

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, January 27, 1995

Time: 9:00 a.m.

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

Present: Marcus Nishikawa, Chair, Oahu Member
Barbara Dew, Vice Chair, Oahu Member
Charles Aki, Hawaii Member
Theo Butuyan, Public Member
Michael Ching, Kauai Member
Alvin Imamura, Maui Member
Stanley Kuriyama, Oahu Member
Carol Mon Lee, Public Member (Early Departure)

Christine Rutkowski, Executive Officer
Jan Yamane, Real Estate Specialist
Russell Wong, Real Estate Specialist
Lee Ann Teshima, Real Estate Specialist
Benedyne Stone, Condominium Specialist
Stephen Okumura, Condominium Specialist
R. Victoria Shiroma, Condominium Specialist
Shari Wong, Deputy Attorney General
Marlene Young, Special Deputy Attorney General
David Webber, Deputy Attorney General
Irene Kotaka, Secretary

Rodney Maile, Senior Hearings Officer
Nicki Ann Thompson, Hawaii Association of Realtors
Ronald D. Silverman, Licensee
Clayton E. H. Chang, Applicant
Patricia D. Lewis, Kona Sun Coast Properties
Gina Heidler, Applicant
Curtis Turner, Applicant
Jackie Turner, Applicant
Lorna Silkwood, Licensee
Michael Smith, Applicant
Dennis Niles, Attorney for Kihei Surfside Rental
James T. Costello, Applicant

Excused: Nora Nomura, Public Member

Call to Order: The Chair called the meeting to order at 9:07 a.m., at which time quorum was

established.

Chair's Report: No report was presented.

Executive Officer's

Report: Commissioner Nomura were excused from the meeting.

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

8. Licensing - Restoration of Forfeited Licenses
Over Two Years - Brokers
Bill Foley (01/01/93)
Over Two Years - Salespersons
Leslie Ann Cabral (01/01/93)
Brian K. Panee (01/01/93)
Robert Y. Asato (01/01/91)
9. Licensing - Questionable Applications
RCI Management, Inc.
Diamond Head Development Inc.
Lawrence P. Swenson dba The Home Team (Hale Hui) Swenson
Construction and Realtors
Peggy-An Hoekstra
C. J. Kimberly
Gina K. Heidler

Additional Distribution:

The following items were distributed to the Commissioners:

3. Executive Officer's Report
 - a. Announcements, Introductions, Correspondence and Additional Distributions - Budget Situation Memorandum
6. Committee Reports
 - c. Education Review Committee
9. Licensing - Questionable Applications
James E. Smith
Gibraltar Pacific Realty, Inc. dba The Prudential West Hawaii Realty
10. Special Issues - Deanne Ochoa v. First Choice Realty, Inc., The Real Estate Commission, et al., Civil No. 94-379, First Amended Complaint

Executive Officer's Report: A copy of the January 24, 1995 memorandum from the Director, regarding the budget situation was distributed to the Commissioners for their information.

Adjudicatory Matters:

The Chair called for a recess from the meeting at 9:09 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, Hawaii Revised Statutes:

Ervin A. Contrades, Jr., REC 91-200-L, REC 92-85-U and HPR 92-15-U

Upon a motion by Commissioner Dew, seconded by Commissioner Aki, it was voted on and unanimously carried to approve the Settlement Agreement After Filing of Petition for Disciplinary Action and Commission's Final Order as to Respondent Ervin A. Contrades.

Ronald D. Silverman, REC 91-480, 92-280

Upon a motion by Commissioner Imamura, seconded by Commissioner Lee, it was voted on and unanimously carried to approve Ronald D. Silverman's request for reconsideration with the following options: 1. That by the end of May, 1995, he take and successfully complete the real estate broker's prelicensing course; and 2. That by the end of May, 1995, he successfully complete three continuing education courses, not to be used to satisfy §467-11.5, HRS, and pay a \$500.00 fine.

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 9:45 a.m., pursuant to Chapter 92, HRS.

Recovery Fund

Report: No report was presented.

