]
4/4/09	281	Yes	429-0657	WINNIE FASHION	GAMSON NG	[Signature]
4/4/09	95	Yes	292-3169	locoban@hawaii.com	Payi T. Mai	[Signature]
4/4/09	167	Yes	728-5800		Shin-Fu Liu	[Signature]
4/4/09	259	Yes	188-3599	William Bulmer	bulmer@juno.com	[Signature]
4/4/09	42	Yes	277-4111		Kim W. Lee	[Signature]
4/4/09	246	Yes	309-3193		Sunny Weston	[Signature]
4/4/09	489	Yes	325-6675		New Tran	[Signature]
4/4/09	551	Yes	330-9011		Phuong DUNG TRAN	[Signature]
4/4/09	1060	Yes	387-4438		PAUC MARK	[Signature]
4/4/09	654	Yes	737-5400		ALOK SIKAMOTO	[Signature]
4/4/09	443	Yes	982-1275		SUN SCHOBERT	[Signature]
4/4/09	288	Yes	256-0204		LREN HONET	[Signature]
4/4/09	520	Yes	754-4864		M NIT DO	[Signature]
4/4/09	190	Yes	218-8834		WITNAY THAH	[Signature]
4/4/09	102	Yes	848-1971		Renee Becht	[Signature]
4/4/09	435	Yes	638-0022	becht1@hawaiian.net	Renee Becht	[Signature]
4/4/09	30	Yes	255-5866	snoden@hawaii.com	Kalepoha Roberts	[Signature]
4/4/09	381	Yes	178-3539	Moanatalina@yahoo.com	MOON NATHAN	[Signature]
4/4/09	304	Yes	225-6373	garcia@sphawaii.com	JEARY GARCIA JR.	[Signature]
4/4/09	1071	Yes	741-2999		MARINA	[Signature]
4/4/09	262	Yes	741-2999		MARINA	[Signature]

DOES THE SWAP MEET VENDOR'S ASSOCIATION REPRESENT YOU AND ARE YOU A MEMBER OF THE VENDOR'S ASSOCIATION?

DATE	VENDOR NUMBER	YES/NO	PHONE NUMBER	EMAIL	NAME	SIGNATURE
4/2/09	164	Yes	852-0565	Roscoe 808@gmail	Roscoe Kalikand	[Signature]
4/2/09	57	Yes	358-1001		CHARLES CHANG	[Signature]
4/4/09	146	Yes	383-2841	Anh1088@gmail.com	ANH TO	[Signature]
4-4-09	456	Yes	858-4280	trans company@yahoo.com	Tan Tran	[Signature]
4/4/09	125	Yes	630-0374	meridimake@money@yahoo.com	Phat Sylvies	[Signature]
4/4/09	257	Yes	217-2407	Paulle 89@yahoo.com	PAULLE	[Signature]
4/4/09	457	Yes	387-8884	Dung 89@hotmail.com	Dung Dung	[Signature]
4/4/09	407	Yes	230-1191	ICH DUSTINE@hotmail.com	KEVIN PHUYN	[Signature]
4/4/09	475	Yes	781-5383		ADAM VAN	[Signature]
4/4/09	400	Yes	2563636	my 909 JEFFERY@yahoo	Jeffery	[Signature]
4-4-09	441	Yes	927-0555	elizabeth.tsang@gmail	Elizabeth Tsang	[Signature]
4-4-09	466	Yes	3867328	abbasmc@gmail.com	Mohamed Yousefi	[Signature]
4-4-09	521	Yes	228-7777		YEN LE	[Signature]
4-4-09	193	Yes	230 3595	Jessie Bongsolan@yahoo.com.ph.	JESSIE BONGSOLAN	[Signature]
4-4-09	35	Yes	258-9503		JASON PHU	[Signature]
4-4-09	907	Yes	381-4674		LINH DIE QUACH	[Signature]
4/4/09	368	Yes	384-0222			[Signature]
4/4/09	347	Yes	295-7008		Patrice Fan	[Signature]
4/4/09	735	Yes	382-4082		Chai Que Phan	[Signature]
4-4-09	763	Yes	341-3865		VALERIE GARDINO	[Signature]
4-4-09	206	Yes	218-1495	Siribonnie@hotmail.com	Kim Song	[Signature]
4-4-09	406	Yes	389-6077	VOGCTony@yahoo.com	BONNIE STEWART	[Signature]
4-4-09	460	Yes	230-1576		Anthony Truong	[Signature]
4-4-09	407	Yes	232-9882		King Chum Yom	[Signature]
4-6-09	1054	Yes	422-4855		Patrick Leung	[Signature]
4-6-09	225	Yes	575-7387		Choi	[Signature]
4-4-09	457	Yes	293-5756	Rag 4207@aol	RAULIE GARDINO	[Signature]
4/4/09	129	Yes	222-5070		UINH TRAN	[Signature]
4/4/09	459	Yes	391-1660	Kevin 499@yahoo.com	Kevin Phan	[Signature]
4/4/09	330	Yes	343-5380		Phuoc Nguyen	[Signature]
4/4/09	310	Yes	385-6247	Phuoc 499@yahoo.com	PHUOC NGUYEN	[Signature]
4-4-09	125	Yes	389-1007	Phuoc 499@yahoo.com	Phuoc Phuc	[Signature]
4-4-09	362	Yes	387-2883	Phuoc 499@yahoo.com	Phuoc Phuc	[Signature]
4-4-09	375	Yes	528-2352		WYNALIE CO.	[Signature]
4-4-09	152	Yes	227-1666		RAYMOND HUNG	[Signature]
4-4-09	61	Yes	391-7905		Phok Sun	[Signature]
4-5-09	146	Yes	391-7905		STATION PHUYN	[Signature]
4-5-09	329	Yes	638-9547		TONY XUAN HO	[Signature]

DOES THE SWAP MEET VENDOR'S ASSOCIATION REPRESENT YOU AND ARE YOU A MEMBER OF THE VENDOR'S ASSOCIATION?

