

REAL ESTATE COMMISSION
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

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, October 26, 1990

Time: 9:00 a.m.

Place: Kuhina Nui Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Present: Yukio Takeya, Vice-Chairman, Hawaii Member
Theo Butuyan, Public Member
Barbara Dew, Member
Yoshiko Kano, Kauai Member
Stanley Kuriyama, Member
Carol Mon Lee, Member (Early Departure)
Marcus Nishikawa, Member (Late arrival)
Douglas Sodetani, Maui Member

Calvin Kimura, Supervising Executive Secretary
Christine Rutkowski, Executive Secretary
Cynthia Yee, Real Estate Specialist
Russell Wong, Real Estate Specialist
Irene Kotaka, Secretary

Rodney Maile, Senior Hearings Officer
John Ramsey, Consultant

Mary Lou Mendes, Applicant
Judith Hentz, Applicant
Carmen Basa, Applicant

Excused: Peter Yanagawa, Chairman

Call to Order: Vice-Chairman Takeya called the meeting to order at 9:00 a.m., at which time quorum was established.

Chairman's Report: No report was presented.

Executive Secretary's Report: No report was presented.

Adoption of Minutes: The adoption of the August 31 and September 28, 1990 Minutes were deferred to the November 30, 1990 Meeting.

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

7. Licensing - Restoration of Forfeited Licenses Over Two Years - Brokers
William T. Tanaka, Jr.

Over Two Years - Salespersons
David P. Montgomery

Under Two Years - Salespersons
Paul S. O'Leary
Ronald H. Saul

8. Licensing - Questionable Applications
EPS Properties, Inc.
Kathleen Linaker
George M. Adams
Jamie L. Gamatero
Takako Kimura
Judith Hentz

Committee Reports: EDUCATION REVIEW COMMITTEE

Upon a motion by Commissioner Dew, seconded by Commissioner Kano, it was voted on and unanimously carried to approve the recommendations of the October 25, 1990 Education Review Committee Meeting, as follows:

1. Approve Dean Witter's proposal to invest the combined amount of one million dollars of the education and recovery funds in United States Treasury bonds.

2. Approve the appointment of Commissioners Sodehara and Nishikawa as Commission designees to make any necessary day to day decisions regarding the investment and to sign documents on behalf of the Commission.
3. Accept the Education and Recovery Fund balances for the period of July 1, 1990 through July 31, 1990, and the Education and Recovery Fund reports for the fiscal year ending June 30, 1990.
4. Commissioner Dew, as the liaison to the Hawaii Real Estate Research and Education Center, to review the list of nominees who indicated interest in serving on the Advisory Council with Dean Bess and make recommendations to the Commission.
5. Approve the following people to serve as initial members of the Continuing Education Review Panel: Lee Alden, Elizabeth Benton, Kenneth Chong, Gretchen Duplanty, Judy Gorman, Karen Kimura, Eileen Luko, Nancy Maxwell, Christine O'Brien, Francis O'Brien, Harold Richardson, Constance Smales, George Stott, and John Reilly.
6. Permit the continuing education providers to continue to offer the current continuing education course modules, subject to further review and study of the conditions of such offerings.
7. Approve of the Hawaii Real Estate Research and Education Center's suggested hot topic, "Real Estate Laws and Ethics Update II", as a core course for the 1991-1992 biennium period.
8. Approve issuance of certificates of completion to instructors who are certified in a subject area and have taught at least one class.
9. Defer the issue of Norma Jones School of Real Estate until staff receives further information.

10. John Stapleton and Bernard Bays to attend a Commission-approved Instructor Development Workshop to satisfy their Instructor Recertification requirement.
11. Approve the execution of a personal service contract with the Hawaii Association of Realtors for the following terms:
 - a. Scope of services includes the administration and delivery of up to three instructor development workshops per year.
 - b. Inclusion of additional other administrative services for the delivery of other courses as requested by the Commission.
 - c. Administrative fee up to \$2,500.
 - d. Commission to be responsible for the actual costs of scheduling the seminar.
 - e. Registration fees collected shall be used to offset administrative fees and costs.
 - f. Commission option to extend the contract for another year.
 - g. Effective date of the contract, September 25, 1990.
12. Approve the application of Jack Overbey for certification as a continuing education instructor in Contracts.
13. Defer action on the application of Gary Yamashiro for certification as a continuing education instructor in contracts; request applicant to submit evidence of command knowledge and of contracts in residential settings.