Committee

Reports:

Condominium and Cooperative Review Committee

Upon a motion by Commissioner Lee, seconded by Commissioner Ching, it was voted on and unanimously carried to accept the report of the January 11, 1995 Condominium and Cooperative Review Committee meeting, with the amendment to 3.a., as follows:

1. Accept minutes of the December 20, 1994 meeting.
2. HREREC Report (distributed written report)
 - a. Condominium Bulletin - First working draft of chapter entitled "Building Community Relations in Associations" distributed and requested comments be submitted to HREREC by January 25, 1995.
 - b. Condominium Seminars - Proceeding with plans to hold reserves seminars beginning February 1995.
 - c. HREREC Interactive Program - will attend CAI Law seminar in San Diego. SEO requested report and sharing of information as the Commission is complying with the Governor's directive of no out of state travel and will not have a participant.
3. Condominium Governance and Management
 - a. Condominium Association Sole Owner Fidelity Bond Exemption - Recommend approval:
For an AOA where all apartments are owned by a sole individual, sole corporation or sole partnership, a fidelity bond exemption may be granted upon annual application and subject to the following conditions:
 - 1) That all apartments shall continue ownership by the sole individual, corporation or partnership throughout the registration period;
 - 2) That if the sole owner is a corporation or a partnership, such corporation or partnership shall be registered and in good standing with the Business Registration Division of the Department of Commerce and Consumer Affairs;
 - 3) That the AOA is established;
 - 4) That the AOA and the applicant shall comply with all financial controls as prescribed in the fidelity bond exemption application;
 - 5) That the AOA and the applicant shall comply with Chapter 514A, HRS, and Chapter 99, HAR;

- 6) That the AOA and the applicant shall be responsible for the subject AOA registration and fidelity bond exemption and the applications for AOA registration and for fidelity bond exemption is signed by the sole owner individual, officer of the corporation or general partner of the partnership **and** by an officer of the AOA;
- 7) That the AOA and the applicant shall immediately report to the Commission any changes in the ownership of the apartments or other material changes that affect the fidelity bond exemption;
- 8) That the approved fidelity bond exemption shall expire on December 31 of each year and shall have to be reapplied for with the annual registration application, which shall be subject to approval or denial; and
- 9) That the fidelity bond exemption and the AOA registration shall terminate if the AOA or the applicant is not in compliance with any of the above conditions.

b. Condominium Managing Agents Fidelity Bond Exemption - **Recommend approval:**

A fidelity bond exemption may be granted upon application annually and subject to the following conditions:

- 1) That the applicant is a licensed real estate broker;
- 2) That the applicant shall comply with Chapters 467 and 514A, HRS, and Chapters 99 and 107, HAR;
- 3) That if the applicant -
 - a) does **not** handle AOA funds, the applicant shall be responsible for only the physical management of one specific AOA of not more than 20 apartments and the only person managing the operation of the property for the AOA; or
 - b) does handle AOA funds, the applicant shall be managing the operation of the property of one specific AOA of not more than 20 apartments, provide written evidence (signed by the President) annually that the AOA approves of the fidelity bond exemption for the applicant, and submit a copy of the AOA's financial statements annually;
- 4) That the applicant shall immediately report to the Commission any changes that is material to the conditional CMA registration or to the fidelity bond exemption;
- 5) That the subject CMA registration is conditional due to the conditions of the fidelity bond exemption and subject to any amendments to the laws or the rules;
- 6) That the approved fidelity bond exemption and the conditional CMA registration shall expire on December 31 of each year and shall be subject to reapplication, which shall be subject to Commission approval or denial, and the subject applications shall be submitted at least 30 days prior to the December Commission meeting; and
- 7) That the fidelity bond exemption and the conditional CMA registration shall automatically terminate if the applicant is not in compliance with any of the above conditions.

c. Condominium Hotel Operators Fidelity Bond Exemption - **Recommend approval:**

A fidelity bond exemption may be granted to CHO applicants who are unable to secure a fidelity bond upon application upon application annually and subject to the following conditions:

- 1) That the applicant is a licensed real estate broker;
- 2) That the applicant provide annually, recent written evidence from the insurance or bonding companies of attempts to secure a fidelity bond with reasons for its unavailability, provided that sole proprietors with no employees or associating real estate salespersons need not provide such evidence, and provided that partnerships with no employees or associating real estate salespersons other than general partners need not provide such evidence;
- 3) That the applicant shall provide annually, recent written evidence to all representing apartment owners of their approval of the fidelity bond exemption and its nonapplicability;
- 4) That the principal broker is, and shall be, the sole individual handling or having custody and control of the condominium hotel operation's funds or the apartment owner's funds, except as provided for the broker in charge;
- 5) That **NO** employees or associating real estate salespersons shall handle (receive, deposit, and disburse) or have custody or control of any of the condominium hotel operation funds (including checks, money orders and cash) or the apartment owner's funds;
- 6) That all the condominium hotel operation funds and any apartment owners funds be immediately deposited into a separate trust account for the condominium hotel operation, subject to the custody and control of the principal broker only, except as provided in Chapter 467, HRS, and Chapter 99, HAR, for the broker in charge;
- 7) That the applicant shall not hire any employees or contract any additional associating real estate salespersons for its condominium hotel operations without securing a fidelity bond in compliance with section 467-30, HRS, and Chapter 99, HAR, and such fidelity bond shall be approved by the Commission **prior** to the hiring or associating;
- 8) That the applicant, its principal broker, any broker in charge and any successors shall comply with Chapter 467, HRS and Chapter 99, HAR;
- 9) That this conditional registration is subject to any amendments to the law or the rules;
- 10) That the applicant shall immediately report to the Commission any changes to the conditional CHO registration including the fidelity bond exemption;
- 11) That the Commission, through its staff and the Regulated Industries Complaints Office (RICO), reserves the right to request any information and to examine the Applicant's condominium hotel operation including all trust accounts without notice;
- 12) That the conditional registration and the fidelity bond exemption expires on December 31 of each year and must be

reapplied for and reviewed by the Commission for reregistration approval or denial. The reregistration application shall include written evidence of the applicant's more **recent** attempts to secure the required fidelity bond with reasons for non-availability, shall be complete including other documentation required by the above conditions and shall be submitted at least 30 days **prior** to the December Commission meeting; and

- 13) Any breach of the above-mentioned conditions will automatically terminate the conditional condominium hotel operator registration and the fidelity bond exemption.

That the Commission delegate to staff the conditional reregistrations in which there have been no change in circumstances and the applicant has complied with the conditions above.

4. Project Registration, Public Reports, and Sales to Owner-Occupants
 - a. Publication of Owner-Occupant Notice After Expiration of Effective Date for Public Report and While Awaiting Date for Supplementary Public Report - **Recommend to deny** request to allow developer to publish owner-occupant announcement prior to issuance of effective date for supplementary public report.
 - b. Kuhio Village I - **Recommend approval** that the fee simple interest in the Kuhio Village I project has already been submitted to the Declaration of Horizontal Property Regime and the Declaration does not state that only leasehold apartments will be conveyed. Therefore, no further amendment to the Declaration is required. However, the developer shall be required to obtain an endorsement to each apartment purchaser's title insurance policy, insuring that as to the apartment being purchased, the purchaser has succeeded to the "Lessor's" interest under the Declaration and Bylaws. Prior to the issuance of an effective date for the developer's public report, the developer shall provide to the commission, in satisfactory form and content to the commission, the form of such endorsement, the developer's agreement not to close the sale of any apartment without such endorsement being issued, and the title company's agreements to issue such endorsement for each closing that occurs.
5. Program of Work
 - a. Rulemaking, Chapter 107 - (1) Budget and Reserves - Governor has approved the reserve rules and proceeding with public copy publication.
 - b. Condominium Mediation and Arbitration Program - Commissioners expressed concern about the quality of information received by the Neighborhood Justice Center. There was also an inquiry regarding the basis for the fee schedule used by the NJC. Commission **requested** that prior to renewal of the contract for 1995, that staff scrutinize the contract regarding the basis for the fees and whether the commission is being charged in line with other users of their mediation service.
 - c. Condominium Association Registration - So far, 139 associations have successfully registered for 1995.
 - d. Condominium Managing Agents Registration - For the month of January, there are thirty-five pending applications.
 - e. Condominium Specialists Office for the Day - Specialist Shiroma will be going to Maui on January 13, 1995 to meet with members of the Maui condominium community.