DATE	VENDOR NUMBER	YES/NO	PHONE NUMBER	EMAIL	NAME	SIGNATURE
121 4/4/09	892	YES	548 9371		Ashley Harding	<i>Ashley Harding</i>
122 4/5/09	892	YES	311 0143	hobby@kashshadronic.com	Holly Harding	<i>Holly Harding</i>
123 4/4/09	768	YES	109336741032	pm@hawaii.com	R. Darr	<i>R. Darr</i>
124 4/4/09	37	YES	3834050		JANE LEON	<i>JANE LEON</i>
125 4/4/09	223	YES	381-8636		Michael Coi	<i>Michael Coi</i>
126 3/5/09	338	YES	265-1556	Roxylave780@gmail.com	Carol Shin	<i>Carol Shin</i>
127 4/4/09	748	YES	468 874-2835	Sundae@ic.com	Charles Nisnik	<i>Charles Nisnik</i>
128 4/5/09	688	YES	808 667-2351	ASHKATACE@AOL.COM	ASHKATACE	<i>ASHKATACE</i>
129 4/5/09	524	YES	754-0408	dosikyur@gmail.com	Harvey Yum	<i>Harvey Yum</i>
130 4/5/09	421	YES	623-7552		Gilbert S. Kobayashi	<i>Gilbert S. Kobayashi</i>
131 4/5/09	852	YES	487-7885	torres50@hawaii.com	JESSIE TORRES	<i>JESSIE TORRES</i>
132 4/5/09	146	YES	342-0816		Gregory Yi	<i>Gregory Yi</i>
133 4/5/09	1032	YES	270-2029		Jackie Park	<i>Jackie Park</i>
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DOES THE SWAP MEET VENDOR'S ASSOCIATION REPRESENT YOU AND ARE YOU A MEMBER OF THE VENDOR'S ASSOCIATION?

DATE	VENDOR NUMBER	YES/NO	PHONE NUMBER	EMAIL	NAME	SIGNATURE
4/14/09	177	Yes	839-8083		Jang Hwa Jung	[Signature]
4/14/09	96	Yes	741-5358		THE DAO	[Signature]
4/14/09	56	Yes	232-9302	MAIL @ hawaiiapparels.net	NET A GALLERY	[Signature]
4/14/09	253	Yes	391-9903	You & I Trading Co.	Paul Lee	[Signature]
4/14/09	442	Yes	741-9222		[Signature]	[Signature]
4/14/09	100	Yes	675-6579		LEAH BOE	[Signature]
4/14/09	89	Yes	237-0094		Dewi Doe	[Signature]
4/14/09	476	Yes	382-8850	veranonoo@hawaii.m.com	Nandy Verano	[Signature]
4/14/09	995	Yes	422-7694	hxdao2002@yahoo.com	ANTHONY DIAZ	[Signature]
4/14/09	217	Yes	845-9005		Hiep Hill	[Signature]
4/14/09	66	Yes	383-2598	KAI.KANG@MAIL.COM	STENA MI. CHI	[Signature]
4/14/09	222	Yes	341-6097		MARTIN CH	[Signature]
4/14/09	328	Yes	227-2628	TRONG NGUYEN	THU NGUYEN	[Signature]
4/14/09	1079	Yes	391-4439		QUOC LUU HOANG	[Signature]
4/14/09	329	Yes	469-8597		SON NOUTEN	[Signature]
4/14/09	996	Yes	230-9912		QU HO XONG	[Signature]
4/14/09	427	Yes	291-5912		BOM SONG	[Signature]
4/14/09	184	Yes	424-0411			[Signature]
4/14/09	329	Yes	836-1417	tim_nguyen00@yahoo.com	TIM N AN KAN	[Signature]
4/14/09	508	Yes	732-8145	CHING EYER @ YAHOO.COM	SHIH-CHING YEH	[Signature]
4/14/09	410	Yes	722-4253	LINDA_NGUYEN2@yahoo.com	CAN NGUYEN	[Signature]
4/15/09	244	Yes	371-2755	Leoplus18@yahoo.com	AN PHA LE	[Signature]
4/15/09	513	Yes	306-1835	DANNYNGUYEN5@yahoo.com	HUY NGUYEN	[Signature]
	184					[Signature]

DOES THE SWAP MEET VENDOR'S ASSOCIATION REPRESENT YOU AND ARE YOU A MEMBER OF THE VENDOR'S ASSOCIATION?

DATE	VENDOR NUMBER	YES/NO	PHONE NUMBER	EMAIL	NAME	SIGNATURE
4/4	340	Y	392525		E. D. WARD	<i>[Signature]</i>

DOES THE SWAP MEET VENDOR'S ASSOCIATION REPRESENT YOU AND ARE YOU A MEMBER OF THE VENDOR'S ASSOCIATION?

DATE	VENDOR NUMBER	YES/NO	PHONE NUMBER	EMAIL	NAME	SIGNATURE
	1038	YES	2325548		THAO NGUYEN	<i>[Signature]</i>

81
82

281
282
283

2D 3D

PETITION IN SUPPORT OF PETITION

We the vendors as signed below agree to and support the Petition in its entirety as submitted and dated September 19, 2008 to the Aloha Stadium Manager and Stadium Authority Chairman by the Aloha Stadium Swap Meet Vendors Association on behalf of Aloha Stadium Swap Meet Vendors.

