

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, July 29, 2011

Time: 9:00 a.m.

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

Present: Carol Ball, Chair, Broker/Maui Commissioner
Stanley Kuriyama, Vice Chair, Broker/Honolulu Commissioner
Rowena Cobb, Broker/Kauai Commissioner
Walter Harvey, Broker/Honolulu Commissioner
Michele Sunahara Loudermilk, Public/Honolulu Commissioner
Nikki T. Senter, Public/Honolulu Commissioner
Scott A. Sherley, Broker/Hawaii Island Commissioner
Aileen Wada, Broker/Honolulu Commissioner

Neil K. Fujitani, Supervising 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
Amy Fujioka, Office Assistant
Coleen Yamashita, Office Assistant

Others: Lei Fukumura, Special Deputy Attorney General
Marifrances Krstic

Absent: Frances Gendrano, Broker/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.

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

Announcements

The Chair welcomed Commissioner Senter to her first Real Estate Commission meeting and Commissioner Senter introduced herself.

Addition to Agenda

Upon a motion by Commissioner Sherley, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to add the following to the agenda:

4. Committees and Program of Work
 - c. Education Review Committee – Continuing Education Administration, Curriculum, Courses, Providers, and Instructors – Continuing Education Core Course

Additional Distribution

The following was distributed as additional distribution:

6. Licensing – Applications
 - a. Robin A. Simao

Committees and Program of Work:

Condominium Review Committee

Condominium Governance and Management – Condominium Seminars and Symposium – CAI Hawaii Seminar

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to approve “Dealing with the Dark Side – Securing Community Associations from Criminal Elements” as a Condominium Education Fund subsidized seminar being offered by CAI Hawaii.

Education Review Committee

ARELLO, REEA and Other Organizations – REEA Annual Conference Report

The report of the 2011 Real Estate Educators Association Annual Conference was distributed to the Commissioners for their information.

Licensing – Ratification:

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

Licensing – Applications:

The Supervising 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.

Brandongrey, Inc.

Ms. Marifrances Krstic was present. The Chair asked Ms. Krstic if she wished to have her application for real estate corporation license considered in executive session. She declined the offer.

Ms. Krstic stated that she is paying \$20 a month towards her pending judgment. She stated that this is her last bill to payoff. She added that she is divorced, supporting triplets, and receives no child support or alimony from her ex-husband.

Ms. Krstic stated that it is not costing her anything to start this business as she is taking it over from Jeffrey Samuels and has agreed to pay him a royalty.

In regards to her judgment, Ms. Krstic stated that she has been paying \$20 a month with money orders, but has not kept the receipts. She stated that the \$20 a month covers interest. Ms. Krstic stated that she should have been better at keeping a record of her payments, but it was her error and she will begin to keep better records.

Ms. Krstic stated that she has been a real estate broker since June 2009 and does very well with recordkeeping; however, admitted that she is not good with her personal records.

Ms. Krstic stated that she is the only member of Brandongrey, Inc.

Ms. Krstic was reminded that section 467-1.6, Hawaii Revised Statutes, states in part that the principal broker shall have direct management and supervision of the brokerage firm and its real estate licensees. The principal broker shall be responsible for the client trust accounts, disbursements from those accounts, and the broker firm's accounting practices. Ms. Krstic stated that she understands the provision; however, she stated that it does not refer to her personal recordkeeping practices. She stated that the brokerage has an escrow checklist, operations manual, she goes over every contract, and they have accounting books.

Ms. Krstic stated that her \$20 a month payment was so small, it was a very hard issue for her and it did not seem important to her to keep the record of payments. She realized that it was stupid of her, but noted that she does not do this with business or her other personal bills.

It was noted that it was not very prudent on Ms. Krstic's part to not keep a record of payments. Ms. Krstic stated that she had no intention of starting her own business and reiterated that she has been paying towards her judgment every month but threw away the receipts.

Ms. Krstic was asked what she was purchasing from Jeffrey Samuels. Ms. Krstic responded that she is taking over his company and will give him a percentage of the earnings. She stated that Mr. Samuels will remain in an advisory capacity and will turn everything over to her.

Ms. Krstic was reminded by the Senior Specialist Fujimura that if licensed, any changes in officers need to be reported, as well as adding a trade name.

Commissioner Harvey moved to take this matter under advisement.

Ms. Krstic was asked if Mr. Samuels was giving her a loan. Ms. Krstic responded that Mr. Samuels does not want to be involved and she will be giving him 20% each month and in turn he is giving her the business location, equipment, employees, etc.

