

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, August 24, 2012

Time: 9:00 a.m.

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

Present: Nikki T. Senter, Chair, Public/Honolulu Commissioner
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
Bruce Faulkner, Broker/Maui Commissioner
Scott Arakaki, Public/Honolulu 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
Cynthia Yee, Senior Condominium Specialist
Cheryl Leong, Condominium Specialist
Benedyne Stone, Condominium Specialist
Shari Wong, Deputy Attorney General
Lesley Matsumoto, Recording Secretary

Others: Keali'i S. Lopez, Director, DCCA
Jo Ann Uchida Takeuchi, Deputy Director, DCCA
Alyce C. Phillips
John Riggins
Sandy Xay
Lei Fukumura, Esq., Special Deputy Attorney General
Patrick Kelly, Esq., Regulated Industries Complaints Office
Deborah Tulipani
John Connelley
Shane Phillips
Angelita Pasion

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 informed the Commission that she is honored and privileged for her role as the Commission Chair. She provided the Commission with a current list of real estate branch projects that staff is working on and if the Commission is interested in assisting with the staff in any of the projects to let them know.

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

Introduction of Keali'i S. Lopez, Director, DCCA

Director Lopez thanked the members for their time and effort to serve the public. She stated that she recently had a conversation with the Governor and he expressed his sincere appreciation for all Boards and Commission members for volunteering to serve the state. On October 24, 2012, DCCA will be providing an orientation for all Boards and Commission members. She encourages all Commissioners to attend the orientation.

Supervising Executive Officer Fujitani introduced Deputy Director Jo Ann Uchida Takeuchi.

The Chair thanked the Director and Deputy Director for introducing themselves to the Commissioners.

Minutes of Previous Meeting

Upon a motion by Commissioner Harvey, seconded by Commissioner Sherley, it was voted on and unanimously carried to accept the minutes of the July 27, 2012, meeting as distributed.

Committees and Program of Work: None.

Licensing – Ratification: Upon a motion by Commissioner Kuriyama, 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.

Alyce C. Phillips

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

Ms. Phillips stated that she complied with all fines, went to school, and waited eleven years to get her real estate license back. The Commission asked why it took so long for Ms. Phillips to pay her fine? Ms. Phillips responded that she filed for bankruptcy in 2001 and realized recently that it was not taken care of.

The Commission asked what has she learned from this experience? Ms. Phillips responded that she will never make this mistake again. At the time, she was dealing with the lost of both parents, a divorce, and foreclosure on her home. She learned to have faith in all of the trials and tribulations that people may go through in life.

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

Ryan T. Riggins

Mr. John Riggins was present to provide oral testimony on behalf of his son, Ryan Riggins. Mr. Ryan Riggins was unable to attend today's meeting.

Upon advice of the Deputy Attorney General, the Chair asked Mr. John Riggins if he wished to have his son's application for real estate salesperson license considered in executive session. He accepted the offer.

Executive Session:

Upon a motion by Commissioner Gendrano, seconded by Commissioner Kuriyama, 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.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 9:46 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate Licenses of Ed Baumgartner and Tropic Lightning Real Estate, LLC, REC 2011-59-L

Commissioner Arakaki moved to accept the settlement agreement. Commissioner Gendrano seconded the motion. Commissioners Senter, Kuriyama, Arakaki, Cobb, Faulkner, Gendrano, Sherley, and Wada voted aye. Commissioner Harvey voted nay. The motion passed.

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 10:05 a.m.

Licensing –
Applications:

Deborah Lyn Tulipani

The Chair asked Ms. Tulipani if she wished to have her application for prelicense education equivalency considered in executive session. She declined the offer.

Ms. Tulipani appeared before the Commission to ask if her Bail Agent license will qualify her for the broker prelicense education equivalency. She stated that she earned her broker's prelicensing course certificate on June 20, 2010 from the Hawaii Institute for Real Estate. Due to financial and health issues, she was unable to take her broker's exam within the two year period.

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

Delegation to Staff

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Faulkner, it was voted on and unanimously carried to allow the withdrawal of the delegation to staff regarding outstanding judgments or involuntary liens with a payment plan in place.

Executive Session:

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

Licensing –
Applications:

Alyce C. Phillips

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

Ryan T. Riggins

After review of the information presented by the applicant, Commissioner Sherley moved to defer decision making on the real estate salesperson application of Ryan T. Riggins for the following reasons:

1. Provide documentation of previous judgments that was paid off and proof of payment regarding the judgments that was paid off; and
2. Requests applicant's presence at the next Commission meeting scheduled for Friday, September 28, 2012.

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

Dante I. Velacion, Jr.

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

Sandy Xay

After review of the information presented by the applicant, Commissioner Wada moved to most likely approve a conditional real estate broker's license for Sandy Xay. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Deborah Lyn Tulipani

After review of the information presented by the applicant, Commissioner Sherley moved to deny the prelicense education equivalency request of Deborah Lyn Tulipani. Commissioner Wada seconded the motion. The motion was voted on and unanimously carried.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair and Commissioner Wada recused themselves due to a conflict of interest.