NAME	SIGNATURE	VENDOR #	PHONE#
Vinh Thanh Chung		483	224-6668
VIEN U		493	
YOUEN SOON MORTUOMO		296	
HAE CHA SHAYERS		390	
Tae Ho Pak		249	
Hanh Nguyen		328	
ANNA YOUNG		517	
Kevin Shin		401	
Adams	Adams, N. TG	440	
Frank Bender Tim		456	
Hung Nguyen		329	836-1417
Sandy Yeh		512	
Patrick Chung		255	
Hsuan Sheng		100	
ANTHONY DAO		995	
Linda Nguyen Linda N		320	
Duc Dao		321	
DAVID CHUA		78	
Soung		416	
Ken's Club		155	
KATHRYN CABLAY	KATHRYN CABLAY	49	
RAYMOND HOW	RAYMOND HOW	152	
Bao Fung		1054	
W. S. R		375	
DAVID FU LIN		259	
Lisa Yuan		852	
THAO NGUYEN		1038	
Sara Li		204	
KWAN KOCO KWAN		1055	

NAME	SIGNATURE	VENDOR #	PHONE#
JERRY GARCIA, JR.		1076	225-6372
MARILOU CABILING		47	398-4376
John Nguyen		796	469-8283
Ryan Lee		317	392-3384
Kingong Ho (Hans)		215	587-8779
Lina S		64	255-2446
Dorothy NGUYEN		28	222-6009
Betty Chen		311	664-4613
Billy Nguyen		#55	536-0991
Quoc Linh Hoang		309	391-5830
JOSEPHINE HOANG		# 1079	391-4439
TOAN XUAN HO		# 323	392-3247
Tom Yung		# 146	391-7905
MYLE THI-LE		# 511	685-4080
Jack Lazar		770	382-5361
Jim Kam		176	428-1964
Jin Kam		69	768-6155
Jandy Pang		182	741-7391
Coendchen Lee		353	387-3808
Toan T. Lam		541	699-1077
CHENG CHI MI		272	232-3229
JASON CHI YOUNG		66	383-3578
AMY LU VO VAN		518	382-8222
WILLIAM DOLMER		1056	387-8328
JASMINE G. GLADDEN		42	785-3599
MAN K KAN		414	780-4069
VICKY MO		184	428-0411
JACKSON SCOTT		295	398-1481
MARIAN LE		634	630-9668
GEORGE CAPEVASE		460	230-1576
HANUEL GOMEZ		52	778-7771
Dana Sucors		125	5856247
JIM ZIMMERMAN		110	531-7705
Mike		529	638-9543
AMY CHAU		457	398-8972
SUSAN PATIND		1050	218-3020
Jane H. Jung		68	382-9913
Walter Lee		29	772-6062
CHOI		111	839-8083
		10	587-2200
		457	375-7387

PETITION IN SUPPORT OF PETITION

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NAME	SIGNATURE	VENDOR #	PHONE#
SUNNY CHENG		65	5244271
THU NGUYEN		410	781-0477
Suying Lam		239	284-1822
Nguyen		770	302-5361
ALAN			
Markon		117	68-2108
Markon		11	689-7028
TAN DUNG TRAM		456	
HWA TAM		352	413-048
HWA NGUYEN		332	398-8535
Hassoud Koussef		521	228-7777
Hina		193	
MICHAEL WENGER		488	636-0532
JIANG MI HAN		133	
ROSIE FRANK		114	
LINH NGUYEN		318	
Chris Leung			333-8284
Nancy VT Nandy Vernon		476	362-8850
JACKSON LEE		244	371-2755
DAVID CHEN		62	489-4510
UNG LAN		102	318-8834
James Sag		563	
JAMES SOUSA		973	619-957-6744
LIZAM MUHSIN		333	421-0249
Devi Sankar		74	852-8677
Rita Amara		11#12	383-4516
POPE YOUNG		358	256-4450
John		278	
John		1149	609-9927
Kesana		#32	488-7075
Blair		#90	813-1807
RAJNICK/PROSITICH		875	352-3809

PETITION IN SUPPORT OF PETITION

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NAME	SIGNATURE	VENDOR #	PHONE#
MOON NAHMYU	<i>[Signature]</i>	304	
MICHAEL LOI	<i>[Signature]</i>	223	
MARK PARKER	<i>[Signature]</i>	443	943-2443
JOHN PARKER	<i>[Signature]</i>	1176	664-3424
CARLOS CRISTO	<i>[Signature]</i>	13	381-8605
KHAN ALBERTIN	<i>[Signature]</i>	411	230-9833
SUH, HWA SUN	<i>[Signature]</i>	852	354-1110
TITRES	<i>[Signature]</i>	560	712-8326
NGUYEN	<i>[Signature]</i>	256	256-2709
ALAN CHANG	<i>[Signature]</i>	56	232-5302
CO JENNIE	<i>[Signature]</i>	324	780-6728
EDMUND JENSEN	<i>[Signature]</i>	250	808-230124
TRAN	<i>[Signature]</i>	034	544-7234700
STAN JUNG YUN	<i>[Signature]</i>	608	154-0408
CHARLES TRIN	<i>[Signature]</i>	524	383-3434
JUSTIN PHILLIP	<i>[Signature]</i>	492	
CHUCK LYNN	<i>[Signature]</i>	283	
KI TAN SONG	<i>[Signature]</i>	324	392-6131
WINNIE DUNG	<i>[Signature]</i>	412	244-9222
JAY PANG TO	<i>[Signature]</i>	925	732-3142
MELINDA VIOLE - VAC	<i>[Signature]</i>	35	398-0940
CELIA CURRAN	<i>[Signature]</i>	247	244-0050
NINA MARRAS	<i>[Signature]</i>	616	779-6970
	<i>[Signature]</i>	111	389-0366
	<i>[Signature]</i>	481	786-6715
	<i>[Signature]</i>	732	382-4082
	<i>[Signature]</i>	281	

PETITION IN SUPPORT OF PETITION

(4D)

We the vendors as signed below agree to and support the Petition in its entirety as submitted and dated September 19, 2008 to the Aloha Stadium Manager and Stadium Authority Chairman by the Aloha Stadium Swap Meet Vendors Association on behalf of Aloha Stadium Swap Meet Vendors.

