

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, November 23, 2011

Time: 9:00 a.m.

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

Present: Stanley Kuriyama, Vice Chair, Broker/Honolulu Commissioner
Rowena Cobb, Broker/Kauai Commissioner
Frances Gendrano, Broker/Honolulu Commissioner
Walter Harvey, Broker/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
Tammy Norton, Recording Secretary

Others: Lei Fukumura, Special Deputy Attorney General
Patrick Kelly, Regulated Industries Complaints Office
Rochelle Lee Gregson, Honolulu Board of REALTORS®
Myoung Oh, Hawaii Association of REALTORS®
Nathan Aipa, Esq.
Tom Mukai, Prudential Locations, LLC
Helen Lindemann, Prudential Locations, LLC
Brian Benton, Prudential Locations, LLC
Richard Asato, Esq., Imanaka Kudo & Fujimoto
Mike Lovelin
Michael Tanoue, Esq.
Suzanne King, Honolulu Board of REALTORS®
Kenneth Chong, Pacific Real Estate Institute
Mitchell Imanaka, Esq., Imanaka Kudo & Fujimoto
Robert O'Neal
David Catanzaro, Digital Learning Centers, LLC

- Absent: Carol Ball, Chair, Broker/Maui Commissioner
Michele Sunahara Loudermilk, Public/Honolulu Commissioner
- Call to Order: The Vice Chair called the meeting to order at 9:02 a.m., at which time quorum was established.
- Chair's Report: The Vice 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.
- Chair Ball and Commissioner Loudermilk were excused from the meeting. Prior notification of their non-attendance was received.
- 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.

Additional Distribution

7. Chapter 91, Hawaii Revised Statutes, Adjudicatory Matters
 - d. In the Matter of the Real Estate Brokers' Licenses of Tom Mukai, Brian Benton, Helen Lindemann and Prudential Locations, LLC

Minutes of Previous Meeting

Upon a motion by Commissioner Sherley, seconded by Commissioner Senter, it was voted on and unanimously carried to accept the minutes of the October 28, 2011, meeting as distributed.

Committees and
Program of Work:

Education Review Committee

Digital Learning Centers, LLC

Mr. Catanzaro stated that he is closing out the matter with the Real Estate Commission and presented the Commission with Digital Learning Center LLC's invoice for services rendered regarding the Commission's 2011-2012 mandatory continuing education core course in the amount of \$10,752.02.

The Commission acknowledged receipt of final invoice from Digital Learning Centers, LLC in the amount of \$10,752.02 based on the acceptance of drafts 1 and 2 of Core A course and Case Lombardi legal fees for representation relating to termination and settlement.

Request for Quotation: Hawaii Real Estate Commission – Mandatory Continuing Education Course 2011-2012

Senior Specialist Fujimura reported that the Request for Quotations for the development of the 2011-2012 Core Course was released via the HePS on October 31, 2011, with a closing date of November 14, 2011, 4:30 p.m. She reported that one quote was received from Pacific Real Estate Institute.

Commissioner Gendrano moved to award the agreement to develop the Real Estate Commission's mandatory core course for the 2011-2012 biennium to Pacific Real Estate Institute. Commissioner Wada seconded the motion. The motion was voted on and unanimously carried

Licensing – Ratification: Upon a motion by Commissioner Sherley, seconded by Commissioner Gendrano, it was voted on and unanimously carried to ratify the attached list.

Licensing – Applications: The SEO 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.

Robert A. O'Neal

Mr. O'Neal was present and was asked if he wished to have his request for preliminary decision considered in executive session. He declined the offer.

Mr. O'Neal stated that obtaining his real estate license is important to him. He asked that the Commission consider approving his preliminary decision application so that he can make better decisions with his life in the future. He further stated that he is currently in the Laumaka Work Furlough program.

Deputy Attorney Wong questioned the circumstances of his conviction.

Mr. O'Neal requested that his request for preliminary decision be considered in executive session.

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

Arthur H. Schaupeter

Mr. Schaupeter was asked via teleconference if he wished to have his real estate salesperson application considered in executive session. He accepted the offer.

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

Upon a motion by Commissioner Harvey, seconded by Commissioner Senter, it was voted on and unanimously carried to take the Licensing Application matters under advisement.

Chapter 91, HRS,
Adjudicatory
Matters:

The Vice Chair called for a recess from the meeting at 9:20 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 Richard M. Ogasawara dba Kens Hawaii Associates, a Real Estate Broker; REC 2011-58-L

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

In the Matter of the Real Estate Broker's Licenses of Douglas L. Belt and Big Island Realty, Inc.; REC 2008-253-L

Upon a motion by Commissioner Sherley, seconded by Commissioner Gendrano, it was voted on and unanimously carried to approve the final order.

In the Matter of the Real Estate Broker's Licenses of Waianae Coast Realty, Inc. and Richard C. Cayer; REC 2009-363-L

Upon a motion by Commissioner Sherley, seconded by Commissioner Gendrano, it was voted on and unanimously carried to approve the final order.

In the Matter of the Real Estate Brokers' Licenses of Tom Mukai, Brian Benton, Helen Lindemann and Prudential Locations, LLC.; REC 2008-215-L

Commissioners Senter and Wada recused themselves due to a conflict of interest.

Upon a motion by Commissioner Sherley, seconded by Commissioner Harvey, it was voted on and unanimously carried to accept the Brief Amicus Curiae Hawaii Association of Realtors and Brief Amicus Curiae Honolulu Board of Realtors and allow for oral testimony from the parties.