6. Budget and Finance Report - **Approved**.
7. Next Meeting: Wednesday, February 8, 1995
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Laws and Rules Review Committee

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Lee, it was voted on and unanimously carried to accept the report of the January 11, 1995 Laws and Rules Review Committee meeting, as follows:

1. **Approved** minutes of December 20, 1994 meeting.
2. HREREC Report (distributed report)
 - a. Broker Experience Certification - HREREC Associate Director Gilbert to present HREREC's recommendations and findings on the Broker Experience Certificate study at the February 8, 1995 Laws and Rules Review Committee Meeting.
 - b. Real Estate Summit - Distributed Final Summary and Budget Report, **deferred** to Education Review Committee Meeting, January 26, 1995 and requested that everyone bring their copy of the report to the meeting for discussion.
3. Program of Work
 - a. License Renewal - Distributed report with specific breakdown as of January 10, 1995. 15,676 licensees renewed which is about 26% decrease, similar to the previous renewal. Inactive salesperson recorded the largest decrease of about 50%.
 - b. Mandatory Continuing Education Legislation - Chair Nishikawa volunteered to take the lead in testifying before the Legislature on the bills concerning mandatory continuing education.
 - c. Condominium Hotel Operator Registration - Approximately 30 pending applications.
 - d. Rule Making, Chapter 53, Fees - **Recommend** staff evaluate real estate licensing fees and develop recommended changes to the following fees: 1) increase the penalty fee for delinquent renewal/registration and certification and 2) require submission of cashier's check or money order for application, registration and certification fees and after research is completed, **approve** staff's recommendation to the Licensing Administrator.
4. Special Issues
 - a. State of New York, Department of State, Division of Licensing Services, Reciprocity - **Defer** to staff to respond with August 12, 1992 decision that Chapter 467, HRS, does not provide for license reciprocity.
 - b. Use of Licensed Names and Registered Trade Names - **Defer** to REC Meeting, January 27, 1995.
 - c. REC Housekeeping Bill - **Recommend approval** of subject real estate broker and salesperson housekeeping bill subject to Licensing Administrator's approval.
 - d. Continuing Education Providers, Courses and Instructors - **Approve**, effective January 1, 1995, as follows:

CONTINUING EDUCATION PROVIDERS

Hawaii Association of REALTORS
Honolulu Board of Realtors
John Reilly Real Estate Continuing Education Co.
Dower School of Real Estate
Small Business Management Program--University
of Hawaii at Manoa
Kapiolani Community College--Office of
Community Services
Duplanty School of Real Estate

CONTINUING EDUCATION INSTRUCTORS

John Reilly

Real Estate Law

Kenneth D. H. Chong

Investment

Real Estate Law

Property, Ownership and Development

Risk Management

Gretchen B. Duplanty

Contracts

Investment

Property Management

Real Estate Law Update and Ethics

CONTINUING EDUCATION INSTRUCTORS

Eddie Flores

How to List and Sell Business Opportunities

Foreclosure and the Role of the Commissioner

Contracts

Investment

Property Management

Real Estate Law Update and Ethics

Finance

R. Donald Brough

Property Management

Finance

Carol M. Egan

Real Estate Law

Mark Robert James

Finance

Margaret M. Moore

Real Estate Law

Finance

Gino L. Gabrio

Real Estate Law

Abraham W. H. Lee

The Condominium Development Process

Zoning-Issues, Problems, Questions and Answers

Fair Housing

Real Estate Law Update and Ethics

CONTINUING EDUCATION COURSES

John Reilly

"Contract Solutions"

"Consensual Dual Agency"

Abraham W. H. Lee

"Zoning-Issues, Problems, Questions and
Answers"

"The Condominium Development Process"
Small Business Management Program University
of Hawaii (Kenneth D. H. Chong)

"Purchase, Ownership and Management of
Condominiums"

- e. Robert K. Tanaka Request - **Defer** to staff to research and response unless review is recommended by this Committee at next meeting.
5. Next Meeting: Wednesday, February 8, 1995
10:30 am, Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Education Review Committee

