

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 27, 2012

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
Scott A. Sherley, Broker/Hawaii Island Commissioner
Aileen Wada, Broker/Honolulu Commissioner (Late arrival)
Bruce Faulkner, Broker/Maui Commissioner

Neil K. Fujitani, Supervising Executive Officer
Miles Ino, Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Amy Endo, Real Estate Specialist
David Grupen, Real Estate Specialist
Cheryl Leong, Condominium Specialist
Benedyne Stone, Condominium Specialist
Shari Wong, Deputy Attorney General
Lesley Matsumoto, Recording Secretary

Absent: Nikki T. Senter, Chair, Public/Honolulu Commissioner

Others: Patrick Kelly, Esq., Regulated Industries Complaints Office
Cynthia Nakamura, Esq.
Charmane Valerio
Peter Knapman, Esq.
Helen Lindemann
Maria White
Brian Benton
Mitchell Imanaka, Esq.
Thomas Mukai
John Connelley

Call to Order: The Vice Chair called the meeting to order at 9:00 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 Senter was excused from the meeting. Prior notification of her non-attendance was received.

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.

Additional Distribution

The following was distributed as additional distribution:

3. Executive Officer's Report
 - a. Announcements, Introductions, Correspondence and Additional Distributions

Announcements

The EO informed the Commissioners that a revised Real Estate Commission roster was distributed and if they have any changes to let the Recording Secretary know.

Minutes of Previous Meeting

Upon a motion by Commissioner Sherley, seconded by Commissioner Gendrano, it was voted on and unanimously carried to accept the minutes of the June 29, 2012, meeting as distributed.

Committees and
Program of Work:

Education Review Committee

Continuing Education Administration, Curriculum, Courses, Providers, and Instructors – Course – "Fair Housing: A Guide for Real Estate Agents"; Author/Owner: Scott Sherley; Provider: ERA School of Real Estate; Course Categories: Real Estate Law, Risk Management, Property Management, Broker Management; Clock Hours: 3 hours

Commissioner Sherley recused himself from any discussion and decision making on the continuing education course.

Upon a motion by Commissioner Gendrano, seconded by Commissioner Cobb, it was voted on and unanimously carried to approve "Fair Housing: A Guide for Real Estate Agents" as a 3 hour continuing education elective course.

Vice Chair Kuriyama took matters out of order of the agenda.

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 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.

Vice Chair Kuriyama took matters back to the order of the agenda.

Committees and Program of Work: **Education Review Committee**

Administration of Examinations - Breach of exam security incident – Charmane Valerio

Ms. Valerio was present and was asked if she wished to have her breach of exam security incident considered in executive session. She accepted the offer.

Commissioner Wada arrives.

Executive Session: Upon a motion by Commissioner Gendrano, seconded by Commissioner Cobb, 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.

Chapter 91, HRS, Adjudicatory Matters:

The Vice Chair called for a recess from the meeting at 9:30 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 W. Augustuz Elliott, a.k.a. William Elliott, a Real Estate Broker; REC 2011-158-L

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

In the Matter of the Real Estate Broker's License of Kalani Deacon; REC 2009-103-L

Patrick Kelly, attorney representing the Regulated Industries Complaints Office, was present for oral arguments. Ms. Cynthia Nakamura, attorney for Mr. Kalani Deacon, was present for oral arguments.

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

Commissioner Wada recused herself due to a conflict of interest.

Patrick Kelly, attorney representing the Regulated Industries Complaints Office, was present for oral arguments. Mr. Mitchell Imanaka, attorney for Prudential Locations, LLC, was present for oral arguments.

In the Matter of the Real Estate Licenses of Maria White, Brian Benton, Helen Lindemann, and Prudential Locations, Inc., REC 2009-157-L

Commissioner Wada recused herself due to a conflict of interest.

Patrick Kelly, attorney representing the Regulated Industries Complaints Office, was present for oral arguments. Mr. Peter Knapman, attorney for Prudential Locations, Inc., was present for oral arguments.

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 11:50 a.m.

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 Harvey, seconded by Commissioner Sherley, it was voted on and unanimously carried to move out of executive session.