NAME	SIGNATURE	VENDOR #	PHONE#
CAROL AGRES	<i>[Signature]</i>	7	781-8608
...	...	36	488-7271
...	...	552	286-6038
...	...	307	294-6688
Jahn Aki	<i>[Signature]</i>	11	695-5490
LOI THIEU	<i>[Signature]</i>	436	277-9157
CAN NGUYEN	<i>[Signature]</i>	310	722-7263
Shane Jankovic	<i>[Signature]</i>	201	2-18-1119
NGUYEN HANG HO	<i>[Signature]</i>	482	586-5209
MARTIN LAI	<i>[Signature]</i>	222	349-6077
Leon Saub	<i>[Signature]</i>	1060	330-9011
...	...	4330	442-4463
...	...	406	380-3598
...	...	475	
...	...	227	277-8735
...	...	358	256-6650

PETITION IN SUPPORT OF PETITION

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NAME	SIGNATURE	VENDOR #	PHONE #
Ashley Harding	<i>Ashley Harding</i>	892	348-9371
Michael Williams	<i>Michael Williams</i>	98	296-0209
Michael Williams	<i>Michael Williams</i>		384-0209
Michael Williams	<i>Michael Williams</i>	30	638-8382
Renee Beath	<i>R. Beath</i>	30	1038-0022
SEUNG HYUN SOHN	<i>Seung Hyun Sohn</i>	413	1320-0356
Carol Shin	<i>Carol Shin</i>	338	265-1956
Jay Jay TABATA	<i>Jay Jay Tabata</i>	421	623-1552
Michael J. Tabata	<i>Michael J. Tabata</i>	421	341-3177
JIM CABLAY	<i>Jim Cablay</i>	48	222-5072

fromRoseann Chang <Roseann.Chang@centerplate.com>
toNeumann Shim <keau@flex.com>

ccRoger.Reeves@centerplate.com,
Davy Murayama <Davy.Murayama@centerplate.com>

dateThu, Feb 5, 2009 at 12:02 PM
subjectRe: QUESTIONS

hide details Feb 5 Reply

Hi Nuemann,

The responses are in red.

Mahalo,

Rosie Chang

As discussed, I would like to confirm centerplate's position that any requests for public financial information regarding the Swap meet must be requested from Stadium Management.

You may request any type of information from Centerplate. However, under the Freedom of Information Act, Centerplate is not required to provide the information requested since it is not a government agency. Centerplate is willing to provide you with any information requested as long as it is within the scope of the information Centerplate is required by contract to provide to the State.

Also, it is my understanding that although I may request such information from Stadium Management, the degree to which Centerplate will provide such information to Stadium Management would be determined by whether or not Centerplate would legally be bound (according to their contract with the State of Hawaii) to provide that information.

The Freedom of Information Act requires the government to release documents. Whatever information that is provided to the State, in accordance to Centerplate's contract, becomes public information.

Such information may include but not be limited to the breakdown of attendance that includes customers that paid for entree, did not pay, had coupons, vendors, employees, special event attendees, etc.; and the vendors' rents that were collected from A,B,C & D Rows.

According to reports given to the State you can get total admissions, which include coupon (free) admission and paid admission. You would be able to get stall sales by rates. There is no distinction between special event attendees and regular shoppers, they both fall under paid admission.

I am also, requesting (as I did in our meeting), any documentation from Fire Marshall or any other appropriate agency that determines rules or guidelines regarding fire or medical emergency vehicle access specifically to the Aloha Stadium. However, I would like to confirm whether or not it is your position that you will or will not provide that information as you may not be required to do so and that I again should ask Stadium Management for that information.

We do not have any official documentation from the Fire Marshall that determines the rules or guidelines. However, Aloha Stadium Management, was instructed by the Fire Marshall to keep the following areas clear at all times for emergency access:

- Two lanes between Sections 3 and 4
- Two lanes between Sections 6 and 7
- Two lanes between Sections 8 and 9
- Two lanes between Sections 11 and 12

Regarding the E&F Row and driveway vendor's relocation to the available D row stalls over the last four months, do you have copies of lists of available stalls and the dates of their availabilities, a lists of vendors required to move and their original locations, the roll call or lottery lists that identify the vendor's positions toward available stalls, a detailed written description of the processed used for relocating vendors including the distinction of priority that was given to vendors with double or triple stalls toward available stalls over vendors with single stalls for those same available stalls and how that distinction was fair to all vendors in the relocation process? Can you also confirm whether or not your process for determining the priority issuing available stalls to double or triple stall vendors was communicated to all vendors in need of relocation or only to some and if so, why?

Please state your issue as we are unclear on what exactly you are asking.

Would you agree or disagree that a double stall or triple stall vendor should have had priority only if a double or triple stall was available and if that vendor chose two or three available separate single stalls they should have been only allowed to do so in a lottery that included all vendors in need of single stalls? Would you agree or disagree that the process that was implemented favored vendors with more stalls over vendors with less stalls?

