

**REAL ESTATE COMMISSION**  
Professional and Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii  
[www.hawaii.gov/hirec](http://www.hawaii.gov/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: Thursday, January 27, 2011

Time: 9:00 a.m.

Place: Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii

Present: Frances Gendrano, Chair Pro Tem, Broker/Honolulu Commissioner  
Donna Apisa, Broker/Kauai Commissioner (late arrival)  
Carol Ball, Broker/Maui Commissioner (early departure)  
Walter Harvey, Broker/Honolulu Commissioner  
Michele Sunahara Loudermilk, Public/Honolulu Commissioner  
Scott A. Sherley, Broker/Hawaii Island Commissioner

Neil K. Fujitani, Supervising Executive Officer  
Jon Ellis M. Pangilinan, Executive Officer  
Diane Choy Fujimura, Senior Real Estate Specialist  
Cynthia Yee, Senior Condominium Specialist  
Amy Endo, Real Estate Specialist  
David J. Grupen, Real Estate Specialist  
Cheryl Leong, Condominium Specialist  
Benedyne Stone, Condominium Specialist  
Shari Wong, Deputy Attorney General  
Karyn Takahashi, Recording Secretary

Others: Patrick Kelly, Esq., Regulated Industries Complaints Office  
Myoung Oh, Hawaii Association of REALTORS®  
Suzanne King, Honolulu Board of REALTORS®  
Cynthia Nakamura, Esq.  
Michael L. Kearns  
Vickie L. Graham  
David V. Huggett (via teleconference)  
Thomas A. Sullivan (via teleconference)  
Edmund W. K. Haitsuka, Esq. (via teleconference)

Absent: Trudy Nishihara, Chair, Broker/Honolulu Commissioner  
Stanley Kuriyama, Vice Chair, Broker/Honolulu Commissioner  
Mark Suiso, Public/Honolulu Commissioner

Call to Order: The Chair Pro Tem called the meeting to order at 9:04 a.m., at which time quorum was established.

Chair's Report: The Chair Pro Tem announced that the Commission may move into executive session to consider and evaluate personal information relating to individuals applying for licensure in accordance with section 92-5(a)(1), HRS, and/or to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities in accordance with section 92-5(a)(4), HRS.

Executive Officer's Report: The Executive Officer (EO) informed the Commissioners that the original applications with any original associated documents to be considered at the meeting were available for review.

### **Announcements**

The EO announced that Everett Kaneshige, Esq., was appointed as the department's Deputy Director effective January 13, 2011.

### **Additional Distribution**

The following was distributed as additional distribution:

4. Committees and Program of Work
  - a. Laws and Rules Review Committee – Program of Work FY11
    - 2) Legislative Acts and Resolutions – Hawaii Association of Realtors, Broker Price Opinions Proposed Legislation

### **Minutes of Previous Meeting**

Upon a motion by Commissioner Sherley, seconded by Commissioner Harvey, it was voted on and unanimously carried to accept the minutes of the December 16, 2010, meeting.

Commissioner Apisa arrives.

Committees and Program of Work: **Laws and Rules Review Committee**

Program of Work FY11 – Rule Making, Chapter 99, HAR, Real Estate Brokers and Salespersons

A copy of Draft 3 of the proposed chapter 99, Hawaii Administrative Rules, rule changes were distributed to the Commissioners.

The Commissioners discussed/suggested additional changes to the draft. Staff will incorporate the recommended changes and Draft 4 will be prepared for review at the next regularly scheduled Laws and Rules Review Committee meeting.

Program of Work FY11 – Legislative Acts and Resolutions – Hawaii Association of REALTORS®, Broker Price Opinions Proposed Legislation

Mr. Myoung Oh was present. He stated that they are trying to be transparent by keeping the Commission informed.

Mr. Oh was asked if they received feedback from the appraisal industry. Mr. Oh responded that they have a meeting with the Appraisal Institute this afternoon,

but he has not met with the Real Estate Appraisers Advisory Committee. He is aware that the national institute is opposed to BPO's; however, the local appraisal industry wants to carve out the real estate law and added that individuals with dual licenses do not want to have to follow USPAP (Universal Standards of Professional Appraisal Practice) rules.