14. License Examination
 - a. Approve rescission of the Keyway option.
 - b. Approve rescission of all walk-in registration.
 - c. Approve the inclusion of the license application in the candidate handbook.
 - d. Deny the request of Asama Takeuchi to have a translator present during the licensing exam; the committee finds that command knowledge is an implicit prerequisite for sitting for the exam.
 - e. Conduct further study and review of the request for distributing the exam passing scores to the schools.

Commissioner Sodetani was excused from the meeting due to a conflict of interest.

Upon a motion by Commissioner Dew, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to approve the application of Lloyd Sodetani for certification as a continuing education instructor in finance.

Commissioner Sodetani returned to the meeting.

CONDOMINIUM AND COOPERATIVE REVIEW COMMITTEE

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Sodetani, it was voted on and unanimously carried to approve the recommendations of the October 25, 1990 Condominium and Cooperative Review Committee Meeting, as follows:

1. Approve the amendment to fiscal year 1990-1991 Condominium Management and Education Fund budget, increasing the amount allocated for postage to \$5,000.
2. Commissioner Lee and staff be authorized to negotiate the Manager Licensing Study contract with Research Information Service.
3. No further action shall be taken on the Holua at Mauna Loa Village disclosure.
4. The Commission to require that the developer work with staff to issue a short-form supplemental public report for the Waipaipai, Tapioca, and Manini Way/Iwi Way condominium projects.
5. No further action shall be taken on the letter, dated September 24, 1990, from Donna Y. Kanemaru.
6. Disapprove Steven Lee's request that a viewing platform be considered an apartment in the Paradise

Island project.

Ratification: Upon a motion by Commissioner Lee, seconded by Commissioner Kano, it was voted on and unanimously carried to approve the ratification of the following:

Real Estate Brokers

Andrew Tujios
Atlantis Properties, Ltd.
Cathy George & Associates, Inc.
HITEX International, Inc.
Bill Munekata Inc., Realtor
Royal Real Estate Investments, Inc.
D C Realty Inc.
Nomura Real Estate Hawaii, Inc.
ABS Realty, Inc.
Hugh's Properties, Inc.
Ron Okubo, Inc.
Chalett Realty, Inc.
Colmar Properties, Inc.
Santee Realty Co., Inc.
Stuart H. Oda Properties, Inc.
Spectrum Properties, Inc.
West Isle Properties, Ltd.
United International Realty, Inc.
Whiteacre, Inc.
Thomas Won & Associates, Inc.
North Shore Development, Inc.
Tujios Properties, Ltd.
Koa Realty, Inc. dba Koa Realty
SHC-Properties, Inc.

Partnership

Makani Kai Realty

Branch Offices

Victoria L. Rappaport dba Hawaii Resort Management
(Kailua-Kona, Hawaii)
ERA Maui Properties & Investments, Inc. (Wailuku,
Maui)
INTCO Realty, Inc. (Hilo, Hawaii)
Debra & Company Realtors (Aiea, Oahu)

Site Office

Mililani Town, Inc. - Kumu Iki Model Homes
Lea Properties, Ltd. - Maui Hill
Century 21 Advantage - Ho'Olaho

Trade Names

Patricia T. Lewis dba RE/MAX Sun Coast (fka dba Pat
Lewis Realty)
David Kihano, Sr. dba Kihano Properties &

Management

Lester M. Higa dba Higa Properties
Alexandria Hinnebusch dba A Gabriel Hinnebusch

Realty

Stanley S. Nagao dba Aiea Rental Agency
Ocean Blue Realty & Development, Inc. (fka Ocean
Blue Development, Inc.)
Wallace T. Patch dba Patchworks Realty
Antony T. H. Chan dba Tony Chan Realty
Ron Corp (fka Ron Okubo, Inc.)
Ruth A. Gilman dba Gilman Realty
Gordon M. Wyant dba Wyant Development Company

Condominium Property Regime Public Reports

September 1990:

Kahuna Condominium, Kauai, Final
Keeaumoku Townhouse, Honolulu, Final
Kihei Villages, Phase V, Maui, Preliminary
Poha Kea Point, Phave IV, Increment 3, Honolulu,
Final
47-644 & 47-644A Melekula Road, Honolulu, Final
1379 13th Avenue, Honolulu, Final
737 21st, Honolulu, Final
Kaulana at Kona, Hawaii, Preliminary
1390 & 1392 Naniialii, Honolulu, Final

October 1990:

Maluhia Kai, Hawaii, Supplementary
1281/1283 Hooli Circle, Honolulu, Final
1395/1397 Hooli Circle, Honolulu, Final
Kehaunani Farms Agricultural Condominium, Kauai,
Preliminary
Makiki Regent, Honolulu, Final
Molowa Wai Condominium, Kauai, Final
Palm Court, Increment IIB, Honolulu, Final
Palm Court, Increment IIC, Honolulu, Final
Palm Court, Increment IID, Honolulu, Final
Poha Kea Point, Phase IV, Increment 4, Honolulu,
Final
1892 & 1892A Waimano Home Road, Honolulu, Final
Ho'omaka Village, Honolulu, Preliminary
Kukui Mountain Park Condominium, Kauai, Preliminary
Puu Iki, Honolulu, Supplementary
737 21st, Honolulu, Supplementary
The Regency at Poipu Kai, Kauai, Final
Moana Ikena Condominium, Kauai, Final

Commissioner Nishikawa arrived.

Executive
Session:

Upon a motion by Commissioner Kuriyama, seconded by
Commissioner Kano, it was voted on and unanimously carried to
enter into executive session at 9:11 a.m., pursuant to
Chapter 92-5(a)(1), "To consider and evaluate personal
information relating to individuals applying for
professional or vocational licenses cited in section 26-7 or
both;".

Upon a motion by Commissioner Sodeani, seconded by Commissioner Kano,
it was voted on and unanimously carried to move out of
executive session at 9:50 a.m.

Licensing: QUESTIONABLE APPLICATIONS

Judith Hentz

Ms. Hentz was present to ask the Commission to reconsider
her application for license.

Ms. Hentz stated that she has fulfilled the education and experience requirements in obtaining her license. She said that she answered a question on her application incorrectly. She said that she thought the question, "Were there any complaints or charges of unlicensed real estate activity filed against you or do you have any pending disciplinary action against you?", referred to active cases. She stated that she was investigated by RICO and received two advisory letters, but both cases were later closed. She stated that she has lived on Maui for 18 years and has a good reputation in the community.

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

Mary Lou Mendes

Ms. Mendes was present to request that the Commission grant her an equivalency to two listing contracts and three sales that have closed escrow transaction requirement. She stated that she is currently employed with the Marketplace at Coconut Plantation on Kauai. She has managed four shopping centers at a time. She has completed her broker's prelicensing course. She has been involved in over 30 commercial leases.

Commissioner Dew asked Ms. Mendes why she desired to have a broker's license.

Ms. Mendes stated that it would allow her more flexibility. She stated that the management company often changes ownership and by having her broker's license, it would allow her to advance. She also stated that the management company may be able to have a branch office there.

Commissioner Nishikawa stated that once issued a broker license, a person would be able to become a principal broker or a broker-in-charge. He then asked her if she had any experience in residential sales transactions.

Ms. Mendes stated that she would need more training if she desired to become a principal broker or broker-in-charge as she did not have experience in residential transactions.

The Real Estate Specialist asked Ms. Mendes what her job duties were.

Ms. Mendes stated that she was responsible for showing the vacant spaces, quoting prices, square footage, monthly rental, financial information, run credit reports, put together and execute documents, monitor, and collect rents.

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

Disciplinary
Case Report:

UTAH-WAIKIKI, ET AL., RE 87-90, ET AL.

Upon a motion by Commissioner Sodetani, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to approve the Commission's Proposed Order.

JULIE ITCHNER, RE 87-160

The Hearings Officer stated that Ms. Itchner had attempted to take the course required in the Settlement Agreement, but was unable to do so because of health reasons.

Upon a motion by Commissioner Nishikawa, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to approve the Hearings Officer's Recommended Order Granting Motion for Order Imposing Sanctions for Failure to Comply with the Commission's Order as to Respondent Itchner, subject to submitting a written request to the Real Estate Commission for approval of the course prior to registration and subject to submission to the Real Estate Commission within 30 days after successful completion of the course, documentation of completion.

FORD K. USHIJIMA, RE 87-160

Upon a motion by Commissioner Sodetani, seconded by Commissioner Kano, it was voted on and unanimously carried to approve the Settlement Agreement Regarding Further Sanctions for Failure to Comply with Settlement Agreement as to Ford K. Ushijima and Commission's Final Order, subject to submitting a written request to the Real Estate Commission for approval of the course prior to registration and subject to submission to the Real Estate Commission within 30 days after successful completion of course, documentation of completion.

The Commissioners raised questions as to whether or not the principal brokers or brokers in charge of licensees subject to disciplinary action could be notified of any sanctions against the licensees employed by them.

Mr. Maile stated that the Office of Administrative Hearings could send a copy of the final order to the principal brokers and brokers in charge affected to notify them of the sanctions imposed against their employees.