Upon a motion by Commissioner Sherley, seconded by Commissioner Harvey, it was voted on and unanimously carried to adopt the Hearings Officer's Findings of Fact and the admission of the rule violations and issue a proposed final order with the sanctions and educational requirements remaining the same.

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 11:07 a.m.

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

Licensing
Applications:

Arthur H. Schaupeter

After review of the information presented by the applicant, Commissioner Sherley moved to deny the real estate salesperson license of Arthur H. Schaupeter based on sections 467-8(a)(3) and 436B-19 (1), (8), and (12) unless applicant provides a payment plan from the IRS. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Robin A. Simao

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

Dale E. Northup, Jr.

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

Robert A. O'Neal

After review of the information presented by the applicant, Commissioner Cobb moved to most likely deny the real estate salesperson license of Robert A. O'Neal. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Michael Lovelin

After review of the information presented by the applicant, Commissioner Harvey moved to remove the conditions from the conditional real estate salesperson license of Michael Lovelin. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

Next Meeting: Friday, December 16, 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 Vice Chair adjourned the meeting at 11:19 a.m.

Reviewed and approved by:

/s/ Neil K. Fujitani

Neil K. Fujitani
Supervising Executive Officer

November 30, 2011

Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON NOVEMBER 23, 2011

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Emerald Properties, LLC Scott E. Carter, PB	10/14/11
Paul Kang International, LLC Paul Kang, PB	10/17/11
World Class Concierge, LLC Sheryl Martin, PB	10/21/11
Commercial Asset Advisors, LLC David Asakura, PB	10/25/11
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Acclaimed Kauai Properties, Inc. Stella Bumacod, PB	11/07/11
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Jean K. Yokoyama	10/26/11
Louella Lulu Molina	10/26/11
Lesbian Dyke dba Silversword Realty	10/31/11
Martin D. Moreno dba Island Sales	11/01/11
William S. Snyder	11/01/11
<u>Trade Name</u>	<u>Effective Date</u>
Mauna Kea Realty fka Mauna Kea Resort Services, LLC	10/3/11
<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Brandon Kyle Campbell	10/19/13
Florence Vincenta Coss	10/19/13
Larry Edward Hinman	10/19/13
Joseph Alan Frace	10/19/13
Bong Hee Kim	10/19/13
Lloyd Everett Carey	10/19/13
Sally Desai	10/19/13
Lori Ann Jones	10/19/13
Langston Robert White	10/19/13
Ren Orville Grendahl	10/20/13
Josephine Agbayani Alonso	10/26/13
Richard Harry LeCates	10/26/13
John Carlos Wooge	10/26/13
Alan Permut	10/27/13
Michael Carmen Baratta	10/27/13
Jessica G. Carter	10/27/13
Simon Huanxin Su	10/28/13
Terry Lee Weaver	11/03/13
Jeffrey Allen Davis	11/03/13
Wai Ying Lau	11/04/13
Erik H. Boerstler	11/04/13
Steven John Mosley	11/07/13
Kristy Stephenson	11/07/13
Jeri Snyder	11/07/13
Todd William Schannuth	11/07/13

Educational Equivalency Certificate

	<u>Expiration Date</u>
Thomas Dale Wood	11/10/13
Erik H. Boerstler	11/10/13
Lisa Marie Wooge	11/14/13
Martin H. McGee	11/14/13
Austin P. Wingate	11/14/13

Equivalency to Uniform Section of Examination Certificate

	<u>Expiration Date</u>
Larry Edward Hinman	10/19/13
Joseph Alan Frace	10/19/13
Bong Hee Kim	10/19/13
Lloyd Everett Carey	10/19/13
Lori Ann Jones	10/19/13
Langston Robert White	10/19/13
Ren Orville Grendahl	10/20/13
John Carlos Wooge	10/26/13
Alan Permut	10/27/13
Michael Carmen Baratta	10/27/13
Jessica G. Carter	10/27/13
Terry Lee Weaver	11/03/13
Jeffrey Allen Davis	11/03/13
Steven John Mosley	11/07/13
Kristy Stephenson	11/07/13
Jeri Snyder	11/07/13
Todd William Schannuth	11/07/13
Thomas Dale Wood	11/10/13
Kamran Manii	11/10/13
Lisa Marie Wooge	11/14/13
Martin H. McGee	11/14/13
Austin P. Wingate	11/14/13

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Larry Edward Hinman	10/19/13
Joseph Alan Frace	10/19/13
John White	10/19/13
Jeffrey Allen Davis	10/19/13
Langston Robert White	10/19/13
Ren Orville Grendahl	10/20/13
Louis Christopher Mercer	10/26/13
John Carlos Wooge	10/26/13
Barbara Dyer Morelli	11/04/13
Christina Dong	11/10/13
Brian Gordon Walulik	11/10/13
Dawn Reneau	11/07/13
Martin H. McGee	11/14/13
Austin P. Wingate	11/14/13

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Hazel D. Roces	10/13/11
Victor Melecio	10/19/11
Loren E. Clive	10/21/11
Kenneth H. Schultz	10/25/11

Jennifer J. Lee	10/31/11
William S. Snyder	11/01/11
Daniel Arthur Monck	11/03/11
Diane Larson	11/07/11

<u>Reinstatement – Real Estate Salesperson</u>	<u>Effective Date</u>
Michael B. Lovelin	09/28/11

<u>Restoration – Real Estate Salesperson</u>	<u>Effective Date</u>
Jeanne A. Obert	11/07/11