

## 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, July 26, 1991

Time: 9:00 a.m.

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

Present: Peter Yanagawa, Chairman  
Theo Butuyan, Public Member  
Barbara Dew, Oahu Member  
Yoshiko Kano, Kauai Member  
Stanley Kuriyama, Oahu Member  
Carol Mon Lee, Public Member  
Marcus Nishikawa, Oahu Member (11:14 a.m. departure)  
Douglas Sodetani, Maui Member

Calvin Kimura, Supervising Executive Secretary  
Christine Rutkowski, Executive Secretary  
Cynthia Yee, Real Estate Specialist  
Lynn Miller, Real Estate Education Specialist  
Diane Erickson, Deputy Attorney General  
Janet Nakayama, Recording Secretary

Rodney Maile, Senior Hearings Officer  
Susan L. Gochros, RICO Attorney  
Carol M. Egan, Applicant  
Joseph A. McDonagh, Applicant  
Sam Yee, Attorney for Randy Rogers and Scully Rogers  
Scully Rogers  
Randy Rogers

Call to Order: Chairman Yanagawa called the meeting to order at 9:10 a.m., at which time quorum was established.

Chairman's Report: The Chairman reported that due to the expiration of the term of Vice-Chairman, Yukio the Commission needs to elect a new Vice-Chairman.

Chairman Yanagawa opened the floor for nominations for the office of Vice-Chairman.

Upon a motion by Commissioner Sodetani, seconded by Commissioner Kano, Commissioner Marcus Nishikawa was nominated for the office of Vice-Chairman.

There being no further nominations, it was moved by Commissioner Sodetani, seconded by Commissioner Kano, and unanimously carried to elect Commissioner Nishikawa as Vice-Chairman.

Additions to the Agenda:

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

6. Licensing and Registration - Ratification  
Condominium Property Regime - Public Reports
7. Licensing - Restoration of Forfeited Licenses  
Over Two Years - Salespersons  

01/01/89	Thomas L. Backman
01/01/87	Albert Low
8. Questionable Applications  
  
Susan Cassell

Approval of Minutes:

Upon a motion by Commissioner Sodetani, seconded by Commissioner Kano, it was voted on and unanimously carried to approve the minutes of the April 25, 1991 and May 31, 1991 Real Estate Commission Meetings as circulated, and to defer approval of the minutes of the June 28, 1991 meeting until the next regularly scheduled Real Estate Commission Meeting.

Disciplinary Cases:

RONALD J. NICHOLSON, REC-89-172

Mr. Nicholson and his attorney were not present at today's meeting and no further requests for continuances have been received. Susan L. Gochros, RICO Attorney, was present on behalf of the State.

Rodney Maile, Senior Hearings Officer stated that Mr. Nicholson was aware of the oral arguments scheduled for today and has been officially notified. The Chairman requested that the parties present proceed.

Ms. Gochros summarized the following stipulated facts and admissions:

1. In or about December, 1988 Mr. Nicholson disseminated correspondence to prospective real estate sellers, including owners of property located in Hawaii, advertising the services of RJN Realty.
2. On or about July 1988, Mr. Nicholson negotiated a real estate transaction of two units at the Kona Islander Condominium which were sold through an Agreement of Sale by

sellers Theodore and Betty Jung to buyers Pam Lowman, Richard Davis, and Shirley Davis. At all times during the above-referenced transaction, Mr. Nicholson represented himself to the Jungs to be a real estate broker.