Committees and
Program of Work:

Education Review Committee

Administration of Examinations - Breach of exam security incident – Charmane Valerio

Commissioner Wada moved to issue a Commission's Proposed Final Order barring examination candidate Charmane Valerio for breaching PSI's examination security agreement from taking the real estate salesperson examination for a period of six months, beginning June 8, 2012. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Licensing –
Applications:

Pauline V. Aguilera

After review of the information presented by the applicant, Commissioner Sherley moved to deny the application for real estate salesperson's license unless, within sixty (60) days, she can submit proof of payment or an approved written payment plan with the Internal Revenue Service for all outstanding tax obligations of Pauline V. Aguilera. Commissioner Gendrano seconded the motion. The motion was voted on and carried.

Gabriel D. Harvey

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

John W. Shahan

After review of the information presented by the applicant, Commissioner Gendrano moved to deny the real estate salesperson license of John W. Shahan based on sections 467-8, 436B-19(1), 436B-19(8) and 436B-19(12), Hawaii Revised Statutes. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

Charles J. Klimer

After a review of the information presented by the applicant, Commissioner Gendrano moved to most likely approve the real estate salesperson license of Charles J. Klimer. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Marta Miri

After review of the information presented by the applicant, Commissioner Gendrano moved to approve the real estate broker license of Marta Miri. Commissioner Faulkner seconded the motion. The motion was voted on and unanimously carried.

Deborah Lyn Tulipani

Upon a request by the applicant and a motion by Commissioner Gendrano, seconded by Commissioner Harvey, it was voted on and unanimously carried to defer Deborah Lyn Tulipani's prelicense education equivalency application until the next meeting.

Chapter 91, HRS,
Adjudicatory
Matters:

The Vice Chair called for a recess from the meeting at 11:59 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 Kalani Deacon; REC 2009-103-L

Upon a motion by Commissioner Sherley, seconded by Commissioner Gendrano, it was voted on and unanimously carried to issue Commission's Final Order.

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

Commissioner Wada recused herself due to a conflict of interest.

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

In the Matter of the Real Estate Licenses of Maria White, Brian Benton, Helen Lindemann, and Prudential Locations, Inc., REC 2009-157-L

Commissioner Wada recused herself due to a conflict of interest.

Commissioner Gendrano moved to defer the final order. Commissioner Sherley 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 12:18 p.m.

Next Meeting: Friday, August 24, 2012
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 12:20 p.m.

Reviewed and approved by:

/s/ Miles I. Ino

Miles I. Ino
Executive Officer

August 3, 2012

Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
 REAL ESTATE COMMISSION MEETING ON JULY 27, 2012

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Commercial Alliance Group, LLC Neil P. Petagno, PB	06/12/2012
Homes R. Us Realty, LLC Sheila Marie Pesebre, PB	06/20/2012
Lancaster Real Property, LLC Susan F. Lancaster, PB	07/02/2012
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Pure Real Estate, Inc. Greg M. Tatsuguchi, PB	06/14/2012
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
William D. Schoette	06/14/2012
Michael C. Burer	06/26/2012
<u>Limited Liability Companies and Partnerships Name</u>	<u>Effective Date</u>
Real Estate Associates LLC	07/03/2012
Epic Realty LLC	07/06/2012
<u>Corporation Name</u>	<u>Effective Date</u>
PEMCO Realty, Inc. John H. Yamamoto, PB	06/12/2012
Hilo Hillside Realty, Inc. James G. Lee, PB	06/13/2012
PowerPlay Destination Properties (Hawaii), Inc. Charles Carr, PB	07/06/2012
<u>Trade Name</u>	<u>Effective Date</u>
Christine M. Bondroff dba Honolulu Hawaii Realty	06/21/2012
Eric Sheridan West dba Hawaii's Best Real Estate	06/30/2012
<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Justin Saleutogi Allen	06/20/2014
Alexandria Elyse Keating	06/20/2014
D. Kehaulani Cosme	06/20/2014
Randy Lyn Hay	06/20/2014
Luisa Santos Rivera	06/20/2014
Shane Frank Gordon Vernon	06/20/2014
Henrik Wilcox	06/21/2014
Oliver Kenneth Harwanko Klasovsky	06/21/2014
John Fred Horst	06/21/2014
Katherine Colby Mancuso	06/21/2014
James Cochran Doan, Jr.	06/25/2014
John Victor Fandel	06/25/2014
Kevin Grant Gioia	06/25/2014
Justin S. Rouleau	06/25/2014
Kathren Jo Rusinovich	06/25/2014
Quynh Yen Phuong Vu	06/25/2014
Ronald Douglas Suokko	06/25/2014
Jared K. Takeuchi	06/25/2014
Dawn Yao Tse	06/25/2014