When asked about the opinion of the banker's industry, Mr. Oh stated that the bankers are taking a neutral position, meaning they may comment.

The simple solution to this situation would be to eliminate section 16-114-74(2), Hawaii Administrative Rules, which prevents real estate licensees from being compensated. When questioned about why HAR wouldn't petition for rule changes, Mr. Oh responded that as he heard it takes up to two years rulemaking changes would take too long.

Commissioner Loudermilk voiced concerns about the varying levels of detail and when someone would be required to get an appraisal. She also remained concerned about the possible fiduciary duty of the licensee when providing a BPO for compensation. Commissioner Loudermilk opined that the language may be too broad.

Mr. Oh responded that a BPO would still be considered a contractual service and there would still need to be oversight by the principal broker.

The Chair Pro Tem thanked Mr. Oh and stated that the Commission recommends that the contents of the bill should be placed in the Real Estate Appraisers statute, Hawaii Revised Statutes 466K. If a carve out is desired, the carve out should be in HRS 466K. She added that the bill is set for hearing on Monday, January 31, 2011.

The Commission supported the concept of the bill but not as drafted.

Licensing –  
Ratification:

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

Licensing –  
Applications:

The Executive Officer informed the Commissioners that the information provided to the Commissioners is related only to the issue that is before the Commission for consideration. The other materials submitted are available for the Commissioners review should they desire to review it. If the applicants have an issue, which is personal in nature, they have the right to request that their application be considered in executive session.

#### **Michael L. Kearns**

The Chair asked Mr. Kearns if he wished to have his application for real estate salesperson license considered in executive session. He declined the offer.

Mr. Kearns stated that his tax lien is collectable; however, he stated that he was informed by the IRS that anything owed above \$25,000 must be paid within five years and they would not provide him anything in writing.

Mr. Kearns stated that he has 20 years of experience in the real estate industry and is familiar with due diligence. He stated that he has no sanctions in California. He added that he also has experience writing loans as he was also a junior escrow officer.

Mr. Kearns stated that it is not realistic for him to pay off his lien in six to seven months; however, if licensed, he is optimistic that he will be able to get a job within 30 days and begin making immediate payments.

Mr. Kearns stated that he recently filed forms with the IRS that he did not previously know he needed to file and should receive a response within 30 days.

Mr. Kearns stated that it is his firm belief that he can pay his lien within two to three years, but without a real estate license, he will not be able to pay his lien within a reasonable time.

Mr. Kearns stated that he did not know he had a lien against him and added that he received a refund from his California state taxes. He stated that the nature of his lien stemmed from profits earned/income tax. He added that a payment plan has not been considered because anything over \$25,000 must be paid within five years and he has no means to pay at this time.

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

#### **Kalani Deacon**

Cynthia Nakamura, Esq., was present representing Mr. Deacon. Ms. Nakamura requested that this matter be considered in executive session.

#### Executive Session:

Upon a motion by Commissioner Sherley, seconded by Commissioner Loudermilk, 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;" and pursuant to section 92-5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities."

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

#### Licensing Applications:

#### **Kalani Deacon**

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

Commissioner Ball was excused.

#### Licensing Applications:

#### **Vickie Graham**

Ms. Graham was asked if she wished to have her issue considered in executive session. Ms. Graham declined the offer.

Ms. Graham asked that the Commission consider her extenuating circumstance. She stated that she waited to take the broker examination due to a multitude of reasons—she divorced in 2008, the office she was working for closed with only two weeks notice.

Ms. Graham admitted that she did not look at the expiration date of the broker experience certificate (“BE”) as she was under the impression that her two-year window was based on her completion of the broker prelicense course. She stated that she was encouraged to obtain her BE prior to signing up for the broker prelicense course and realizes that there will be two different expiration dates—BE certificate and School Completion Certificate.

Ms. Graham stated that she has the experience. She noted she, as well as her principal broker and the PSI proctor, missed the expiration date and added that the Professional and Vocational Licensing Division accepted her application.

