

REAL ESTATE COMMISSION
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii
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: Friday, February 25, 2011

Time: 9:00 a.m.

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

Present: Trudy Nishihara, Chair, Broker/Honolulu Commissioner – early departure
Frances Gendrano, Broker/Honolulu Commissioner
Donna Apisa, Broker/Kauai Commissioner
Carol Ball, Broker/Maui Commissioner
Walter Harvey, Broker/Honolulu Commissioner
Michele Sunahara Loudermilk, Public/Honolulu 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
Tammy Norton, Recording Secretary

Others: Keali'i Lopez, DCCA Director
Ramon Chavez
Lance Benchely
Patrick Kelley, Esq., Regulated Industries Complaints Office
Ronald Michioka, Esq., Real Estate Recovery Fund Attorney
Donna M. May
Amie Bennis
David Bryan Spohr (via teleconference)
Lei Fukumura, Special Deputy Attorney General

Absent: Stanley Kuriyama, Vice Chair, Broker/Honolulu Commissioner
Scott A. Sherley, Broker/Hawaii Island Commissioner
Mark Suiso, Public/Honolulu Commissioner

Call to Order: The Chair called the meeting to order at 9:02 a.m., at which time quorum was established.

Chair's Report: The Chair 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.

The Chair welcomed Keali'i Lopez as the newly appointed Director of the Department of Commerce and Consumer Affairs.

Director Lopez thanked the Commissioners for serving as volunteers on the Commission.

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

EO Pangilinan noted that furloughs from April 2011 through June 2011 for the Department would end. The Department will go back to its normal workweek schedule beginning April 1st.

Commissioners discussed changing the meeting dates back to the fourth Friday of the month. Deputy Attorney General Wong informed the Commission that the change in furlough days does not affect the Judiciary and there may be conflicting dates for the deputy attorney general.

After discussion, the Commissioners decided to leave the April through June 2011 REC meeting dates as is.

Additional Distribution

The following were distributed as additional distribution:

6. Licensing – Applications
 - f. David Bryan Spohr
7. Chapter 91, Hawaii Revised Statutes, Adjudicatory Matters
 - b. In the Matter of the Real Estate License of David L. Turner dba Turner Realty, a Real Estate Broker; REC 2008-181-L

Minutes of Previous Meeting

Upon a motion by Commissioner Apisa, seconded by Commissioner Gendrano, it was voted on and unanimously carried to accept the minutes of the January 27, 2011, meeting.

Committees and
Program of Work:

Condominium Review Committee

Budget and Finance Report

Upon a motion by Commissioner Gendrano, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to accept the amended Condominium Education Fund report for period ending December 31, 2010.

Licensing –
Ratification:

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

Executive Session: Upon a motion by Commissioner Ball, seconded by Commissioner Gendrano, 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 Ball, seconded by Commissioner Gendrano, it was voted on and unanimously carried to move out of executive session.

Recovery
Fund Report:

Irene M. Achttien v. Robert M. Smith, individually and dba Property Network, Ltd., et al.; Civil No.: 09-1-162K

Robert and Beverly Buchanan v. Robert M. Smith, individually and dba Property Network, Ltd., et al.; Civil No. 09-1-215K

Graham and Barbara Hollingsworth v. Robert M. Smith, individually and dba Property Network, Ltd., et al.; Civil No. 09-1-140K

T. Dixon Hutchinson and Jenney Paddock v. Robert M. Smith, individually and dba Property Network, Ltd., et al.; Civil No. 09-1-219K

Bruce and Kathleen McConnell v. Robert M. Smith, individually and dba Property Network, Ltd., et al.; Civil No. 09-1-161K

Upon a motion by Commissioner Loudermill, seconded by Commissioner Apisa, it was voted on and unanimously carried to approve the recommendation of counsel and to pay out the following: 1) \$7,434.32 to Irene M. Achttien, against the accounts of Robert M. Smith and Property Network, Ltd., 2) \$15,164.57 to Robert and Beverly Buchanan, against the accounts of Robert M. Smith and Property Network, Ltd.; 3) \$8,882.30 to Graham and Barbara Hollingsworth, against the accounts of Robert M. Smith and Property Network, Ltd.; 4) \$4,763.06 to T. Dixon Hutchinson and Jenney Paddock, against the accounts of Robert M. Smith and Property Network, Ltd.; and 5) \$18,758.09 to Bruce and Kathleen McConnell, against the accounts of Robert M. Smith and Property Network, Ltd.

Licensing –
Applications:

The EO 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.

Amie L. Bennis

The Chair asked Ms. Bennis if she wished to have her application for real estate salesperson license considered in executive session. She declined the offer.