STANLEY N. ISHIDA, REC 89-35

Upon a motion by Commissioner Nishikawa, seconded by Commissioner Sodetani, it was voted on and unanimously carried to approve the Settlement Agreement of Stanley N. Ishida.

Licensing: QUESTIONABLE APPLICATIONS

Ms. Carmen Basa was present to request that the Commission reconsider its previous decision.

Ms. Basa failed to submit her application for licensure within 90 days of the examination date. She stated that she submitted her application to her principal broker on September 17, 1990. Her filing deadline was September 21, 1990. Her principal broker was unaware of the filing deadline and so did not file her application within the 90 days.

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

Executive Session: Upon a motion by Commissioner Lee, seconded by Commissioner Kano, it was voted on and unanimously carried to enter into executive session, pursuant to Chapter 92-5(a)(1), "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in Section 26-9 or both;"

Commissioner Lee was excused from the meeting.

Upon a motion by Commissioner Kano, seconded by Commissioner Butuyan, it was voted on and unanimously carried to move out of executive session at 11:35 a.m.

Committee Reports: EDUCATION REVIEW COMMITTEE

Upon a motion by Commissioner Nishikawa, seconded by Commissioner Dew, it was voted on and unanimously carried to grant Cynthia Rubenstein's request for an extension of her real estate broker's experience certificate and certificate of completion to the end of January 1991 or the expiration date of her certificate, the latter of the two. Should Ms. Rubenstein fail the examination or fail to take the examination, she shall requalify for the educational and experience requirement.

Licensing: RESTORATIONS

Franklin Farinas	Broker
Ronald K. Watanabe	Broker
William J. Tanaka, Jr.	Broker

After a review of the information submitted by the applicant, Commissioner Nishikawa moved that restoration be approved upon submitting evidence of successfully passing the real estate broker's

licensing examination, with a one-time waiver of the education and experience requirements. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Bertrand Bortnick	Salesperson
Douglas Surber	Salesperson
David P. Montgomery	Salesperson

After a review of the information submitted by the applicant, Commissioner Kuriyama moved that restoration be approved upon submitting evidence of successfully passing the real estate salesperson's licensing examination, with a one-time waiver of the education requirement. Commissioner Sodetani seconded the motion. The motion was voted on and unanimously carried.

Lancelot A. Carreira, Jr.	Salesperson
Terry Tachina Chandler	Salesperson
Galvin S. Fetters	Salesperson
Michelle E. Morrison	Salesperson
Sylvia A. Maunapau Schneck	Salesperson
James T. Takata	Salesperson
Daryl Jean K. Whittington	Salesperson
Paul S. O'Leary	Salesperson
Ronald H. Saul	Salesperson

After a review of the information submitted by the applicant, Commissioner Kano, moved that restoration be approved upon submitting evidence of successful completion of a Commission-approved real estate course. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

QUESTIONABLE APPLICATIONS

Antonson Garrett & Associates, Ltd.

After a review of the information submitted by the applicant, Commissioner Sodetani moved to deny the application of Antonson Garrett & Associates, Ltd. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Pacific International Investment Corporation dba Mark Paulson Realtors

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to defer this matter, pending advisement by the Attorney General's Office. Commissioner Sodetani seconded the motion. The motion was voted on and unanimously carried.

Stephen F. Parker dba Parker & Co.

After a review of the information submitted by the applicant, Commissioner Butuyan moved to approve the fourth extension of the site office, located at the Maui Kamaole. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

CPL Realty

After a review of the information submitted by the applicant, Commissioner Sodetani moved to approve the eighth extension of site office, located at The Cliffs Club. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

John W. Cater

After a review of the information submitted by the applicant, Commissioner Dew moved to approve the home occupation place of business, located at 3734 Harding Avenue, Honolulu, Hawaii, subject to the conditions imposed upon the licensee by the City and County of Honolulu. Commissioner Butuyan seconded the motion. The motion was voted on and unanimously carried.

Juliana R. Monet

After a review of the information submitted by the applicant, Commissioner Sodetani moved to accept the Change form submitted on October 8, 1990, recognizing February 25, 1990 as the date of release and October 8, 1990 as the date Ms. Monet activated her license, with the period between

dates to be "inactive". Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Mary Lou Mendes

After a review of the information presented by the applicant, Commissioner Sodetani moved to deny Ms. Mendes's request for an equivalency to two listings and three sales that have closed escrow. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

The Commission shall ask the Institute of Real Estate Management (IREM), Certified Commercial-Investment Members (CCIM), and the Hawaii Association of Realtors to develop and propose guidelines for broker experience equivalencies for commercial leasing and commercial property managers.