George Vanderveer Fischer	06/26/2014
Erin Jeanette Erickson	06/26/2014
Sara Joleen Sakamoto	06/26/2014
Sue Alden	06/27/2014
Cindy K.Grossman	06/28/2014
Kelly Michael Byrne	06/28/2014
Tricia Ann Kamikawa	06/29/2014
Jarrell James Mahusay	06/29/2014
Andrea Roosevelt Sink	06/29/2014
William Lee Russell	07/10/2014
Robert Michael Yost	07/10/2014
Deane Garrett Kaminski	07/12/2014
Brian John Van Zutphen	07/18/2014
Gary Kramer	07/16/2014
Candice Kawasaki Sombrero	07/18/2014
Christopher Cushman	07/13/2014
Patrick Dean Baker	07/17/2014
Suzanne Marie Austin Burnett	07/17/2014

Equivalency to Uniform Section of Examination Certificate

	<u>Expiration Date</u>
Alexandria Elyse Keating	06/20/2014
D. Kehaulani Cosme	06/20/2014
John Fred Horst	06/21/2014
Katherine Colby Mancuso	06/21/2014
James Cochran Doan, Jr.	06/25/2014
Justin S. Rouleau	06/25/2014
Kathren Jo Rusinovich	06/25/2014
Kevin Grant Gioia	06/25/2014
John Victor Fandel	06/25/2014
Jared K. Takeuchi	06/25/2014
Dawn Yao Tse	06/25/2014
George Vanderveer Fischer	06/26/2014
Erin Jeanette Erickson	06/26/2014
Sue Alden	06/27/2014
Grossman, Cindy K.	06/28/2014
Kelly Michael Byrne	06/28/2014
David John DeLuca	06/28/2014
Harold John Varney	07/03/2014
William Lee Russell	07/10/2014
Robert Michael Yost	07/10/2014
Deane Garrett Kaminski	07/12/2014
Brian John Van Zutphen	07/18/2014
Gary Kramer	07/16/2014
Candice Kawasaki Sombrero	07/18/2014
Patrick Dean Baker	07/17/2014
Suzanne Marie Austin Burnett	07/17/2014

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Kaiula Jack	06/20/2014
Anna Miller Palla	06/20/2014
Katherine Colby Mancuso	06/21/2014
Kathren Jo Rusinovich	06/25/2014
Kevin Grant Gioia	06/25/2014
Jared K. Takeuchi	06/25/2014
Dawn Yao Tse	06/25/2014

Sue Alden	06/27/2014
Cindy K. Grossman	06/28/2014
Aimee Siton Kim	07/02/2014
Gina Hara	07/02/2014
William Lee Russell	07/10/2014
Marnie Lee McClain	07/10/2014
Kathryn Elizabeth Freitas	07/12/2014
Brian John Van Zutphen	07/18/2014
Sandra M.Y. Ching	07/18/2014
Erik Eldon Hinshaw	07/18/2014
Loreen Hinano Funaki	07/18/2014
Patrick Dean Baker	07/17/2014

<u>Real Estate Broker (upgrade)</u>	<u>Effective Date</u>
Christine M. Yuu	06/12/2012
William D. Schoette	06/14/2012
Tamara L. Kelich	06/15/2012
Abron Toure	06/18/2012
Rosemary Smith	06/21/2012
Greg M. Tatsuguchi	06/14/2012
Susan B. Punohu	07/02/2012
Andrea P. Bemrose	06/26/2012