It was pointed out to Ms. Graham that the BE certificate clearly states the expiration date and State requirements and forms are clear. Ms. Graham responded that she concedes that there are two dates; however, it is not clear and suggested that there be clarification.

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

Chapter 91, HRS,  
Adjudicatory  
Matters:

The Chair Pro Tem called for a recess from the meeting at 10:55 p.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

**In the Matter of the Real Estate Broker’s License of David V. Huggett: REC 2005-222-L and REC 2008-315-L**

Patrick Kelly, attorney representing the Regulated Industries Complaints Office, was present. Mr. David V. Huggett was present via telephone for oral arguments. Mr. Huggett stated that Mr. Thomas A. Sullivan was present with him.

Commissioner Loudermilk moved to approve the final order. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

**In the Matter of the Real Estate Brokers’ Licenses of Nemo Realty, Inc., Mikiko Malasek and Vojteck Malasek; REC 2004-92-L**

Patrick Kelly, attorney representing the Regulated Industries Complaints Office, was present. Edmund W. K. Haitsuka, attorney representing Vojteck Malasek, was present via telephone for oral arguments.

Commissioner Loudermilk moved to defer decision making on this final order and request the appearance of the Hearings Officer. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

**In the Matter of the Real Estate Broker's License of Stephanie K. Coble, aka Molokai Real Estate; REC 2009-288-L**

Commissioner Loudermilk moved to adopt the Hearings Officer's Findings of Fact and Conclusions of Law and issue a proposed final order. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

**In the Matter of the Real Estate Brokers' Licenses of Metropolitan Management, Inc., and Ralph N. Ahles; REC 2006-256-L**

Commissioner Loudermilk moved to approve the final order. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

**In the Matter of the Real Estate Broker's License of Marcia N. Johnson; REC 2007-140-L**

Commissioner Loudermilk moved to approve the final order. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Following the Commission's review, deliberation, and decisions in these matters, pursuant to Chapter 91, HRS, the Chair Pro Tem announced that the Commission was reconvening its scheduled meeting at 11:54 a.m.

**Executive Session:**

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Harvey, 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;" and pursuant to section 92-5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities."

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

**Licensing Applications:**

**Kaulana N.L.K. Chang**

After review of the information presented by the applicant, Commissioner Loudermilk moved to approve the real estate salesperson license of Kaulana N.L.K. Chang. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

**Michael L. Kearns**

After review of the information presented by the applicant, Commissioner Loudermilk moved to deny the real estate salesperson license of Michael L. Kearns based on sections 467-8, 436B-19(1), 436B-19(8) and 436B-19 (12), Hawaii Revised Statutes. However, if within sixty (60) calendar days, the applicant submits written proof of payment, written proof of discharge, or an

approved written payment plan with the Internal Revenue Service for all outstanding tax obligations, the Commission may reconsider the application. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

**Glenn Dennis Kim**

After review of the information presented by the applicant, Commissioner Harvey moved to most likely deny the real estate salesperson license of Glenn Dennis Kim. Commissioner Loudermilk seconded the motion. The motion was voted on and unanimously carried.

**Dennis Martin Marcisz**

After review of the information presented by the applicant, Commissioner Loudermilk moved to approve the real estate broker license of Dennis Martin Marcisz. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

**Milagros A. Yandell**

After review of the information presented by the applicant, Commissioner Harvey moved to approve the real estate broker license of Milagros A. Yandell. Commissioner Loudermilk seconded the motion. The motion was voted on and unanimously carried.

**John A. Mullen**

After review of the information presented, Commissioner Harvey moved to approve John A. Mullen's request to remove the conditions placed on his real estate salesperson license. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

**Kalani Deacon**

After review of the information presented, Commissioner Loudermilk moved to approve Kalani Deacon's request to remove the conditions placed on his real estate broker license. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

**Vickie L. Graham**

After review of the information presented and as the Hawaii Revised Statute does not give the Commission any discretion, Commissioner Loudermilk moved to deny Vickie L. Graham's request to accept her real estate broker examination score, based on section 467-9.5(b), Hawaii Revised Statutes and sections 16-99-19(a)(2), 16-99-19.2(f) and 16-99-29(g), Hawaii Administrative Rules. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Next Meeting:           Friday, February 25, 2011  
                              9:00 a.m.  
                              Queen Liliuokalani Conference Room  
                              King Kalakaua Building  
                              335 Merchant Street, First Floor  
                              Honolulu, Hawaii

Adjournment:           With no further business to discuss, the Chair Pro Tem adjourned the meeting at  
                              12:20 p.m.