The lottery was only designated for vendors who were being moved from the E/F row and driveway stalls. The process was given to anyone who requested the information. There was no preference given to any vendor, whether they had one stall or multiple

stalls. The procedure was simple. All vendors who were being displaced were asked to attend the October 24th lottery. There was only one lottery to determine the order in which they would choose a new location(s). At that lottery, they attained the number order in which they would be able to choose a new location. Again, no preference was given to any vendor.

For Example

Single stall

Single stall

Double stall

Triple stall

Single stall

Double stall

Number 1, would get to pick first from the available list of stalls. Then Number 2 would get to pick. Number 3, if there were no double stalls available they could either choose to break up the double and pick two single stalls or keep their double and wait for a double stall to become available. They would maintain their order in line if they chose to wait for a double. Number 4, would also be given the opportunity to either break up the triple or wait for a triple to become available. If they chose to wait for a triple, they would maintain their order in line and we would continue on to the next number.

Can you provide any documentation and supporting evidence that describes how all of the changes that were implemented since August of 2008, has improved the swap meet and for whom?

As you already know, the declining trend of the Swap Meet is still doing so at the same rate for the last four years. The changes that were implemented in November 2008, were not expected to produce an immediate upward trend. It took four years for the Swap Meet to get to this downward trend, where it is today. As is true in any business, it will take some time to build it back up. Therefore, it is too difficult to make an accurate and responsible assessment of the implemented changes and how it has affected the Swap Meet after a three-month period.

What are your specific marketing or other strategies for increasing customers and vendors at the swap meet, and if such strategies exist, are they being implemented and how?

As stated at the January 29, 2009, Stadium Authority Meeting, in which your Vice President (Ashley Harding) and Secretary (Jerry Garcia) attended, Centerplate is in the final negotiation stage with PCF Virtual Communications to create a marketing and advertising plan for the Swap Meet. In the meantime, we have a few small projects in the works to help increase attendance, including a promotion with Pepsi to allow free admission to buyers who bring bottles/can to recycle, and a promotion with the Hawaii Food Bank to allow free admission to buyers who bring canned food donations.

How does your reasoning for current A,B,C,D vendor stall rental pricing help to promote a healthier economic situation for vendors in the current economic times?

During the last four years the A and B stalls sales have decreased an average of 10%. The D row stall sales have decreased an average of 10-12%. The C row stall sales have decreased an average of 75%. With the C row decreasing 75% over the last three years, we have implemented a promotion to include the C row with the A and B row pricing.

One of the strategies that have been communicated to vendors, stadium management and stadium authority is that removal of the product categories and four stall rule would create more competition and drive the price of goods lower creating more value to customers and therefore increasing attendance, and therefore vendors. Do you have evidence that this trend is occurring?

As mentioned above, it difficult to accurately and responsibly assess any type of trend in a three-month period.

Why is the reasoning for decreasing the price of goods to increase value and therefore more customers, not extended to lowering the pricing of vendors rental rates to increase value and therefore more vendors?

As mentioned above, the rent pricing structure will be reviewed, evaluated and discussed in conjunction with the marketing ad advertising plan with PCF Virtual Communications.

What is your position regarding the possibility that the prices of vendors' goods are at bottom levels and cannot go any lower without driving the vendors out of business? Have you considered any strategy to help these vendors that may be on the brink of losing their businesses or is your strategy to replace them with a new vendor?

Centerplate's position is to improve the Swap Meet as a whole. We understand that individual vendors are suffering and many are facing losing their business. This is an unfortunate reality and crises that businesses across the country are facing. The nation is undergoing an economic crisis. We do not have a strategy to replace any vendor with another vendor. That has never been stated by Centerplate.

Can you explain how having no product category or no four stall rule will promote creativity and stop repetition of the same goods being sold?

Because of the free market we are trying to create, we cannot control the repetition of the same goods being sold. We are encouraging vendors to sell what they choose, and do not desire to control that (except with regard to illegal items). As mentioned above, the elimination of the product categories and the Four-Stall Rule removes the restrictions on vendor placements. This allows all products into the marketplace and does not prevent vendors from selling what they are capable of selling.

What is your policy regarding temporary usage of a driveway stall?

Centerplate's policy is that those stalls no longer exist and are not available for use. The incident that you spoke of during our meeting has been handled and the person responsible has been reprimanded.

Can a vendor rent any stall in the C Row and if not, which stalls are available and which stalls are not and why?

Yes. A vendor may rent any stall that is available in the C row. There are some stalls in the C row that are already reserved, and therefore not available. There are some occasions when a certain area is not available due to special events.

Thank you for your time to address each of these questions. Can you also indicate who specifically answers each question whether it is, the swap meet manager, general manager or regional manager. I look forward to your response.

The responses given above are on behalf of Centerplate

-----Neumann Shim <keau@flex.com> wrote: -----

To: Roseann Chang <Roseann.Chang@centerplate.com>, Davy Murayama <Davy.Murayama@centerplate.com>
From: Neumann Shim <keau@flex.com>

Date: 01/29/2009 09:43PM

cc: Ashley <ashley@bubbleshackhawaii.com>, James Cablay <cablayj001@hawaii.rr.com>, CSPHAWAII@aol.com, "kchongkee: kevinselectricinc.com" <kchongkee@kevinselectricinc.com>, "scott.l.chan: hawaii.gov" <scott.l.chan@hawaii.gov>, yooandi@yahoo.com
Subject: QUESTIONS

From: Ashley [ashley@bubbleshackhawaii.com]
Sent: Friday, April 03, 2009 11:56 AM
To: EDTTestimony
Attachments: ~\$MMITTEE ON ECONOMIC DEVEOPMENT AND TECHNOLOGY.doc