Ms. Bennis stated that she made an error in judgment and took off her real estate hat while helping a friend. She stated that her bank accounts were audited and showed that she earned no income from helping her friend. Her license was inactive in Florida at the time she helped a friend by renting out his home and collecting the rent. She claimed she was not paid for her services.

Commissioner Ball questioned whether Ms. Bennis thought it was okay to take off her real estate hat.

Ms. Bennis answered in the negative and noted that she must always act in the capacity of a licensee.

After a review of the information presented, Commissioner Loudermilk moved to approve the real estate salesperson license of Amie L. Bennis. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Lance T. Benchley

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

Mr. Benchley stated that he is currently residing in Hawaii and that all the information related to his conviction is included with his application.

After a review of the information presented, Commissioner Loudermilk moved to approve the real estate salesperson license of Lance T. Benchley. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Ramon A. Chavez

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

Mr. Chavez reported that he is currently a residential leasing agent with Douglas Emmett. Obtaining his real estate salesperson license is a condition of his employment. Mr. Chavez noted that he is currently in the probationary period with Douglas Emmett.

Upon a motion by Commissioner Harvey, seconded by Commissioner Apisa it was moved to approve the real estate salesperson application of Ramon A. Chavez. Questions were called for.

A question was raised as to Mr. Chavez' responsibilities with Douglas Emmett.

Mr. Chavez responded that his responsibilities include showing apartments and the model units, he provides information to clients about the community and lease terms. Mr. Chavez' broker-in-charge was present and informed the committee that within 150 days of Mr. Chavez' hire he must be licensed. His current performance goal is to close 13 new leases per month.

The motion was withdrawn. Upon a motion by Commissioner Gendrano, seconded by Commissioner Harvey, it was voted on and unanimously carried to take the matter under advisement.

David Bryan Spohr

Mr. Spohr was asked via teleconference if he wished to have his application for real estate salesperson's license considered in executive session. He accepted

the offer. Mr. Spohr also informed the committee that Ms. Donna May is present on his behalf to answer any questions the Commission may have.

Executive Session: Upon a motion by Commissioner Apisa, seconded by Commissioner Gendrano, 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 Apisa, seconded by Commissioner Gendrano, it was voted on and unanimously carried to move out of executive session.

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

Chapter 91, HRS,
Adjudicatory
Matters:

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

In the Matter of the Real Estate License of Roger Salinas, a Real Estate Salesperson; REC 2009-72-L

Upon a motion by Commissioner Apisa, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to accept the Settlement Agreement.

In the Matter of the Real Estate License of David L. Turner dba Turner Realty, a Real Estate Broker; REC 2008-181-L

Upon a motion by Commissioner Apisa, seconded by Commissioner Harvey, it was voted on and unanimously carried to approve the Commission's Final Order.

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

In the absence of the Hearings Officer, Commissioner Gendrano moved to defer decision making on this final order and request the appearance of the Hearings Officer. 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 announced that the Commission was reconvening its scheduled meeting at 10:15 a.m.

Chair Nishihara announced that she would need to leave the meeting due to a scheduled meeting at the Legislature. Chair Nishihara appointed Commissioner Ball Chair Pro Tem.

Executive Session: Upon a motion by Commissioner Loudermilk, seconded by Commissioner Apisa, 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 Harvey, seconded by Commissioner Gendrano, it was voted on and unanimously carried to move out of executive session.

Licensing
Applications:

Ross C. Waguespack

After a review of the information presented by the applicant, Commissioner Gendrano moved to approve the real estate salesperson license of Ross C. Waguespack. Commissioner Loudermilk seconded the motion. The motion was voted on and unanimously carried.

Jo A. Dan-Alexander

After a review of the information presented by the applicant, Commissioner Harvey moved to approve the real estate salesperson license of Jo A. Dan-Alexander. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Ramon A. Chavez

After a review of the information presented by the applicant, Commissioner Loudermilk moved to deny the real estate salesperson license of Ramon A. Chavez based on §436B-19(1)(7)(8) and §467-8(a)(3). Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

David Bryan Spohr

After a review of the information presented by the applicant and Donna M. May, Commissioner Apisa moved to most likely deny the real estate salesperson license of David Bryan Spohr. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Tiffany Ann de Ruosi-Gosselin

After a review of the information presented by the applicant, Commissioner Loudermilk moved to deny Tiffany Ann de Rousi-Gosselin's request to remove the conditions placed on her real estate broker license. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Next Meeting:

Thursday, March 24, 2011
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

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Adjournment: With no further business to discuss, the Chair Pro Tem adjourned the meeting at
10:55 a.m.