Reviewed and approved by:

/s/ Jon Ellis M. Pangilinan

\_\_\_\_\_  
Jon Ellis M. Pangilinan  
Executive Officer

February 7, 2011  
Date

[   x   ]     Approved as circulated.  
[       ]     Approved with corrections; see minutes of \_\_\_\_\_ meeting.



APPROVED APPLICATIONS FOR REAL ESTATE  
 REAL ESTATE COMMISSION MEETING ON JANUARY 27, 2011

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Hawaii Property Development Realty LLC Chad Garcia, PB	11/03/10
Instaclose Real Estate Enterprises, Inc. Steve Brant, PB	11/22/10
Susan H. Graham, LLC Susan H. Sublett Graham, PB	11/29/10
Hoku Lele Properties, LLC Chris M. Krueger, PB	12/20/10
HI Tec Realty, LLC Therese A. Jasper, PB	01/01/11
Property Professionals Hawaii, LLC Kevin K. Aoki, PB	01/01/11
Melissa Kalauli Realty, LLC Melissa N. Kalauli, PB	01/01/11
Pacific Isle Properties, LLC Donna L. Herbst, PB	01/01/11
Kama’aina Property Management, LLC Alana Jo Dela Cruz, PB	01/01/11
Rainbow Referral Services LLC Jay J. Spadinger, PB	01/01/11

<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Tomoko Realty Inc. Tomoko M. Stanyon, PB	11/30/10
Swell International, Inc. Nobuo Matsumura, PB	12/16/10
Kauai Island Vacations, Inc., Kauai Island Vacations Holly Lazo, PB	12/22/10
Hawaii Sunset Realty Corp. William Ray Reed, PB	01/01/11

<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Sandra T. Ohara	01/01/11
Shirley M. Krause	01/01/11
Michelle Kerr	01/01/11
Richard P. Taylor, Gracious Living Locations	01/01/11

<u>Branch Office</u>	<u>Effective Date</u>
Bishop Street Commercial LLC Matthew G. Bittick, PB	11/24/10

<u>Limited Liability Companies and Partnerships Name</u>	<u>Effective Date</u>
Kauai Realty Management LLC (fka Kauai Lagoons Realty LLC)	11/15/10

<u>Trade Name</u>	<u>Effective Date</u>
Mary Christ, Alii Real Estate Services	12/02/10
Valcore Realty Group Corp., Valcore Realty Group	12/03/10
Long Stary Service Hawaii, Ltd., Myland Hawaii Realty	12/08/10
Yvonne Jaramillo Ahearn, Home Shoppe Hawaii	12/08/10

Trade Name  
Kelly Rodriguez, Aloha Vida Realty

Effective Date  
12/16/10

Equivalency to Uniform Section of Examination Certificate

Expiration Date

Robert John Cabrera	12/06/12
James Warren Diller	12/07/12
Kyle Eugene Northup	12/08/12
Gene Eugene Northup	12/08/12
Rasondala M. Oglesby	12/13/12
John Linden Willard	12/13/12
Robert J. Lundquist	12/13/12
Takeshi Asami	12/13/12
Dana Dee McCormick	12/13/12
Barbara Judith Adamson	12/20/12
Heidi Ellyn	12/20/12
Brandi Ann Thill	12/23/12
Floella Sue Schallert	12/27/12
Mary Keshishian	01/13/13
Russell Hugh Adkins	01/13/13
Rita Maria Jackson	01/04/13
Young Kyun Lee	01/04/13
Swee Ann Ang	01/07/13
Gayla Janette King	01/10/13
Larry Andrews	01/13/13