The Vice Chair called for a recess from the meeting at 10:57 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 Tom Mukai, Brian Benton, Helen Lindemann, and Prudential Locations, LLC; REC 2008-215-L

Commissioner Sherley moved to issue a Commission's Final Order. Commissioner Gendrano seconded the motion. Commissioners Kuriyama, Cobb, Faulkner, Gendrano, Harvey, and Sherley voted aye. Commissioner Arakaki abstained. The motion passed.

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

The Chair and Commissioner Wada recused themselves 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 Vice Chair announced that the Commission was reconvening its scheduled meeting at 12:33 p.m.

Next Meeting: Friday, September 28, 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
 12:34 p.m.

Reviewed and approved by:

/s/ Miles I. Ino

Miles I. Ino
Executive Officer

September 19, 2012

Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON AUGUST 24, 2012

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Honolulu International Realty, LLC	07/26/2012
Florian Paradise Realty, LLC Jaime Florian-Merida, PB	07/30/2012
Maui Paradise Properties, LLC Richard E. Lopez, PB	07/31/2012

<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Hawaii Resort Consulting, Inc.	07/20/2012
Parallel Capital Partners, Inc. Michael Burer, PB	08/08/2012
Realty Pro, Inc. Brenda L. Ching, PB	08/10/2012

<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Angelita Pasion	06/19/2012
Ronald F. Gilligan dba R.F. Gilligan Realty	07/19/2012
Bradley D. Salter dba Salter Property Associates	07/13/2012
Gary Otis Gaines, Sr. dba Gaines Property Management	07/30/2012
Elizabeth J. Adams dba Laika Realty	08/08/2012
JoAnn B. Jordan dba Maui Real Estate Solutions	08/07/2012

<u>Trade Name</u>	<u>Effective Date</u>
Pacific Resort Realty, LLC dba Pacific Property Management	7/24/2012
Aloha Holdings, LLC dba Richmond Realty Hawaii	8/09/2012

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Jeffrey L. Andrews	07/20/2014
Kelly Joyce Perry	07/23/2014
Tony W.K. Lau	07/25/2014
Lena Mobin	07/26/2014
Thomas Case Tischer	07/26/2014
Philip Andrew Raya	07/26/2014
Ralph Charles Brown	07/26/2014
Rebecca Helen Colvin	07/26/2014
Martin Alan Berger	07/26/2014
Karen Ann Reid	07/26/2014
Susanne Rossler	07/26/2014
Candace Pua	07/30/2014
Kegan John Shelby Ogletree	08/02/2014
Douglas A. Cullison	08/02/2014
Ryan Anthony Aaron	08/08/2014
Lawrence Jay Orlans	08/09/2014
Samuel S. Smith	08/09/2014
Robyn Fumi Hirokane	08/09/2014
Debbie Yvonne Kauffman	08/09/2014

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Jeffrey L. Andrews	07/20/2014
Kelly Joyce Perry	07/23/2014
Thomas Case Tischer	07/26/2014
Philip Andrew Raya	07/26/2014

Susanne Rossler	07/26/2014
Jeff Taylor	08/06/2014
Ryan Anthony Aaron	08/08/2014
Lawrence Jay Orleans	08/09/2014
Samuel S. Smith	08/09/2014

<u>Real Estate Broker Experience Certificate</u>	<u>Expiration Date</u>
Jeffrey L. Andrews	07/20/2014
Thomas Case Tischer	07/26/2014
Alice Rebecca Bennett-Moran	07/26/2014
Eddie Underwood	07/26/2014
Timothy Mira	07/26/2014
Cynthia Bloom	07/26/2014
Ilona Rae Coffey	07/30/2014
Dan Olson	07/30/2014
William Everett Facker	07/30/2014
Alice A. Wise	07/30/2014
Albert John Overton	07/30/2014
Lissette Oliver	08/02/2014
Lydia Diana Pedro	08/02/2014
Lawrence Jay Orleans	08/09/2014
Regina Masterson Duncan	08/09/2014
Samuel S. Smith	08/09/2014
Jeannie Yu	08/09/2014

<u>Real Estate Broker (upgrade)</u>	<u>Effective Date</u>
Aimee Siton Kim	06/25/2012
Ken Kiyohara	07/12/2012
Ed Onofrio	07/13/2012
Chuck Barrios	07/19/2012
Mary L. Thompson	07/19/2012
Megumi Nishiya Nekotani	07/25/2012
Michael E. Eddy	07/31/2012
Gary O. Gaines, Sr.	07/30/2012
Kaiula Jack	08/02/2012
Erik E. Hinshaw	08/06/2012
JoAnn B. Jordan	08/07/2012
Albert J. Overton	08/10/2012

<u>Restoration – Real Estate Salesperson</u>	<u>Effective Date</u>
Miyoko Harris Inano	08/09/2012