3. At Mr. Nicholson's request, all documentation regarding this transaction was directed to him at his office in Kailua-Kona, Hawaii.
4. Mr. Nicholson's explanation to the above-referenced activities was that he was licensed as a real estate broker in California and RJN Realty was the name of his brokerage in California. He did not intend to imply that he was acting as a broker in Hawaii.
5. At no time prior to the conclusion of the above-referenced real estate transaction did Mr. Nicholson obtain a written consent from the buyers and sellers to act as both the buyers' and sellers' real estate salesperson.
6. Following execution of the two Agreements of Sale by all of the parties involved, Mr. Nicholson failed to provide copies of the pertinent document to the sellers.
7. Mr. Nicholson received over eight written demands for receipt of all documentation pertaining to the sale of the units at the Kona Islander Inn, made by the Sellers' attorney from November 8, 1988 through July 11, 1989.
8. Despite repeated requests for the above-referenced documentation by the Sellers' attorneys, Mr. Nicholson failed to provide the documentation until February 1990.
9. Mr. Nicholson's explanation was that he was placed in the middle of his clients' opposing interests, that of the sellers wanting the information requested and the buyers wanting the information to remain undisclosed.
10. Mr. Nicholson failed to submit the real estate documents reflecting the sale of the units at the Kona Islander Inn to the Bureau of Conveyances until December 21, 1989.
11. Despite repeated requests for information regarding the name of the escrow company used for the property transaction, Mr. Nicholson failed to inform his clients that no escrow company was actually involved in the transaction.

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

SCULLY ROGERS, LTD., RANDY M. ROGERS AND MARION ROGERS AKA SCULLY ROGERS, RE 88-74

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

Mr. Yee was present on behalf of Randy M. Rogers and Marion Rogers aka Scully Rogers. Susan L. Gochros, RICO Attorney, was present on behalf of the State.

Rodney Maile, Senior Hearings Officer summarized that this case involved the Respondents activities as the agent for the sellers. There were difficulties in communicating with the sellers who were vacationing in Europe and a number of factors involving the real estate transaction were not ultimately disclosed. Respondents' exceptions believe that the communication difficulties which arose and the underlying changes which were made were not material and would have ultimately protected the rights of the sellers.

Mr. Yee stated that the basic facts are agreed upon however, there was a unique circumstance in this particular case in the fact that the two sellers were traveling between Switzerland and Germany and communication with them was primarily by telephone so that contact with them was hit-and-miss.

Mr. Yee stated that in order for there to be a sustained charge of misrepresentation by the Respondents it must be proven that they made a false representation which they knew, should have known or believed to be false and that if any of these elements are missing there can be no misrepresentation and consequently, there can be no violation of HRS Section 467-14(1).

Mr. Yee noted that in this case the key conclusion by Mr. Maile, from which all the other conclusions flow, is that Scully Rogers misrepresented his authority to prepare the counter offer dated June 26, 1987 to Emiko Berger. He submitted that in reaching this conclusion, the Hearings Officer failed to consider evidence which supports either actual authority on the part of Scully Rogers or at the very least a good faith belief by Mr. Rogers that he was authorized to take the actions he took.

Mr. Yee stated that if based on the facts and discussions that Mr. Rogers had with Mr. Asl and Mr. Philipp he had a good faith belief that he was authorized to act, then there can be no intentional misrepresentation because the element of a knowing false representation is missing.

Mr. Yee stated that the Hearings Officer overlooked the significance of the telex which Mr. Rogers asked for regarding the terms of acceptance for the apartment. He noted that the act of asking for a telex indicated that Mr. Rogers was getting instructions from his clients and was seeking a written confirmation of those instructions. The fact that Mr. Asl and Mr. Philipp delayed in sending the telex does not negate Mr. Rogers' belief that his clients would send the telex and had orally told him to go ahead and proceed with the transaction.

Mr. Yee explained that based on that, he believes that the Hearings Officer's decision is excessively harsh and should be modified.

Mr. Scully Rogers addressed the Commissioners stating that this case is one of sellers remorse.

Through the use of visual aids, Ms. Gochros summarized the following Hearings Officer's Findings of Fact:

1. On or about September 22, 1986, Anton Asl and Gary H. Philipp entered into an Exclusive Right to Sell Listing Agreement with Respondents.
2. On or about April 29, 1987, Mr. Asl and Mr. Philipp went to Europe on vacation, and informed Respondents where they could be reached in Europe.
3. On or about June 24, 1987, Emiko Berger submitted a Deposit, Receipt Offer and Acceptance (DROA) to purchase the subject property for \$250,000 on an agreement of sale. The offer was set to expire at 5:00 p.m. on June 26, 1987. The June 24, 1987 Berger DROA also provided for a 6% commission to be paid to Respondent Corporation.
4. On or about June 25, 1987, Respondent Scully Rogers spoke to Mr. Asl in Switzerland, and informed Mr. Asl and Mr. Philipp of the terms of the June 24, 1987 Berger DROA.
5. On or about June 26, 1987, Respondent Scully Rogers again spoke to Mr. Asl, and upon consideration of the terms of the June 24, 1987 Berger DROA, Mr. Asl and Mr. Philipp decided not to accept Ms. Berger's offer. Mr. Asl informed Respondent Scully Rogers that Mr. Asl and Mr. Philipp would consider \$260,000 in cash, along with the following special conditions: 1) closing on September 30, 1987, and 2) a 2 to 3 month rent-back provision.
6. On June 26, 1987, Respondent Scully Rogers subsequently spoke to Ms. Berger regarding the considerations set forth by Mr. Asl and Mr. Philipp, and Ms. Berger agreed to the increase in the selling price to \$260,000 in cash. However, Ms. Berger wanted to have her boyfriend be given the option of inspecting and approving of the contract as one of the specifications under which the contract would be negotiated.
7. On or about June 26, 1987, either Respondent Scully Rogers or Respondent Randy Rogers prepared a Seller's Counter Offer. The June 26, 1987 Counter Offer provided that: 1) the purchase price would be \$260,000, all in cash, 2) closing would occur on August 31, 1987; 3) escrow would be through Bank of Hawaii, and 4) the counter offer was subject to Ms. Berger's boyfriend's approval no later than 5:00 p.m., July 2, 1987.
8. On June 28, 1987, Lynn Aila, as the real estate broker for Mr. and Mrs. Harriss, submitted a DROA to Respondents, whereby Mr. and Mrs. Harriss offered to purchase the subject property for \$260,000. Mr. and Mrs. Harriss made out a check for \$10,000 to the Bank of Hawaii Escrow Department, as an initial deposit for the purchase of the subject property. The June 28, 1987 Harriss DROA also provided for a 3% cooperating broker's commission to be paid to Ms. Aila's real estate company, Ainalani Properties.

9. Sometime between June 28, 1987 and July 1, 1987, Respondent Scully Rogers subsequently rejected the June 28, 1987 Harriss DROA, and wrote, "Rejected Because of Prior Offer." Respondent Scully Rogers also signed the notation rejecting the June 28, 1987 Harriss DROA.
10. By memorandum dated July 1, 1987, Ms. Berger instructed the Bank of Hawaii Escrow Division that she had removed the special condition #3 of the DROA dated June 26, 1987 for the subject property, enclosed an additional deposit check in the amount of \$4,000 and approved closing to be September 30, 1987. Both Respondent Scully Rogers and Ms. Berger signed the July 1, 1987 memorandum.

Ms. Gochros concluded that the Hearings Officer's findings were well borne out in that Respondents Scully Rogers and Randy Rogers both misrepresented their authority to: 1) draft the June 26, 1987 Counter Offer; 2) accept the June 24, 1987 Berger DROA subject to the conditions of the June 26, 1987 Counter Offer; and 3) reject the June 28, 1987 Harriss DROA on behalf of Mr. Asl and Mr. Philipp. Respondents engaged in dishonest dealings; they failed to prepare accurate documents and provide copies; and they failed to transmit offers.

Based on these actions, Ms. Gochros stated that the Hearings Officer's recommended sanctions are reasonable given the violations that have occurred and given the fact that Respondents failed to accept any responsibility for their actions which they consistently argued were always in their clients' best interest.

Mr. Yee responded that the chart is accurate but does omit one key point:

A telephone record of June 25, 1987 indicates there was an 11 minute phone call made by Scully Rogers' office to Switzerland at which time Scully Rogers has testified he explained the Berger Agreement of Sale DROA and was told by Mr. Asl that they would accept \$260,000 in cash. Based on this call, Scully Rogers then prepared the Counter Offer to Ms. Berger which was accepted the next day. Mr. Rogers has said that in this phone call he was never told that September 30, 1987 was an absolute requirement for a closing date. Ms. Berger has testified that on June 28, 1987 she met with Scully Rogers and agreed that the "boyfriend condition" would be removed, the September 30, 1987 closing date is acceptable and that she would put in an additional deposit of \$4,000.

