

REAL ESTATE COMMISSION
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii
www.state.hi.us/hirec

MINUTES OF MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Section 92-7(b), Hawaii Revised Statutes.

Date: Friday, September 28, 2001

Time: 9:00 a.m.

Place: Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Present: John Ohama, Chair
Michael Ching, Vice Chair
Charles Aki, Member
Casey Choi, Member
Patricia Choi, Member
Alfredo Evangelista, Member
Mitchell Imanaka, Member
Iris Okawa, Member

Calvin Kimura, Supervising Executive Officer
Alan Taniguchi, Executive Officer
Lorene Arata, Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Gina Watumull, Condominium Specialist
Cheryl Leong, Condominium Specialist
Shari Wong, Deputy Attorney General
Irene Kotaka, Secretary

Excused: Peter Rice, Member

Call to Order: The Chair called the meeting to order at 9:05 a.m., at which time quorum was established.

Executive Officer's Report: **Announcements, Introductions, Correspondence and Additional Distribution**

Minutes of Previous Meetings

Upon a motion by Commissioner P. Choi, seconded by Commissioner Ching, it was voted on and unanimously carried to approve the minutes of the August 31, 2001 Real Estate Commission meeting as circulated.

Chair's Report: No Chair's report was presented.

Committee
Reports:

No committee reports were presented as all three Committee meetings were cancelled due to a lack of quorum. The Commissioners were asked to retain the meeting materials for discussion at the October 10, 2001 Committee meetings.

As previously notified, the Commission will submit a consolidated request to ARELLO. The SEO asked the Commissioners to notify the SEO if they desired to be a member of any of ARELLO's working groups as the deadline for submission was imminent. The Chair and Vice Chairs of the Education Committee have been members in the past of the ARELLO's Education Committee. The Chair and Vice Chair of the Laws and Rules Review Committee have been members of ARELLO's Law Committee.

Executive Officer's
Report:

Announcements, Introductions, Correspondence and Additional Distribution

Addition to the Agenda

Upon a motion by Commissioner Aki, seconded by Commissioner Okawa, it was voted on and unanimously carried to add the memorandum, dated September 28, 2001, regarding the economic crisis administrative policy on CPR filings to the agenda.

Committee Reports:

Condominium Review Committee

Since the events that occurred on September 11, 2001, meetings have been held from the Governor's level down to discuss the current economic situation. Departments have been asked to look at areas in which the government can help to keep the economy going. The Governor has advised State agencies to be prudent in their spending. Travel and hiring may be affected.

Staff discussed ways to implement the directives that were issued and are proposing some recommendations for the Commission's approval. The recommendations are requested to ensure timely processing of the CPR filings without compromising consumer protection. Issuance of an effective date for a public report is subject to compliance with the statutory requirements.

Commissioner Ching stated that he was concerned that the consultants may not be able to review the materials submitted in a timely manner.

The SEO reported that the projects will be assigned to the consultants, dependent on whether or not they have processed that type of project before and the turnaround time for processing will also be considered. Staff will also have to ensure compliance with the contracts and the procurement law.

There was discussion within PVL of deferring the license renewal fees. Real estate licenses might not be impacted unless the situation worsens.

Commissioner Imanaka stated that as Chair of the Condominium Review Committee, he endorses the policies but he would recommend that the Commission reevaluate the policies at the end of the year. He stated that they were good suggestions and felt that the Commission should proceed.

The Chair asked if neighbor island travel would be affected. The SEO stated that he did not think the neighbor island travel would be cut, however, it may impact out-of-state travel.

Upon a motion by Commissioner Evangelista, seconded by Commissioner Ching, it was voted on and unanimously carried that due to the economic crisis, directives from the Governor and DCCA, and previous administrative decisions during the economic crisis, adopt the following policy:

1. CPR filings will be processed according to priority of economic impact;
2. CPR filings with parallel time share or subdivision filings will also be given priority;
3. Assignments to consultants will consider ability of a timely turnaround and any special expertise;
4. Subject to past experience, priority CPR filings that are non-substantively incomplete may continue to be processed; and
5. Developers may consider a reduction in performance bond coverage as construction is being completed, subject to the July 24, 1997 REC decision and terms.

The Commission will reevaluate the effectiveness of the above policy after 90 days.

Licensing and
Registration -
Ratification:

Upon a motion by Commissioner Evangelista, seconded by Commissioner Ching, it was voted on and unanimously carried to ratify the attached list.

Licensing –
Questionable
Applications:

Robert K. Brooks

Robert K. Brooks was asked if he wished to have his application for a real estate broker's license considered in executive session. Mr. Brooks declined the offer.

Mr. Brooks stated that he has been licensed since 1981. He also stated that he had submitted documents and he stands behind them. He did not have anything further to add.

Upon a motion by Commissioner Ching, seconded by Commissioner Imanaka, it was voted on and unanimously carried to take this matter under advisement.

Liane L. Brown

Commissioner Imanaka recused himself from the meeting.