COMMITTEE ON ECONOMIC DEVEOPMENT AND TECHNOLOGY
SENATOR CAROL FUKUNAGA, CHAIR
SENATOR ROSALYN BAKER, VICE CHAIR

NOTICE OF DECISION MAKING
MONDAY APRIL 6, 2009
1:15 PM CONF RM 016

TESTIMONY FROM
ASHLEY P. HARDING
VICE PRESIDENT, ALOHA STASIUM SWAP MEET VENDORS CORPORATION

Aloha, Chair Fukunaga, Vice Chair Baker and committee members. Thank you for the opportunity to testify on the appointment process for the Stadium Authority. My name is Ashley Harding. I am a small business owner, a current swap meet vendor and as Vice President of the Aloha Stadium Swap Meet Vendors Corporation, commonly known as the Vendors Association, I volunteer to represent hundreds of entrepreneurs who do business at Aloha Stadium and have interest in growing the business of Aloha Stadium, the revenues of Aloha Stadium, the event schedule at Aloha Stadium, and the benefit and opportunities the Stadium offers to the general public.

I do not support the appointments of Kathleen O. Ahina, Kevin H. M. Chong Kee, Alexander C. Kane Jr., Marcia J. Klompus, and Nelson G. Oyadomari to a second term at the Stadium Authority.

Please understand that there has been somewhat of a contentious relationship with Swap Meet Vendors and the existing Swap Meet Management Contractor, Centerplate. Since simple positive sensible change never found common ground, the situation has escalated to now include Stadium Management and the Stadium Authority and has yet reached any resolve. I have reviewed all of the submitted testimony, reviewed minutes from the previous committee hearing and would like to give the committee additional information for your decision.

Chairman Chong Kee stated in his appointment testimony that he believes the Authority provided leadership in resolving issues with Swap Meet Vendors. There was leadership; however, it was false leadership. There was a Centerplate financed consultant who visited the Swap Meet in early May 2008. There was a de-brief public Authority meeting after the end of his review, and once the Authority received the report and was split on whether to accept it or not, Member Kathryn Inouye suggested a public town hall style meeting to address issues and hear public testimony on the consultants report. This meeting was held on August 6, 2008. During this meeting vendors received multiple reassurances from Chairman Chong Kee and several Authority members that our testimony would be taken into consideration and discussed at the August monthly Authority meeting. During the August monthly meeting when Chairman Chong Kee reached the portion of the agenda to discuss the individual issues, Authority members stated they didn't want to be there all day and suggested they pass along these problems to Stadium Management and Centerplate. There was cautioning contractual comments from State Comptroller Russ Saito and the Attorney General's office during the August Monthly meeting, which I believe was an overreaction since Mr. Saito did not attend the August 6, 2008 special meeting. The specific instruction and counsel explained that the Authority had a decision to either discuss each individual

issue or table the discussion. It was clear that this was an Authority decision, was not controlled by any law or scope of authority and there absolutely was an opportunity to have an issue by issue discussion and provide the contractor with recommendations. I believe the right decision would have been to discuss each individual issue as promised during the August 6, 2008 special meeting even if we had to be there all night. The decision to not discuss the individual issues only led to extreme vendor disappointment, four public protests on Salt Lake Blvd during University of Hawaii Football games with over 100 vendors each protest and public media , and now non-support for these five nominations. This is one example of why our general membership is questioning the sense of duty of the authority.

The Swap Meet Consultant, Mr. John Schoen, was paid for by Centerplate. This was not an objective means of review. After the Vendors Association brought this conflict concern to the Authority during the Consultants de-brief of preliminary findings, Chairman Chong Kee told the public in attendance that the Authority would pay for Mr. Schoen's services. The financial responsibility was never reassigned from Centerplate to the Authority's Special Fund, Mr. Schoen was paid by Centerplate and the consultant's report specifically states that he worked only for Centerplate. The Stadium Manager did state in a later monthly meeting that he redrew his request to have the State pay for Mr. Schoen's services. This concern was addressed in the Vendors Association petition of the Authority which was not accepted by the Authority and returned.

I would like to bring to the attention of the committee one of the rules and responsibilities of the Stadium Authority. One responsibility of the Authority is to cross promote the Swap Meet with other stadium events. Swap Meet vendors are always encouraged by crossover sales from other stadium events; however, I am unaware of any discussion or effort to formerly cross promote the Swap Meet with any other stadium event. This is exactly why SB382 and SB484 were introduced to place accountability on the Authority, Stadium Management and existing contractors.

It is disappointing to realize that one of the most significant impasses between the Vendors Association and the Stadium Authority is the credibility and motive of the Aloha Stadium Swap Meet Vendors Corporation. Whenever the Vendors Association comes forward with a concern, instead of addressing that concern the Authority seems to be stuck on verifying our organization and the motives of the people who represent our organization at the monthly meetings. During the May de-brief special public Authority meeting to hear preliminary results from Consultant John Schoen, the Authority questioned the credibility of the Vendors Association. Of course questioning is completely normal and acceptable; however, after the executive session during this meeting I offered to provide annual Department of Commerce and Consumer Affairs annual filings and tax returns. I was told that reporting wasn't necessary by individual Authority members, which contradicts the last EDT committee testimony. During the August 6, 2008 special Authority meeting there was unprecedented overwhelming support from our general membership to continue to recognize the Vendors Association, to have the Vendors Association Board members continue to represent vendor concerns and not dissolve the organization as recommended by John Schoen in his consultants report. If Authority members continue to question our organization's representation and motive even after the May special meeting and the August special meeting then I would suggest they walk the Swap Meet and visit every single vendor and verify for themselves. Please note that the Stadium Authority is who originally requested the Vendors form a group to represent themselves to the Authority.