Mr. Yee stated that since the June 28, 1987 Harriss DROA was submitted after the June 26, 1987 Counter Offer had been prepared, Respondents felt that they did not have to inform or transmit the June 28, 1987 Harriss DROA to Mr. Asl and Mr. Philipp.

Ms. Gochros stated that Mr. Yee had pointed out that on June 28, 1987 Emiko Berger had given her oral assurances to Respondent Rogers that she would be withdrawing the "boyfriend provision" which was the same day the Harriss offer came in, and that there is no reason for the Harriss offer not to have been communicated to the Respondent's clients on that day. Ms. Gochros also noted that Mr. Rogers stated that he told Ms. Aila on June 28, 1987 when he received the Harriss offer that he had a completed deal two days prior on June 26, 1987 which was before Emiko Berger's assurances that she would be withdrawing the provisions in the Counter Offer.

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

Commissioner Kuriyama returned to the meeting.

PHILIP S. ADAO DBA PSA REALTY, REC 87-491

Upon a motion by Commissioner Sodetani, seconded by Commissioner Dew, it was voted on and unanimously carried to approve the Hearings Officer's Recommended Order for the revocation of Mr. Adao's real estate broker's license.

Committee  
Reports:

**EDUCATION REVIEW COMMITTEE**

Carol M. Egan

Ms. Egan was present to request a change in the certification category on her instructor application by deleting contracts in the general category and changing it to real estate law in the general category.

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

Licensing:

**QUESTIONABLE APPLICATIONS**

Joseph A. McDonagh

Mr. McDonagh was present at today's Commission meeting to request that the Commission approve his application for a real estate salesperson's license.

Mr. McDonagh offered an explanation concerning his failure to submit his completed application within 90 days of the examination date.

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

Executive  
Session:

Upon a motion by Commissioner Sodetani, seconded by Commissioner Kano, it was voted on and unanimously carried to enter into executive session at 10:41 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 26-9 or both;"

Upon a motion by Commissioner Sodetani, seconded by Commissioner Lee, it was voted on and unanimously carried to move out of executive session at 11:37 a.m.

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 July 3, 1991 Education Review Committee Meeting, as follows:

1. Accept the Real Estate Education Fund, Condominium Management Education Fund, and the Recovery Fund Balances as of May 31, 1991 dated June 26, 1991.
2. Approve in principal the proposed "Statement of Ethical Teaching Practices" draft 2, dated July 2, 1991 for circulation among, and review, comments of prelicense and continuing education instructors, schools and providers prior to requiring the mandated execution of the document pursuant to the applicable rules.
3. Approve A. Joel Criz's Continuing Education Instructor Application for the specific course elective, GRI 501 segment "Analysis of Investment in Real Estate" subject to Mr. Criz taking the instructor development workshop (applicant has registered for the July 15 & 16, 1991 HAR instructor seminar).
4. Approve Carol M. Egan's Continuing Education Instructor Application for: 1) the core, "Ethics and Law Update II" course subject to the applicant completing an instructor development workshop; and 2) the specific course electives: GRI 101 segments, "legal aspects, agency, contracts;" GRI 201 segments, "disclosure, legal aspects, consumer law and risk management," subject to the completion of the instructor development workshop scheduled for July 15 and 16, 1991, submittal of additional documentation detailing the scope of applicant's law practice in the areas requesting certification, receipt from the Hawaii Supreme Court a certificate of qualification as a member in good standing, HAR's removal of its provisional teaching status.
5. Approve Gretchen Duplanty's Continuing Education Instructor application for the course categories of Escrow, Property Management, Contracts, and Finance.
6. Subject to consultation with the deputy attorney general, delegate to the Education Review Committee the responsibility for approving those applications for CE provider, instructor and course certification which clearly meet the respective certification requirements as set forth in the respective certification rules, which approvals shall then be ratified by the Commission at its regular meeting immediately following. All applications requiring the exercise of Commission's discretion shall be reviewed and decided by the Commission at its regular meeting. The Education Review Committee in carrying out its delegated responsibilities may request that the Education Review Committee Chair, Commissioner Barbara Dew, prior to the Education Review Committee Meetings, meet with staff and review all applications requesting certification as a CE provider, instructor, elective course or core course and report its findings to the Education Review committee for its review.