After a review of the information submitted by the applicant, Commissioner Ching moved to deny Liane L. Brown's application for a real estate salesperson's license, unless within 60 days she submits written proof of payment, a written payment plan, or written proof of discharge. Commissioner Okawa seconded the motion. The motion was voted on and carried.

Commissioner Imanaka returned to the meeting.

Robert K. Brooks

After a review of the information presented by the applicant, Commissioner Okawa moved to approve the real estate broker's license application of Robert K. Brooks. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Commissioner Ching asked if the licensees under the principal broker could be notified if their principal broker failed to renew on time.

Currently, licensees may check their license status immediately on the internet. In the past, licensees have also called the Licensing Branch to verify their renewals. This situation is similar to the scenario, in the past, where the principal broker failed to submit the applicant's application within 90 days of the examination date. This then becomes a disciplinary issue and would be referred to RICO. It is the principal broker's responsibility to verify that all licensees under them are properly licensed.

Jack T. George

Upon a motion by Commissioner Ching, seconded by Commissioner Okawa, it was voted on and unanimously carried to grant Jack T. George's reconsideration request.

Executive
Session:

Upon a motion by Commissioner Ching, seconded by Commissioner Imanaka, it was voted on and unanimously carried to enter into executive session, pursuant to Section 92-5(a)(1), HRS, "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;".

Upon a motion by Commissioner Evangelista, seconded by Commissioner Imanaka, it was voted on and unanimously carried to move out of executive session.

Licensing -
Questionable
Applications:

Jack T. George

After a review of the information provided, Commissioner Evangelista moved to defer decision making on Jack T. George's application for a real estate broker's license and to request his appearance at the October 30, 2001 Real Estate Commission meeting. Commissioner Aki seconded the motion.

K. Michael Hitzeman

After a review of the information submitted by the applicant, Commissioner Ching moved to deny K. Michael Hitzeman's request for a broker's experience certificate and to deny his request to recognize his inactive license period, pursuant to §467-9.5(2)(B)(iii), HRS. Commissioner Evangelista seconded the motion. The motion was voted on and unanimously carried.

Next Meeting:

Tuesday, October 30, 2001
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Adjournment:

With no further business to discuss, the Chair adjourned the meeting at 9:45 a.m.

Reviewed and approved by:

/s/ Alan Taniguchi
Alan Taniguchi
Executive Secretary

October 30, 2001
Date

[X] Approved as circulated.

[] Approved with corrections; see minutes of _____ meeting.

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON SEPTEMBER 28, 2001

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Colgan & Associates, LLC Joett Colgan, PB	09/05/01

<u>Branch Office</u>	<u>Effective Date</u>
Hawaiian Island Homes, Ltd. Mary V. Savio, PB Derrick H.P. Fujisaki, BIC	08/01/01

<u>Brokers - Sole Proprietor</u>	<u>Effective Date</u>
Cecily Ann S.U. Ching	08/02/01
Jean E. Ganzer	08/02/01
George E. Isaacs, Jr.	08/06/01
Herb M. Lee	08/20/01
Rodney S. Nishida	08/20/01
Glenn W. J. Seto, Ailana Realty	08/30/01

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Attila Matyas	08/27/03
C. Diane Tharpe	08/29/03
Allan Savage	08/29/03
John M. Andersen, Jr.	08/30/03
John Anthony McDonald	09/10/03
Jean M. Gray	09/10/03
Cynthia Bracale	09/11/03
Cecilia Dawn DuBose	09/12/03
John Barry Buie	09/12/03
Patricia Gonzalez	09/12/03
Tomoko Jean Miller	09/12/03
Katherin Nalani Hance	09/18/03

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Andrea Lee Peace	07/12/03
Allan Savage	08/29/03
C. Diane Tharpe	08/29/03
Craig M. Dahl	08/29/03
Attila Matyas	08/30/03
Stephen Green Bess	08/30/03
John Anthony McDonald	09/10/03
Cynthia Barcale	09/11/03
Tomoko Jean Miller	09/12/03
Patricia Gonzalez	09/12/03
Craig James Sperling	09/12/03
Nelson B. Guyer	09/14/03
Katherin Nalani Hance	09/18/03

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Kai McDurmin	08/24/03
Katherine Seidman Wong	08/24/03
Vladislava "Vicki" Rotter	08/27/03
Mercie Ann G. Nahaku	08/28/03
Jeffrey N. Samuels	08/30/03
Linda M. Kelly	09/11/03
Paula Diane Klingman	09/12/03
Cecilia A. Vessel	09/14/03
Dawn R. Murray	09/14/03

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Joylin C. Ho	08/20/01
Virginia R. Johnson	08/30/01
Linda F. Rattray	08/29/01
Thomas G. Stuck	08/29/01
Joett Colgan	09/05/01
Brian Berry	09/05/01
Peter A. Tegan	09/07/01

Restoration – Real Estate Broker

	<u>Effective Date</u>
George E. Isaacs, Jr.	08/06/01

Restoration – Real Estate Salesperson

	<u>Effective Date</u>
Harold O. Jones	08/08/01

Condominium Managing Agent

	<u>Effective Date</u>
Aiea Realty, Inc.	9-05-01