Upon a motion by Commissioner Imamura, seconded by Commissioner Aki, it was voted on and unanimously carried to accept the report of the January 26, 1995 Education Review Committee meeting, with a correction to 3.b. and 3.c., as follows:

1. Real Estate Specialist's Report - Minutes of Previous Meetings - Meeting of December 20, 1994 - **Recommend approval** of minutes
2. Hawaii Real Estate Research and Education Center Report - Program of Work and Budget, FY95
 - a. Real Estate Summit I -**Recommend acceptance** of HREREC's "A Real Estate Summit" Final Summary and Budget Report. HREREC to discuss with Chair Nishikawa on balance of summit budget.
 - b. IDW and New Course Briefings - Defer discussion of possible HREREC IDW in March/April 1995 to February 8, 1995 Laws and Rules Review Committee meeting.
3. Prelicensing Education Administration, Curriculum, Schools, and Instructors
 - a. Administrative Issues - **Recommend approval** of Seiler School of Real Estate to hold joint broker/salesperson classes on the island of Maui, effective January 1, 1995 through December 31, 1995.
 - b. Application and Certification - **Recommend approval** of Frederick J. Luning as a guest teacher in math at the Dower School of Real Estate, effective January 27, 1995 through December 31, 1996.
 - c. Approve prelicense schools and instructors, effective 1/1/95, as follows:
Prelicense Schools
Century 21 Real Estate School (Salesperson & Broker)
Dower School of Real Estate (Salesperson)
Seiler School of Real Estate (Salesperson & Broker)
ERA Real Estate School (Salesperson)
Waikiki Realty Real Estate School (Salesperson)
University of Hawaii at Hilo, College of Continuing Education &
Community Service (Salesperson)

Prelicense Instructors

Eileen W. Luko - Century 21 Real Estate Schools/Hawaiian School of Real Estate (Salesperson)
M. Russell Goode, Jr. - Vitousek Real Estate School (Salesperson & Broker)
Ralph S. Foulger - Hawaiian School of Real Estate (Salesperson & Broker)
Elizabeth L. Dower - Dower School of Real Estate (Salesperson)
Ricardo "Rick" D. Seiler - Seiler School of Real Estate (Salesperson & Broker)
Jay J. Spadinger - Century 21 School of Real Estate (Salesperson, Broker & Sub)
Martha Lee Ruggles - Hawaiian School of Real Estate (Salesperson & Broker)
Kenneth D. H. Chong - University of Hawaii - Manoa/Small Business Management Program (Salesperson)

4. Prelicensing Examination - ASI - EXPro
 - a. Relocation of Honolulu Site - This matter is beyond the Commission's jurisdiction. Real Estate Specialist Wong to respond to ASI.
 - b. Request for Additional Testing Sessions - Kauai - Real Estate Specialist Yamane to follow up with ASI and Hawaii Institute of Real Estate regarding additional testing sessions and fee.
5. Program of Work and Budget, FY95
 - a. Legislative Research and Report - HAR Seller Disclosure Bill - Defer discussion to February 8, 1995 Laws and Rules Review Committee meeting.
 - b. Neighbor Island Outreach - Kauai - Defer decision making regarding May 1995 meetings pending clarification of recently imposed budget restrictions.
 - c. Mandatory Continuing Education - Senate Committee on Consumer Protection to hold informal briefing on Legislative Auditor's Report on MCE, Wednesday, February 1, 1995, 9:00 a.m., Room 504.
6. ARELLO and REEA Report
 - a. ARELLO - Research and Education Fund Report - **Recommend acceptance** of the January 6 and 19, 1995 Reports.
 - b. REEA - **Recommend** that HREREC prepare a REEA awards submission on behalf of the Commission for "Regulator of the Year", utilizing "A Real Estate Summit" as the basis for the award.
7. Next Meeting: Thursday, February 23, 1995, 9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii 96813

Licensing:

Restoration of Forfeited License

Clayton E. H. Chang

Mr. Chang was present to answer any questions the Commissioners may have had regarding his application for restoration of his forfeited real estate broker's license.

