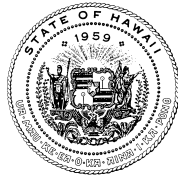


DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



ANNE PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

SHERYL LEE
ADMINISTRATOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
WAGE STANDARDS DIVISION
830 PUNCHBOWL STREET, ROOM 340
HONOLULU, HAWAII 96813
www.labor.hawaii.gov/wsd
Phone: (808) 586-8777 / Fax: (808) 586-8766
Email: dlir.wages@hawaii.gov

July 28, 2022

Daniel, Hildebrant, Manager
International Tours & Vacation Planning LLC
2287 Ala Wai Blvd #202
Honolulu, Hawaii 96826

Re: Unpaid Wages & Training

Our office is responsible for the administration and enforcement of Chapter 388, Hawaii Revised Statutes (HRS), Payment of Wages and Other Compensation law. We recently received information which indicates that your company has not been paying employees for mandatory training. For your information, if training is a requirement of employment, the time spent completing the training is compensable time.

For your information, under Section 388-2, HRS, every employer is required to pay all wages due to the employer's employees at least twice during each calendar month on regular paydays designated in advance by the employer, and within seven (7) days after the end of each pay period.

It is not necessary to respond to this letter. We request that you review your company's practices to ensure that you are in compliance with Chapter 388, HRS, by making certain that all employees are paid for all hours worked within seven (7) days after the end of each pay period. If you find that your practices are in conflict with the law, please take **immediate** corrective action to rectify the situation.

Penalties for violation of the law include, in addition to the wages due, payments to the employee equal to the amount of back wages due, plus six percent interest per year from the date that the wages were due; and a penalty of not less than \$500.00 or \$100.00 for each violation, whichever is greater

If you have any questions regarding the law, you may call our office at (808)586-8777. You may also visit our website at www.labor.hawaii.gov for further information on Hawaii's labor laws.

"Service With Aloha to Improve the Quality of Work-Life in Hawaii"

Equal Opportunity Employer/Program
Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY Dial 711 then ask for (808) 586-8771

State of Hawai'i
Wage Standard Division
dlir.wages@hawaii.gov

Cc: Daniel Hildebrandt (CEO)
DanielsHawaii.com
Daniel@DanielsHawaii.com

July 26, 2022

Aloha Wage Standards Division,

On behalf of myself and all employees, current and former, I would like to file a complaint against Daniels Hawai'i. I offered to try resolve this dispute. He retaliated against me and then lied to me.

The company is operated by Daniel Hildebrandt. Told me he's a German national who married a local Kanaka Maoli woman. He does not list a physical address for the company. Appears to park his vehicles in a public lot near the Waikiki Shell. Believe violations include:

§387-2 Minimum wages.

§387-4.5 Provisions of law may not be waived by agreement.

§388-11 Employees remedies.

a) Action by an employee to recover unpaid wages may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of oneself or themselves, or the employee or employees may designate an agent or representative to maintain the action.

This is the information I have about the company:

Daniel Hildebrandt (CEO)
International Tours & Vacation Planning

808 384 - 0116
Daniel@DanielsHawaii.com
<http://DanielsHawaii.com>
<http://Facebook.com/DanielsHawaii>
<http://Instagram.com/DanielsHawaii>

Met with Mr.Hildebrandt about two weeks ago. He offered me a job as a Tour Operator. Told me I was required to complete five (5) training successfully to be able to qualify for a tour driver. He extended me access to his Google Drive with employment materials:

Daniel Hildebrandt (daniel@germangoogleguy.com) has invited you to view the following shared folder:

Aloha, thanks for your patience. Please find the training material and dukes and regulations in this folder.

001 Requirements and Training Script for Guides

Here is an example of Pearl Harbor Tours

Pearl Harbor Tour timing

Boat Ride Ticket Time	830am	915am	930am	1015am	Boat Ride Ticket Time	1030am	1130am	1215pm	1230pm	115pm	130pm
Guest Wake Up Call	615	7	715	8	Guest Wake Up Call	715	815	9	915	10	1015
Meet at Vehicle	630	715	730	815	Meet at Vehicle	730	830	915	930	1015	1030
Start Guest Pick Up	645	730	745	830	Start Guest Pick Up	745	845	930	945	1030	1045
Arrive at Pearl Harbor	745	830	845	930	Start City Tour	830	930	1015	1030	1115	1130
Pearl Harbor Introduction	8	845	9	945	End City Tour	930	1030	1115	1130	1215	1230
Boat Dock Time	815	9	915	10	Arrive at Pearl Harbor	945	1045	1130	1145	1230	1245
Boat Ride Ticket Time	830	915	930	1015	Pearl Harbor Introduction	10	11	1145	12	1245	1
End Boat Ride	915	10	1015	11	Boat Dock Time	1015	1115	12	1215	1	115
Pearl Harbor Meet Time	1015	11	1115	12	Boat Ride Ticket Time	1030	1130	1215	1230	115	130
Pearl Harbor Leave Time	1030	1115	1130	1215	End Boat Ride	1115	1215	1	115	2	215
Start City Tour	11	1145	12	1245	Pearl Harbor Meet Time	1215	115	2	215	3	315
End City Tour	12	1245	1	145	Pearl Harbor Leave Time	1230	130	215	230	315	330
Guest Drop Off	1230	115	130	215	Guest Drop Off	1	2	245	3	345	4