Ms. Krstic stated that Mr. Samuels owns ERA Management and they have talked about going into business together, but it was decided that it would be better for him to step back and that is why she is taking over the company and re-paying him by agreeing to pay him 20% off the gross each month for five years. Ms. Krstic stated that Mr. Samuels is selling her the business.

Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 9:25 a.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 Leslie K. C. Hee;
REC 2009-55-L**

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Sherley, it was voted on and unanimously carried to accept the settlement agreement.

In the Matter of the Real Estate Licenses of Steve DeMesa, Coldwell Banker Commercial Pacific Properties, Ltd. and Rondolph B. Teves; REC 2009-65-L

Commissioner Kuriyama 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 Broker's License of Norman Rothstein;
REC 2008-194-L**

Commissioner Kuriyama moved to adopt the Hearings Officer's Findings of Fact and Conclusions of Law and issue a proposed final order. Commissioner Loudermilk 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 9:51 a.m.

Executive Session:

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Sherley, 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.

Executive Officers
Report:

Minutes of Previous Meeting

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to accept the following amendment to page 3 of the June 26, 2009, minutes:

Marifrances Krstic

After review of the information presented by the Applicant, Commissioner Abrams moved to approve the real estate ~~salesperson's~~ [broker's] license of Marifrances Krstic. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Sherley, it was voted on and unanimously carried to accept the minutes of the June 23, 2011, meeting as amended.

Licensing Applications: **Robin A. Simao**

The Commissioners were concerned about Ms. Simao status of income tax returns for tax years 2008, 2009, and 2010.

After review of the information presented by the applicant, Commissioner Sherley moved to defer decision making on the real estate salesperson application of Robin A. Simao until such time documentation showing a change in status is received with regards to the filing of the income tax returns for tax years 2008, 2009, and 2010. Commissioner Loudermilk seconded the motion. The motion was voted on and unanimously carried.

Jeffrey C. Leiberg

The Commissioners discussed Mr. Leiberg's situation in which he is unable to negotiate a payment plan due to his lack of employment.

After review of the information presented by the applicant, Commissioner Harvey moved to approve the real estate salesperson license of Jeffrey C. Leiberg. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

Grant E. Oepkes

After review of the information presented by the applicant, Commissioner Loudermilk moved to approve the real estate salesperson license of Grant E. Oepkes. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Brandongrey, Inc.

After review of the information presented by the applicant, Commissioner Kuriyama moved to defer decision making on the real estate corporation application of Brandongrey, Inc., until such time that Marifrances Krstic provides proof of payment, to date, regarding the December 2007 judgment in favor of Capital One Bank.

C & A Investment LLC

After review of the information presented by the applicant, Commissioner Kuriyama moved to deny the real estate limited liability company license of C & A Investment LLC based on section 467-9(b)(1), Hawaii Revised Statutes. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Frank Guy Camp

After a review of the information presented, Commissioner Loudermilk moved to approve Frank Guy Camp's request to remove the conditions placed on his real estate salesperson license. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Next Meeting: Friday, August 26, 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 adjourned the meeting at 11:05 a.m.

Reviewed and approved by:

/s/ Neil K. Fujitani
Neil K. Fujitani
Supervising Executive Officer

August 5, 2011
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
 REAL ESTATE COMMISSION MEETING ON JULY 29, 2011