Mr. Chang stated that he has been in real estate since 1975. He stated that real estate is in his blood. He stated that he failed to report a change of address during a stressful time in his life and he did not receive notice to pay his renewal fees. He did not find out that his license was forfeited until he took his continuing education courses. He stated that he would love to continue in this chosen profession. He asked for the Commission's empathy and compassion. He is a single parent. Both of his children are in private school. A lot of his clients are in shock. He stated that he did make a mistake and forgot to send in a change of address.

Mr. Chang was reminded that any changes needed to be reported to the Commission within ten days of the change. Mr. Chang was informed that he is not licensed and that he cannot conduct any real estate activity. Mr. Chang stated that he is aware of that.

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

Questionable Applications

Kona Sun Coast Properties, Inc.

Ms. Patricia Lewis was present to answer any questions regarding Kona Sun Coast Properties, Inc.'s condominium hotel operator re-registration.

Ms. Lewis stated that they are applying for a fidelity bond exemption. They have submitted a letter stating that they may be able to obtain a fidelity bond. Ms. Lewis stated that she understands that one of the other companies that is having difficulty in getting a bond is going to get a bond. They do not have any employees. They have one real estate broker and two real estate salespersons who work for the company.

Ms. Lewis stated that they are requesting an exemption at this point because the license has come up for renewal. She does not know if they will be able to obtain a bond. Once they receive the bond, they will submit an application with the bond. As soon as the bond is received, they will let REB staff know.

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

Gibraltar Pacific Realty, Inc. dba The Prudential West Hawaii Realty

Curtis Turner and Jackie Turner were present to answer any questions the Commission may have regarding the real estate corporation application of Gibraltar Pacific Realty, Inc. dba The Prudential West Hawaii Realty.

Ms. Turner stated that there is currently a company called, "West Hawaii Inc." in Kona. West Hawaii Inc. is not a member of MLS, is not listed in the phone book, and when they called the telephone company, there is no company under that listing. In the future, all Prudential franchises will become Prudential Hawaii. The Business Registration Division has approved their tradename. They had spoken with the individual who have West Hawaii Inc. prior to submitting their application for corporation and the person had informed them that they had no reservations.

The Turners were informed that according to the advertising rules, they would have to advertise in the entire name. Mr. Turner stated that he had become aware of that. Ms. Turner stated that they have 13 agents that are sitting and holding their breaths. She stated that if their application is approved, they will have to reprint their business cards and stationery.

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

Lorna M. Silkwood

Ms. Silkwood was present to answer any questions the Commission may have had regarding her broker renewal application.

Ms. Silkwood stated that in 1993, an ex-partner violated the rules. She was on the verge of dissolving her company and had a problem with the paperwork. She tried to remedy the complaint. Two violations involved advertising and the company franchise was not registered. At that point, she was the principal broker. She was fined and had to complete two continuing education courses. She paid the fine. She said that she had spoken to someone who told her that she would be fine if she just took two other courses. She stated that she did what she thought she was supposed to do. When she submitted her renewal, she found out that her renewal application was being reviewed and was shocked.

She stated that she had spoken with the Executive Officer and found out that she was inactive. She has fourteen licensees under her. It was suggested that she find someone else to replace her as principal broker. Ms. Silkwood stated that she spent two days trying to find someone to replace her. She found a broker who was willing to be her principal broker for one week. She paid the person a salary. She called yesterday and was told that it was a mistake because her name appeared in the name of the corporation, she would not be able to appoint someone else as a principal broker. Ms. Silkwood stated that she had her daughter get on the plane to deliver everything and she was told that it would not work. She has tried everything possible. She stated that she has been a good broker. Ms. Silkwood stated that she had tried to abide by the rules of the Commission. She has done everything that she was told to do. She is asking the Commission for leniency.

The Chair informed Ms. Silkwood that she had entered into the terms of the Settlement Agreement, in which she agrees to enroll and complete courses and the content is to be approved by the Commission within four months. She paid the fine, but the courses were never approved by the Commission.

Ms. Silkwood stated that she had spoken to someone who had told her it was okay to take the courses. However, she stated that she could have been mistaken. She would never have done something she was not supposed to do. She stated that she would not disobey the Commission's rules.