7. Approve the real estate education funded travel of Commissioners Carol Mon Lee, Theo Butuyan, Marcus Nishikawa and staff member Calvin Kimura to attend the NARELLO Convention from October 5 to 9, 1991, in Anchorage, Alaska.
8. Approve the travel of Cynthia Yee, and the Condominium Specialist and Commissioner Peter Yanagawa to attend the Hawaii Association of Realtor's Annual Convention on the island of Hawaii from October 9 to 11, 1991. The travel of Cynthia Yee and Peter Yanagawa to be paid out of the Real Estate Education Fund, travel for the condominium specialist to be paid out of the Condominium Management Education Fund.
9. Approve the formation of an ad hoc committee to review the organization, administration, product and product delivery of interested testing company; consisting of designated commissioners and staff members. Require the ad hoc committee to formulate standard criteria for reviewing the organization, administration, product and product delivery.

Upon a motion by Commissioner Dew, seconded by Commissioner Kano, it was voted on and unanimously carried to approve the following recommendations of the Education Review Committee:

1. Approve Carol Egan as CE Instructor. Certify in the General Category of Real Estate Law per her petition to change certification category.
2. Approve HAR petition for change of course name from "Risk Reduction" to "Risk Management I".
3. Certify John Reilly as CE Instructor in General Category of Real Estate Law.
4. Approve certification of John Reilly's two courses: "Buyer Representation" and "Legal Pitfalls in Real Estate".
5. Approve Duplanty course "Financing Residential Properties".

#### **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 July 25, 1991 Condominium and Cooperative Review Committee Meeting, as follows:

1. Recommend increasing the Condominium Management Education Fund Budget for fiscal year 1991-92 by \$4,300 due to increasing the funding to the HREREC by the same amount.
2. Recommend increasing the Condominium Management Education Fund Budget for fiscal year 1991-92 by \$1,850 due to software policy requirements.

3. Recommend accepting the AG opinion, (a) that Chapter 514A neither requires nor permits out of state condominium projects to register with the Commission or cause issuance of a public report, (b) that Chapter 484, may be applicable to out of state condominium projects that are offered for sale in Hawaii.
4. Recommend to deny Aaron M. Chaney's request to reproduce REC brochure on "Condominium Owner's Rights and Responsibilities" and that reproduction will be allowed after the Commission has reproduced and distributed brochures with conditions.
5. Recommend accepting the fidelity bond of AA Management Corporation until December 31, 1991 subject to full disclosure and approval by the two condominium association's board of directors of all the provisions of the fidelity bond, especially the multiple entity coverage and coverage of non-CMA activity, and the submission of a complete registration application. That this is decision and that other situations will be taken up on a case-by-case basis.

#### **LAWS AND RULES REVIEW COMMITTEE**

Upon a motion by Commissioner Sodetani, seconded by Commissioner Kano, it was voted on and unanimously carried to approve the recommendations of the July 25, 1991 Laws and Rules Review Committee Meeting, as follows:

1. Roy S. Mushrush - Disclosure Requirement Conflict  
  
Recommend that staff and Deputy Attorney General monitor the issue and any opinion request for report back to Commission.
2. Arthur K. Goto - Broker Salesperson Corporation  
  
Recommend that the matter be deferred until Deputy Attorney General advises.
3. Andrew Bingham - Salesperson Offering Gift and Rebate  
  
Recommend incorporating information into previously requested AG opinion.

4. Stephen Q.S. Wong - Preferred Customer Listing Service of Savio Realty, Ltd.

Recommend that staff respond and caution about sales to owner-occupant provisions.

5. NARELLO

Recommend that Commissioner Nishikawa announce to NARELLO that Real Estate Commission will direct ASI to cease contribution to the NARELLO Education and Research Fund until further notice and that Real Estate Commission may reconsider the issue when other states start contributing.

6. NARELLO Annual Meeting

Recommend that Christine Rutkowski be included with Commissioner Nishikawa, Commissioner Mon Lee, and Calvin Kimura to attend and participate in the October 5 to 9, 1991 meeting, and to substitute a representative in place of Commissioner Butuyan.