Reviewed and approved by:

/s/ Jon Ellis M. Pangilinan
Jon Ellis M. Pangilinan
Executive Officer

March 4, 2011

Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
 REAL ESTATE COMMISSION MEETING ON FEBRUARY 25, 2011

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Larry Okazaki Realty, LLC Lawrence M. Okazaki, PB	01/05/11
Atrium Properties LLC Jeffrey L. Hossellman, PB	01/19/11
SFC RC2, LLC, The Big Island Timeshare Resales Company Scott F. Church, PB	01/19/11
Nikki O'Rourke, REALTOR, LLC Nikki O'Rourke, PB	01/24/11
UR Maui Real Estate, LLC Rick J. Hall, PB	02/01/11
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Robert K. Char	12/01/10
Yvonne Jaramillo Ahearn	12/08/10
Francis H. Yano	12/09/10
Ligaya L. Rasmussen	12/13/10
Lyniel N. Choy	12/14/10
William L. Duff	12/16/10
H. Pepi Pesentheiner	01/01/11
Raad K. Shawaf	01/12/11
Kari Mueller	01/18/11
<u>Corporation Name</u>	<u>Effective Date</u>
Haseko Investments, Inc. (fka Haseko Realty, Inc.)	01/03/11
<u>Trade Name</u>	<u>Effective Date</u>
Annod Corporation, Hawaii 5 0 Realty	01/31/11
Eduardo A. Gandolfo, Maui Houses and Condos Realty	01/24/11
<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Stephie Sill	01/13/13
Kevin Michael Green	01/13/13
Brittany Nichole Olsson	01/18/13
Kathy Atsuko Asato	01/19/13
Kirk Roger Hall	01/21/13
Denise Marie Ballard	01/21/13
Barbara Helene Mahone	01/21/13
Dayton Elliot Nelson	01/24/13
Lark K. Schmitt	01/24/13
Kenneth Charles Peters	01/24/13
Joshua Philip Motto	01/25/13
Stanley S. Stanton	01/31/13
Candy Spitzer	01/31/13
Richard Allen Adler	01/31/13
Erin E. Wilde	01/31/13
Julian A. Coiner	02/01/13
Fatima Oliveira Nordquist	02/01/13
Blake Alan Law	02/01/13
Jae Ho Kim	02/03/13
Brian Scott Ross	02/08/13
<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>

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Stephie Sill	01/13/13
Kevin Michael Green	01/13/13
Brittany Nichole Olsson	01/18/13
Kathy Atsuko Asato	01/19/13
Sheree Nitta Stewart	01/19/13
Kirk Roger Hall	01/21/13
Barbara Helene Mahone	01/21/13
Dayton Elliot Nelson	01/24/13
Lark K. Schmitt	01/24/13
Kenneth Charles Peters	01/24/13
Erica Emi Miyabara	01/25/13
Sean Geoffrey Baz	01/25/13
Joshua Philip Motto	01/25/13
Stanley S. Stanton	01/31/13
Candy Spitzer	01/31/13
Richard Allen Adler	01/31/13
Julian A. Coiner	02/01/13
Jeremy Andrew Grad	02/01/13
Fatima Oliveira Nordquist	02/01/13
Blake Alan Law	02/01/13
Jae Ho Kim	02/03/13
Brian Scott Ross	02/08/13

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Kevin Michael Green	01/13/13
Brittany Nichole Olsson	01/18/13
Kirk Roger Hall	01/21/13
Kenneth Charles Peters	01/24/13
Jeffrey Quijano Orig	01/25/13
Patricia T. Bell	01/25/13
Edwin Lee Lilley, Jr.	01/25/13
Virginia Guroke Shinn	01/25/13
Joshua Philip Motto	01/25/13
Vickie Lyn Graham	01/27/13
Stanley S. Stanton	01/31/13
Candy Spitzer	01/31/13
Julian A. Coiner	02/01/13
Marta Ester Miri	02/01/13
Patrick J. Lambert	02/01/13
Jae Ho Kim	02/03/13
Brian Scott Ross	02/08/13

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Robert W. Liesche	01/01/11
Thomas Brooks	01/04/11
John Seiji Fukuyama	01/05/11
Mathew Huy Ngo	01/10/11
Raad K. Shawaf	01/12/11
Amie C. Arbid	01/18/11
Kari Mueller	01/18/11
Leona K. Seto-Mook	01/19/11
Tom Presler	01/20/11
Nikki O'Rourke	01/24/11

Real Estate Broker (upgrade)

Mikki EunJun Choy	<u>Effective Date</u> 01/27/11
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Sally A. Palafox
Stephanie Qi Young
Rick J. Hall
Erin E. Wilde

01/31/11
01/31/11
02/01/11
02/02/11

Condominium Hotel Operator
HCR Associates, LLC

Effective Date
1/26/11