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Sheena Petitt & Co., LLC	06/02/11
Sheena Petitt, PB	
Mary Hakoda Realtor LLC, Hakoda & Company	06/06/11
Mary M. Hakoda, PB	
Plumeria Club, LLC	06/13/11
Reiko Gamble, PB	
Kauai Exclusive Management, LLC dba Kauai Exclusive Realty	06/27/11
Michael P. Olsen, PB	
TPC Leasing, LLC	07/18/11
D. Lark Christensen, PB	
 <u>Brokers – Corporations and Partnerships</u>	 <u>Effective Date</u>
Manzanita Ventures, Inc.	06/27/11
Suzanne Candini, PB	
 <u>Brokers – Sole Proprietor</u>	 <u>Effective Date</u>
Tad Hara	04/26/11
Eddie Noesser	04/27/11
Yuriy M. Skripchenko	05/06/11
Ernest Michael Schmidt, Paradise Land & Homes	05/16/11
Carolyn K. Laughlin	05/20/11
Paul R. Bruk, Great Mahele	06/06/11
Nancy Duff, Planet Properties	06/13/11
Charles E. Thomas, Atlas Realty	06/15/11
Claudia Lee Smith, Wotai Properties	07/11/11
 <u>Branch Office</u>	 <u>Effective Date</u>
Three Brother Enterprises LLC, Green Realty Group	05/05/11
Dave Robison, PB	
 <u>Trade Name</u>	 <u>Effective Date</u>
i Properties, LLC, i Properties Hawaii	06/06/11
Hawaii Life Real Estate Services, LLC, Hawaii Life Real Estate Brokers	06/08/11
Robert E. Fox, Fox Realty	06/28/11
 <u>Equivalency to Uniform Section of Examination Certificate</u>	 <u>Expiration Date</u>
Nancy Victoria Miranda	06/13/13
Dora Jie Woo	06/14/13
William Christian Babbitt	06/16/13
Kyle Smigielski	06/29/13
Kenneth Patrick Barnett	06/29/13
Caroline Patricia Wood	07/06/13
Tina Lynn Anderson	07/06/13
Lark Keye Schmitt	07/11/13
Darcia Ida Boyd	07/11/13
Fredrick M. Kelley, Jr.	07/11/13
Anastas Hatjygeorge	07/11/13
William Maxwell Sabo	07/12/13
Elisabeth Aileen Bjork	07/12/13
Benjamin Joseph Gyrath	07/12/13
Billy Echols Mabry	07/13/13

Equivalency to Uniform Section of Examination Certificate

	<u>Expiration Date</u>
Azar Vassel Sheldon	07/14/13
Visconti, Daniel	07/15/13
Duke-Layden Kimberly G.	07/15/13

Educational Equivalency Certificate

	<u>Expiration Date</u>
Nancy Victoria Miranda	06/13/13
Dora Jie Woo	06/14/13
William Christian Babbitt	06/16/13
Kyle Smigielski	06/29/13
Ken Patrick Barnett	06/29/13
Dennis Joseph O'Shea	06/30/13
Caroline Patricia Wood	07/06/13
Tina Lynn Anderson	07/06/13
Lark Keye Schmitt	07/11/13
Darcia Ida Boyd	07/11/13
Shannon Nichole Kelly	07/11/13
Anthony Colagreco	07/11/13
Fredrick M. Kelley, Jr.	07/11/13
Anastas Hatjygeorge	07/11/13
William Maxwell Sabo	07/12/13
Clifford Jordan	07/12/13
Elisabeth Aileen Bjork	07/12/13
Benjamin Joseph Gyath	07/12/13
Billy Echols Mabry	07/13/13
Azar Vassel Sheldon	07/14/13
Visconti, Daniel	07/15/13
Duke-Layden Kimberly G.	07/15/13
Flash, Gordon	07/15/13
Nakamaejo, Lloyd S.	07/15/13

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Herbert Leo Grosswendt	06/13/13
Ward Norio Yoshimura	06/13/13
William Christian Babbitt	06/16/13
Roni Michelle Marley	06/17/13
Ken Patrick Barnett	06/29/13
Joyce Rie Tsubota	06/29/13
Yvonne Ito-Minami	06/29/13
Leslie Naomi Watanabe	06/29/13
Rylynne Leiko Totoki	06/30/13
Jana R. P. Baniaga	06/30/13
Donna M. Maier	06/30/13
Allyn Mamo Uyehara	06/30/13
Nancy Yun Wang	07/05/13
Lark Keye Schmitt	07/11/13
Darcia Ida Boyd	07/11/13
Tarlok Singh	07/11/13
Fredrick M. Kelley, Jr.	07/11/13
Anastas Hatjygeorge	07/11/13
Harry Conrad Nakamura	07/11/13
Billy Chin Chou	07/11/13
Benjamin Joseph Gyath	07/12/13
Billy Echols Mabry	07/13/13
Azar Vassel Sheldon	07/14/13

Real Estate Broker Experience Certificate

Takako Y. McMillen

Visconti, Daniel

Chang, Shanna Kyung

Expiration Date

07/14/13

07/15/13

07/15/13

Real Estate Broker (upgrade)

Jenae Politovich Peckham

Hua-Wei (Mike) Chen

Larry Lee Wright

James R. Wilson

Jema R. Geronimo

Camille A. OBrien

Michael Dan Rackley

Bobby Papadakis

Gina HaraChun

Lincoln H. Gill

Claudia Lee Smith

Effective Date

06/03/11

06/06/11

06/07/11

06/13/11

06/15/11

06/20/11

06/24/11

06/27/11

06/28/11

07/11/11

07/11/11

Continuing Education Equivalency

Luong Quoc Lam

Effective Date

07/01/11