Licensing: RATIFICATION

Upon a motion by Commissioner Sodetani, seconded by Commissioner Kano, it was voted on and unanimously carried to ratify the following:

Real Estate Brokers

Big Island Holding Inc. dba ERA Big Island  
Sakamoto Properties Ltd.  
Allen Yap, Inc.  
Thinc Real Estate, Inc.  
International Investment Concepts, Inc.  
Maui Network, Ltd.

Branch Office

Princeville Realty Corporation

Site Offices

Shell Development Corporation-Kona - Phase 2A Keauhou Gardens  
Marcus & Associates, Inc. - Westloch Fairways  
Finance Realty Co., Ltd. - Westcliff  
Properties Unlimited, Inc. - Westloch Fairways  
Marcus & Associates, Inc. - Aiea Park Place  
Bradley Properties, Ltd. - Waikoloa Palms

Condominium Hotel Operators

Village Realty Corp.  
Destination Maui Inc.  
Sun Corp. dba Sun Estates  
Kulakane Rental, Inc.

Real Estate Trade Names

Jacque A. Delaunay dba Jacque Delaunay Realtor  
Paul T. Rufo dba Equity Investment Properties

Condominium Property Regime Public Reports

**JUNE 1991**

Horizon View Tower, Honolulu (Supplementary)  
Ainakea Lot 299, Hawaii (Final)  
73-1186 Ahulani Drive, Hawaii (Final)  
144 South Kalaheo, Honolulu (Final)  
Haleiwa Hale I, Honolulu (Final)  
Alealea Road, Kauai (Final)  
289 Ilikaa Place, Honolulu (Supplementary)  
Pacific Heights Park Place, Honolulu (Supplementary)  
Royal Maui Kai, Maui (Preliminary)  
Pali Pueo Estates, Kauai (Final)  
426-D/426-D-1 Ulupaina Street, Honolulu (Supplementary)  
Cliffs at Pohakea, Honolulu (Supplementary)  
Palm Court Increment IIIB, Honolulu (Final)  
Palm Court Increment IIIC, Honolulu (Final)  
Palm Court Increment IIID, Honolulu (Final)  
Palm Court Increment IIIE, Honolulu (Final)  
Mililani Point, Honolulu (Supplementary)  
Vista Mar, Kauai (Final)  
The Bay Club at Waikoloa Beach, Hawaii (Supplementary)  
2419 Liliuokalani Street, Kauai (Final)  
Apii Wale, Honolulu (Final)  
409/409A Kawainui Street, Honolulu (Final)  
5981 Kaapuni Road, Kauai (Final)  
Moomuku Terrace, Honolulu (Final)  
The Peninsula at Hawaii Kai, Honolulu (Preliminary)  
Loomis Estates, Honolulu (Final)  
Puuopae Ridge, Kauai (Final)  
Paamaialu Townhouses, Hawaii (Preliminary)  
Kaua Shoreview, Maui (Preliminary)

Licensing:        **RESTORATION OF FORFEITED LICENSES**

Roy I. Kuwahara

After a review of the information submitted by the applicant, Commissioner Dew moved that restoration be approved subject to submitting evidence of successfully passing the real estate broker's examination within 6 months, with a one-time waiver of the education and experience requirements and completion of 1989-90 continuing education courses. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Ronald D. Lorenz

After a review of the information submitted by the applicant, Commissioner Butuyan moved that restoration be approved subject to submitting evidence of successfully passing the real estate salesperson's licensing examination within 6 months, with a one-time waiver of the education requirement and completion of 1989-90 continuing education courses. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Thomas L. Backman

After a review of the information submitted by the applicant, Commissioner Lee moved that restoration be approved subject to submitting evidence of successfully passing the real estate salesperson's licensing examination within 6 months, with a one-time waiver of the education requirement and completion of 1989-90 continuing education courses. Commissioner Sodetani seconded the motion. The motion was voted on and unanimously carried.

Albert Low

After a review of the information submitted by the applicant, Commissioner Kano moved that restoration be approved subject to submitting evidence of successfully passing the real estate salesperson's licensing examination within 6 months, with a one-time waiver of the education requirement and completion of 1989-90 continuing education courses. Commissioner Sodetani seconded the motion. The motion was voted on and unanimously carried.