The Vendors Association has brought forward the conflict of interest issue of having Centerplate hold both the contract for Swap Meet Management at Aloha Stadium and Food Concessions at Aloha Stadium several times, most recently during my Swap meet Management RFP questions at the December Authority meeting. Although both of these contracts were awarded separately they have the same management staff running them. When this issue came up in the August monthly meeting and State Comptroller Russ Saito gave examples of past contractual conflicts of interest, it seemed immediately necessary to review the operations of both the Centerplate Swap Meet Management and Concessions contracts. During the December monthly meeting this

same issue arose again and the vague answers and resistance of procurement/operational investigation is still unacceptable to the Vendors Association. This issue is still ongoing and unresolved.

It is also important to note that as pointed out in previous testimony the Aloha Stadium Swap Meet is the single largest revenue producer for Aloha Stadium. It is then disappointing to learn that after originally requested by the Authority fourteen months ago, Centerplate has yet contracted a new advertising agency even after I personally brought four agency representatives to the Centerplate office. After several months of questioning the existing business model and talk of rewriting the business model of the Swap Meet the Authority, I believe, did not even act until I submitted specific questions during the December Monthly meeting regarding rewriting the Swap Meet Management Contract RFP.

In my previous testimony supporting SB382 I noted the steps I believe will help promote and grow the business of Aloha Stadium. Those steps are analyzing the issues surrounding the deed restrictions and making a decision that balances preserving the charm and spirit of Aloha Stadium and the Aloha Stadium Swap Meet and allowing new commercial opportunities which will bring new significant sources of revenue to the Stadium all while providing an increased public service. There needs to be a serious look at the event schedule of Aloha Stadium and how the Stadium is promoted overall. Finally there needs to be an aggressive Authority in place who will immediately make significant changes and hold themselves, Stadium Management, and existing contractor accountable.

I ask you today to not support the nominations of the five existing Stadium Authority members listed above.

Thank you for the opportunity to testify on this process.

fukunaga4 - Michelle

From: terry bong [sunnyc888@yahoo.com]
Sent: Sunday, April 05, 2009 10:18 PM
To: EDTTestimony; EDTTestimony
Subject: *****SPAM***** GM 285, GM 286, GM 289, GM 290, GM 291

April, 5 2009

From:Sunny Cheng
1245 Maunakea St. #1212
Honolulu HI, 96817
(808) 728-8706
sunnyc888@yahoo.com

To:Committee on Economic Development and Technology
Senator Carol Fukunaga, Chair
Senator Rosalyn H. Baker, Vice Chair

Dear Senator,

My name is Sunny Cheng and I am a Aloha Stadium Swap Meet vendor since 1992.I would like to submit this testimony in regarding the status of the GM 285, GM 286, GM 289, GM 290 and GM 291.For renewal of the board members of Aloha Stadium Authority:Kathleen O. Ahina, Kevin H. M. Chong Kee, Alexander C. Kane JR., Marcia J. Klompus and Nelson G. Oyadomari.

For my request is that: would you please make sure the Board member of the Stadium Authority you want to select are really work for people,not just stand there for doing not thing as you know that the current Stadium Authority Board members now,are just standing there,they did not do their job.so,Please do not Nominee them Thank you

In the pass few years,when we (the swap meet vendors) have the problem with the Swap meet managet Center Plate;(Center Plate who has the contract with the Stadium Authority for the State of Hawaii to managethe Swap Meet) We,the Swapmeet Vendor Association Member ,ask the Stadium Authority Board Member to have a meeting together with Center Plate to resolve the problem.

Being in 2008 until now.All of the Stadium Authority Board memero do not want to do job.No matter how hard we try,even we stand out on the street to protest.No one care.They 'd just give all the power to Center Plate to control us.

Now the Center have the full power like the king.They use the jungle rule to treat us,maybe in thire mind,all the swap meet venders ,about 600 families are beband on the swap meet to work for a living are came from the mountain.Here are some jungle rules that they treat us are:

One, the space use for the store we had alredly paid in full for every month,,If we do not show up by 7:30 am .They took the store and resell them to the other vender so they can correct two times of rent in the same time and place for this matter. I have met the Centerplace manager and talked to her that I have children that need to be brought to school and the school opens at 7:15 AM. If I drop my child at school to early without anyone to look over them and something bad happens too late to the child, then I am the my childs' parent and may go to jail. I want to go to Swap Meet by 8:00 or 8:30 pm so that I can drop my children at school in time after the school opens. The Centerplate manager doesn't care about that issue, so now on the cost of living, I have to drop my children at school on every wednesday morning early without someone there to look over them so I can get to the Swap Meet before 7:30 am. If something happens to them, don't put me in jail.

Two, they took back the four store rule, which is not being able to sell the same merchandise within four stores. Now we can sell everything we want except for food and soft drinks. Only the Centerplate Management can sell those. This is the Swap Meet operation time, not the football game time. Why can only the Centerplate themselves can sell drinks and they charge a very high price for their drinks? So they just want us to have competition with each other (vendor vs. vendor) but they don't want any competition with them.

Senators, you are the lawmaker for the state of Hawaii. Would you please review the above two issues? Is it the Hawaii law allow the management to collect twice as much money at the same time and place? If they are not, then please tell them to stop right away and not wait one more day? Also, I beg you to tell them to treat us fairly, because these are hard economical times and everyone needs to help each other. So it wouldn't be fair to make all our hard work in vain.

Thank you very much for your time and help.