Educational Equivalency Certificate

Expiration Date

Ryan Michael Yasuichi Hamaguchi	12/02/12
Robert John Cabrera	12/06/12
Shannon Marie Shively	12/06/12
James Warren Diller	12/07/12
Mark Henderson Brady	12/07/12
Christine K. Kim	12/09/12
Kyle Eugene Northup	12/08/12
Gene Eugene Northup	12/08/12
Rasondala M. Oglesby	12/13/12
Mark Ribbach	12/15/12
John Linden Willard	12/13/12
Robert J. Lundquist	12/13/12
Takeshi Asami	12/13/12
Dana Dee McCormick	12/13/12
Nicholas Adam Torvend	12/13/12
Barbara Judith Adamson	12/20/12
Heidi Ellyn	12/20/12
Karen Kelly McDaniel	12/21/12
Floella Sue Schallert	12/27/12
Mary Keshishian	01/13/13
Rita Maria Jackson	01/04/13
Young Kyun Lee	01/04/13
Frida Rangel Adams	01/04/13
Swee Ann Ang	01/07/13
Cathy Ann Corrigan	01/10/13
Gayla Janette King	01/10/13
Winston Det Min Lint	01/10/13
Larry Andrews	01/13/13

<u>Real Estate Broker Experience Certificate</u>	<u>Expiration Date</u>
Christopher J. Helmuth	12/02/12
Reid Hiroki Ito	12/06/12
Richard Stephen Conradt	12/06/12
Joan M. Esperas	12/06/12
Thomas Brooks	12/06/12
Sally Ann Palafox	12/08/12
Christine K. Kim	12/09/12
Rasondala M. Oglesby	12/13/12
John Linden Willard	12/13/12
Robert J. Lundquist	12/13/12
Takeshi Asami	12/13/12
Annette Renea Mejia	12/13/12
Mark Richard Sukel	12/13/12
Heidi Ellyn	12/20/12
Mary Keshishian	01/13/13
Tiffany Peng Lin	01/13/13
Claude Sears McGee	01/13/13
Rita Maria Jackson	01/04/13
Young Kyun Lee	01/04/13
Swee Ann Ang	01/07/13
Susan Frances Lancaster	01/10/13
Larry Andrews	01/13/13
Debbie Veronica Hill	01/13/13
Sheldon Morio Tatei	01/13/13

<u>Real Estate Broker (upgrade)</u>	<u>Effective Date</u>
Steve Brant	11/22/10
Lyn C. Sweeney	11/23/10
Raymond S. F. Chin	11/30/10
Sean S. Ginoza	12/28/10
Gina Ann M. Apana-Joseph	01/01/11
Dan Scholz	01/01/11
Alvan Kan	01/01/11
Therese A. Jasper	01/01/11
Steven L. Fuller	01/01/11
Jack M. Costello	01/01/11
Frank Guy Camp, Jr.	01/01/11
Kristina Leeding	01/01/11
L. Lee Potts	01/01/11
Alan J. Christopher	01/01/11
Michele A. Efron Youngblood	01/01/11
Rina Shinagawa	01/01/11
Karen K. Cobeen	01/01/11
Michele Pichay	01/01/11
Wayne J. Chi	01/01/11
Debbie Arakaki	01/01/11
Kathleen T. Tezak	01/01/11
Aki Nakano	01/01/11
Stannie T. Muramoto	01/01/11
Dan M. Roberts	01/01/11
Paris K. Chai Elms	01/01/11
Joan M. Esperas	01/01/11
Michelle E. L. L. Yee	01/01/11

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Na Xie	01/01/11
Fabienne M. D. Gandall	01/01/11
Chris Helmuth	01/01/11
Kathleen Morgado	01/01/11
Kevin A. Makizuru	01/01/11
Melody H. Pevateaux	01/01/11
Ron Hamic	01/01/11
Reid H. Ito	01/03/11
Lisa I. Teichner	01/04/11
Richard S. Conradt	01/05/11
Jill M. Federizo	01/05/11
Susie Petrone	01/07/11

Continuing Education Equivalency

	<u>Effective Date</u>
Chad Laurence Corbett	12/13/10
Hideko K. Sato	12/20/10
Joseph Stephen Matera	12/21/10