1

As I had some difficulty with the CDL Physical, I inquired. Daniel responded:

Scott,

Thanks for letting me know. I will have Morgan check for alternative locations.

Are you available to train this week?

What days?

Mahalo, Thank you and Danke,


DanielsHawaii

Daniel Hildebrandt (CEO)

International Tours & Vacation Planning

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<http://Facebook.com/DanielsHawaii>
<http://Instagram.com/DanielsHawaii>

Daniel then gave me access to the FareHarbor app, so I could familiarize myself with the Tour process.



FAREHARBOR

Hi Scott Goold,

Welcome to FareHarbor! **DanielsHawaii** uses FareHarbor for reservation management and has sent you this info to log in to your user account.

Your Account

Username:	scottgoold
Password:	Reset your password

This reset button expires in 48 hours. If you need help, contact your administrator.

Logging In

Login page: <https://fareharbor.com/hawaiiisetipps/login/>
Shortname: hawaiiisetipps

On July 19, 2022, Daniel wanted to know when I could train:

When can you train this week?
Mahalo, Thank you and Danke,

DanielsHawaii
Daniel Hildebrandt (CEO)
International Tours & Vacation Planning

808 384 - 0116
Daniel@DanielsHawaii.com
<http://DanielsHawaii.com>

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<http://Instagram.com/DanielsHawaii>

I responded saying that I could train on Friday, July 22, 2022.

On July 20, 2022, Daniel responded stating the company does not pay for training

Aloha Scott,
Let me check if we can put you on a tour Friday.
We don't pay for training days.

Mahalo, Thank you and Danke,

DanielsHawaii
Daniel Hildebrandt (CEO)
International Tours & Vacation Planning

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<http://Facebook.com/DanielsHawaii>
<http://Instagram.com/DanielsHawaii>

On July 21, 2022, I responded cancelling my offer to train, as the company does not pay. I wanted to check on the related regulations.

Thanks Daniel,
Not available for Friday at this time.

On July 24, 2022, Daniel requested by text that I train this week on Wednesday, July 27, 2022:

Aloha, sorry I didn't text earlier. We are so busy right now it's hard to keep up. Can you train on Wednesday 7/27?

On July 25, 2022, I responded saying I was not comfortable training without being paid — in particular, not paid could create legal issues especially if the company driver was involved in an accident.

It's clear you're a bit overwhelmed. Most businesses are at this time due to COVID complications. You're a great guy; would enjoy assisting. First, if you need administrative help, let me know. I'll help. Second, I will not train unless paid ... by law you must pay, and I'm not getting in a vehicle with someone I don't know with unclear legal protocols. If there is an accident, I could be left in a very bad position.

Later on July 25, 2022, Daniel retaliated for asking him to follow the law and terminated the offer of employment.

Thanks for offering your help.
I wish you all the best. Much aloha, Daniel

Later on July 25, 2022, Daniel then lied to me. He did not fill “the position.” There can be many drivers, as they compete for available tours.

Dear Scott, if you read my previous text again you will see that I thanked you for offering your help.

I decided not to hire you at this point, since we filled the position.
Again, all the best.

Much Aloha,
Daniel

Fair Labor Standards Act (FLSA)

Tour training is required; would be during employee’s regular working hours; and is directly related to the job. According to FLSA regulations, an employee’s time attending a meeting, seminar, lecture, or training must be counted as hours worked unless it meets each of four requirements:

- the attendance is outside the employee’s regular working hours;
- the attendance is in fact voluntary;
- the meeting, seminar, lecture, or training is not directly related to the employee’s job; and
- the employee does not perform productive work while attending the meeting, seminar, lecture, or training.

Thank you for your time. Please let me know what additional information you need.

Sincerely,



Scott Goold

[Redacted address line]

Honolulu, HI 96815

[Redacted address line]