**QUESTIONABLE APPLICATIONS**

Kihei Surfside Rental Association

Upon a motion by Commissioner Dew, seconded by Commissioner Butuyan, it was voted on and unanimously carried to defer decision making on this matter pending advisement by the Attorney General's Office.

TJK Waikoloa Partners

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the real estate partnership application of TJK Waikoloa Partners subject to receipt of notarized statements from all general partners, and confirmed by the principal broker, that they shall not participate in the real estate activity, as defined in Section 467-1, Hawaii Revised Statutes, of the partnership, in that a real estate broker license is not required of any general partner who does not participate in real estate activity of the partnership. Commissioner Sodetani seconded the motion. The motion was voted on and unanimously carried.

Pacific Homes, Inc.

Chairman Yanagawa was excused due to conflict of interest. Commissioner Sodetani, Chairman Pro Tem, presided over the meeting.

After a review of the information submitted by the applicant, Commissioner Lee moved to approve the site office application of Pacific Homes, Inc. for the Kalele Kai condominium project as of the date of the publication of the owner-occupant announcement, and also to delegate to staff the approvals of site office applications to be effective as early as the date of the first announcement to prospective owner-occupants and prior to the issuance of the initial public report for the subject condominium project. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Wayne Y. Sadoyama

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

Stellmacher & Sadoyama, Ltd.

After a review of the information submitted by the applicant, Commissioner Kano moved to deny the real estate corporation application of Stellmacher & Sadoyama, Ltd. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Chairman Yanagawa returned and resumed presiding over the meeting.

Lentz Real Estate, Inc.

After a review of the information submitted by the applicant, Commissioner Sodetani moved to approve the real estate corporation application of Lentz Real Estate, Inc. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Business Brokers Hawaii, Inc.

After a review of the information submitted by the applicant, Commissioner Butuyan moved to approve the real estate corporation application of Business Brokers Hawaii, Inc. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Linda L. West

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

Allone K. Howell

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

Arthur H. Rodrigues, Jr.

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the home occupation place business, located at 53-549 Kamehameha Highway, Apt. #303, Hauula, Hawaii 96717, subject to the conditions imposed upon him by the City & County of Honolulu. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

John A. Picciano

After a review of the information submitted by the applicant, Commissioner Kano moved to approve Mr. Picciano's application for a real estate salesperson's license subject to submission of a duplicate exam score report. Commissioner Sodetani seconded the motion. The motion was voted on and unanimously carried.

Colleen Cassell

Upon a motion by Commissioner Sodetani, seconded by Commissioner Kano, it was voted on and unanimously carried to defer decision making on this matter until further information is received from Ms. Cassell.

Joseph A. McDonagh

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

Bruce Szathmary

Upon a motion by Commissioner Kano, seconded by Commissioner Lee, it was voted on and unanimously carried to defer decision making on this matter until further information is received from Mr. Szathmary.

Sandra Sakuma

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

Dynamic Property Management, Inc.

After a review of the information submitted by the applicant, Commissioner Dew moved to approve the condominium managing agent application of Dynamic Property Management, Inc. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Susan Cassell

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

Disciplinary  
Cases:

RONALD J. NICHOLSON, REC-89-172

Upon a motion by Commissioner Sodetani, seconded by Commissioner Kano, it was voted on and unanimously carried to accept the Hearings Officer's Findings of Fact, Conclusion of Law and Recommended Order that Respondent's real estate salesperson's license be revoked.

SCULLY ROGERS, LTD., RANDY M. ROGERS AND MARION ROGERS AKA SCULLY ROGERS, RE 88-74

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

Upon a motion by Commissioner Sodetani, seconded by Commissioner Dew, it was voted on and unanimously carried to defer decision making on this matter to the next Commission meeting.

Commissioner Kuriyama returned to the meeting.

Next Meeting: August 30, 1991, 9:00 a.m.  
Kuhina Nui Room  
HRH Princess Victoria Kamamalu Building  
1010 Richards Street, Second Floor  
Honolulu, Hawaii

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

Reviewed and approved by:

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Calvin Kimura  
Supervising Executive Secretary

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Date