The Association of Apartment Owners of Kulakane Apartments

After a review of the information submitted by the applicant, Commissioner Nishikawa moved to deny their condominium hotel operator application as the entity is not registered with the Business Registration Division and the declaration and by-laws do not specifically allow transient or hotel rentals. Commissioner Sodetani seconded the motion. The motion was voted on and unanimously carried.

Brian Wells

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to defer decision making on the application for license, pending receipt of further information. Commissioner Butuyan seconded the motion. The motion was voted on and unanimously carried.

Richard Ryckoff

After a review of the information submitted by the applicant, Commissioner Dew moved to approve the Mr. Ryckoff's application for a real estate salesperson's license. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Donna S. Shepherd

After a review of the information submitted by the applicant, Commissioner Kano moved to approve Ms. Shepherd's application for a real estate salesperson's license. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Stephen F. Farmer

After a review of the information submitted by the applicant, Commissioner Sodetani moved to approve Mr. Farmer's real estate salesperson's license application. Commissioner Kuriyama seconded the motion. The motion was

voted on and unanimously carried.

David R. Colton

After a review of the information submitted by the applicant, Commissioner Nishikawa moved to approve Mr. Colton's application for real estate salesperson's license. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Jay E. Rush

After a review of the information submitted by the applicant, Commissioner Sodetani moved to approve Mr. Rush's application for real estate salesperson license. Commissioner Butuyan seconded the motion. The motion was voted on and unanimously carried.

Andrew K. Akao

After a review of the information submitted by the applicant, Commissioner Sodetani moved to deny Mr. Akao's application for real estate license as he failed to submit his application within 90 days of the examination. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Mary E. S. Jackson

After a review of the information submitted by the applicant, Commissioner Butuyan moved to approve Ms. Jackson's application for real estate salesperson's license. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Robert W. Silacci

After a review of the information submitted by the applicant, Commissioner Dew moved to approve Mr. Silacci's application for license. Commissioner Nishikawa seconded the motion. The motion was voted on and unanimously carried.

John C. H. Lee

After a review of the information submitted by the applicant, Commissioner Sodetani moved to deny Mr. Lee's application for real estate license as he failed to submit his application within 90 days of the examination. Commissioner Nishikawa seconded the motion. The motion was voted on and unanimously carried.

Carmen Basa

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to deny Ms. Basa's application for real estate license as she failed to submit

her application within 90 days of the examination.
Commissioner Dew seconded the motion. The motion was voted
on and unanimously carried.

EPS Properties, Inc.

After a review of the information submitted by the
applicant, Commissioner Dew moved to approve the real estate
corporation application of EPS Properties, Inc. and the home
occupation place of business, located at 106 Lumahai Street,
Honolulu,

Hawaii, subject to the conditions imposed by the City and County of Honolulu. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Kathleen Linaker

After a review of the information submitted by the applicant, Commissioner Sodetani moved to approve the home occupation place of business, located at 6677 Iliki Street, Wailua, Hawaii, subject to the conditions imposed upon the County of Kauai. Commissioner Nishikawa seconded the motion. The motion was voted on and unanimously carried.

George M. Adams

After a review of the information submitted by the applicant, Commissioner Nishikawa moved to approve Mr. Adams's real estate salesperson's license application. Commissioner Sodetani seconded the motion. The motion was voted on and unanimously carried.

Jamie L. Gamatero

After a review of the information submitted by the applicant, Commissioner Sodetani moved to approve Mr. Gamatero's application for real estate salesperson's license. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Takako Kimura

After a review of the information submitted by the applicant, Commissioner Nishikawa moved to approve Ms. Kimura's application for a real estate salesperson's license. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Judith Hentz

After a review of the information presented by the applicant, Commissioner Nishikawa moved to deny Ms. Hentz's request for reconsideration and to reaffirm the Commission's previous decision to deny Ms. Hentz's application for a real estate salesperson's license. Commissioner Butuyan seconded the motion. The motion was voted on and unanimously carried.

Next Meeting: November 30, 1990, 9:00 a.m.
Kuhina Nui Room, Second Floor
HRH Princess Victoria Kamamalu Building
1010 Richards Street
Honolulu, Hawaii

Adjournment: With no further business to discuss, Vice-Chairman Takeya adjourned the meeting at 11:50 a.m.

Taken and recorded by:

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Irene S. Kotaka, Secretary

Reviewed and approved by:

Calvin Kimura
Supervising Executive Secretary

Date