Sincerely,
Sunny Cheng

From: mailinglist@capitol.hawaii.gov
To: [EDTTestimony](#)
Cc: keau@flex.com
Subject: Testimony for GM286 on 4/6/2009 1:15:00 PM
Date: Monday, April 06, 2009 10:39:50 AM
Attachments: [Testimony from ElmerOmori re Stadium Authority.doc](#)

Testimony for EDT 4/6/2009 1:15:00 PM GM286

Conference room: 016
Testifier position: oppose
Testifier will be present: No
Submitted by: Neumann Shim
Organization: Individual
Address:
Phone: 8087217805
E-mail: keau@flex.com
Submitted on: 4/6/2009

Comments:
sent by Neumann Shim for Elmer Omori

In the fall of 2008 Stadium Authority / Management made vendors in certain stall move their business in to new location. I did not like this because I was in a so called condemned stall. I had no choice of whatever stalls were available but had to participate in a lottery. Stadium Authority / Management promised me that they have enough vacant stalls to fulfill the relocation of all vendors involved, and the move will happen in one move meaning everyone will move at the same time and thus delaying my lottery participation will only cause me to obtain an undesirable stall location. Then 5 months later we still see vendors in the so called condemned stall. We suffered for many months where other vendors did not have to have. I feel Stadium Authority / Management failed and broke their promise causing me to lose financially, not to mention the emotional stress whenever a steady customer find us too late and made a wrong purchase or paid too much for the same goods.

It is my understanding that the reason given me for moving is that there safety requirement that I am breaching, an emergency vehicle will require 2 lanes for it to negotiate thru to get to any emergency. It is my understanding that the only safety lanes required are 2 lanes between sections 3-4;5-6;8-9; and 11-12. I was located in a lane between sections 2-3. This lane is not one of the safety lanes requirements. I suspect that the reason for movement was for a better view of a food vendor in the row in back of my tent. Stadium Authority / Management decision to move me feels that favoritism, EEO and conflict of interest maybe an issue.

Stadium Authority / Management is not receptive to suggestions by the vendors. For example: lowering the rent for those in section 14D to 11D because those stalls on Sundays have a neighboring stall that their rent is a mere \$15.00 where as ours in the very next adjacent row is \$72.00 a day or moving the lower rent neighbors further in onto row A away from the higher rent vendors. This can be done by moving them up to the inner perimeter of the stadium and all around the stadium.

I feel it was an unjust procedure for our location. Since we were already in the "D" row and our move was to relocate us into another "D" row stall we should not have had to participate in a lottery. We should have had a choice of relocating to the next "D" stall opening. The promise of enough stall for everyone indicated adequate open "D" row stall.

Stadium Authority / Management denied my request and broke their promise. I feel Center Plate owes those involved in broken promises and losses to receive some kind of compensation.

fukunaga4 - Michelle

From: NANDY [veranon001@yahoo.com]
Sent: Sunday, April 05, 2009 10:16 PM
To: EDTTestimony
Subject: Testimony

Hello, my name is NANDY VERANO, been working in aloha stadium since 1993 as a vendor. I feel like at this time aloha stadium or swapmeet management, miss manage the swapmeet base on their new rules, it does affect my sales reducing to atleast 35%. For example having no four stall rules, my neighbors are selling same product that I sell which causes my sales decreasing and start competing the prices which is causing our profit margin lower... For me, I agree with the rest of the vendors not to renew their contract for another four years.. We need new management that will provide as a better service in the near future...

Aloha,
Nandy

fukunaga4 - Michelle

From: Leigh Valencia [puertoviejo@mac.com]
Sent: Sunday, April 05, 2009 10:48 PM
To: EDTTestimony
Subject: House hearing for SB382HD1

Committee on Economic Development and Technology Senator Carol Fukunaga, Chair Senator Rosalyn Baker, Vice Chair

Notice of Decision Making
Monday, April 6, 2009
1:15 Conf. Rm 016

Testimony from
Manuel Gomez
Aloha Swap Meet vendor

Hello Chairman Fukunaga, Vice Chair Baker, and committee members.
Thank you for the opportunity to testify on the appointment process for the Stadium Authority. My name is Manuel Gomez. I am a craft vendor at the Aloha Stadium.

I do not support the appointments of Kathleen O. Ahina, Kevin H. M. Chong Kee, Alexander C. Kane Jr., Marcia J. Klompus, and Nelson G. Oyadomari to a second term at the Stadium Authority. I believe that the Stadium Authority is not doing their job effectively in managing and improving the business at the Aloha Stadium Swap Meet. On October 6, 2008, at a meeting with the Stadium Authority to discuss the elimination of E and F rows, and the 4 stall rule, the Stadium Authority ignored the many concerns regarding the relocation of vendors, and conflicts with vendors being placed next to others that sell similar merchandise. The Stadium Authority still went ahead with the relocation of vendors, which has greatly affected my business, as well as many other vendors. I no longer have a regular stall twice a week, and have to resort to being in a lottery for stalls on those days. As a result of this, I am two hours late with setting up, and I lose many customers. Like many others, I am also placed next to vendors who sell similar merchandise, which also affects my business.

The Stadium Authority, and Centerplate have decreased our business, and the morale of the swap meet vendors. I ask you today to not support the nominations of the five existing Stadium Authority members.

Thank you for listening,

Manuel Gomez
Rapa Nui vendor at Aloha Swap Meet

fukunaga4 - Michelle

From: mangoislandfashions@hawaii.rr.com
Sent: Monday, April 06, 2009 9:29 AM
To: EDTTestimony
Subject: we need change?

Aloha my is Edmond Gouveia sr I would like to make a request to hear my testimony on the behalf of the vanders at Aloha stadium flee market why we belive we need change on 5 board members Authority Thank you.