The Executive Officer informed Ms. Silkwood that she had completed the following continuing education courses: 1) Understanding Agency Disclosure, on January 15, 1994; 2) Laws Update/Ethics 1993-94, on December 6, 1994; 3) Fair Housing, on December 7, 1994; and 4) Understanding Agency Disclosure, on December 17, 1994. Ms. Silkwood was informed that she had taken the Understanding Agency Disclosure course twice.

Ms. Silkwood was asked if she had submitted the original certificates to the Licensing Branch after she had completed the courses. Ms. Silkwood replied that she did not remember who she sent everything to. She remembers sending the fine to Owen Tamamoto at RICO. Ms. Silkwood stated that she had sent the certificates to whomever she had paid the fine to.

Ms. Silkwood requested that the Commission approve the renewal of her real estate broker's license and the corporation license, but if they do not do that, approve another real estate broker acting as principal broker for her corporation until she could complete whatever is required of her.

Ms. Silkwood was informed that §467-9, HRS, states "... Lorna Silkwood Realty, Inc. represents Lorna Silkwood. If the application is not approved, the section could apply to her. One option is for her to amend the corporate name and then another real estate broker could take her place as principal broker.

When asked when she paid the fine, Ms. Silkwood replied November 10, 1993. She was also asked what courses she took to meet the terms of the settlement agreement. She stated that she had taken Residential Property Management and Understanding Agency Disclosure. Ms. Silkwood also stated that she would be willing to take another course if the Commission felt it was necessary for her to do so.

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

Michael K. Smith

Mr. Smith was present to answer any questions the Commission may have had regarding his request for an equivalency to the ten written transactions, three of which are sales closed escrow and three of which are listings closed escrow.

Mr. Smith stated that he did not completed any other classes. During the past 4-1/2 years, he has been busy with the Aloha Tower Marketplace. He would like to get his real estate broker's license so that he can keep on working on that and making the Marketplace as best as possible.

Mr. Smith was informed that it was not necessary that he further his education. When asked about the leases that he was involved in, Mr. Smith stated that the last 15 to 20 commercial leases he completed involved the Aloha Tower Marketplace. Mr. Smith stated that some of the properties listed were family owned. Peter Smith and Eric Smith had other buildings/inventories that they managed. However, the majority of his transactions involved the Aloha Tower Marketplace.

Mr. Smith was asked about the letter from Peter Smith. Mr. Smith stated that Peter Smith was his father. His father stated that he had participated in over 50 commercial leases. The commercial leases were supposed to have been submitted within the last four years.

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

Kihei Surfside Rentals

Mr. Dennis Niles, attorney for Kihei Surfside Rental, was present to answer any questions the Commission may have regarding Kihei Surfside Rentals' application for condominium hotel operator.

Mr. Niles stated that this was his second appearance in connection with the project. He stated that history should influence the Commission in looking at the laws to see if the bylaws of Kihei Surfside satisfies the intent of the statutes. He stated that he had learned yesterday that there was a question as to whether or not the bylaws and the declarations allow a condominium hotel. In 1990, the declaration was amended to specifically allow the rental of apartments. The amendment of the declaration qualified the project as a condominium hotel operator within §467-30, HRS. The bylaws were amended at the same time. The bylaws provided that any owner, lessee, or short-term tenant shall notify the manager of the arrival/departure date and shall check in/check out at the office. He stated that he could find no other provisions that specifically address short term rentals. Mr. Niles stated that you could not read the provisions and conclude that the apartments would be operated for any other purpose except as a condominium hotel operator. The bylaws were adopted in 1990. The intent of the statutes were satisfied. In 1990, they submitted the initial application for registration. In May 1991, they received the first response to the application. The Executive Officer provided them with information and the application continued to work its way through the system. In September 1991, the application was approved by the Commission. In February 1993, they wrote to PVL, submitting the application for registration and the application was submitted on behalf of the Kihei Surfside Rental Association. Before the Commission required the association to register as a partnership. In March 1993, Condominium Specialist Stone wrote to him regarding the application. In April 1993, the CHO application was approved. There was no changes in the declaration and bylaws. No question was raised as to the sufficiency of the bylaws. In May 1993, they were informed of the approval. In November 1993, they submitted the application for CHO. Three weeks later, they received a letter from Condominium Specialist Stone as to whether or not Kihei Surfside Rental Association was a business entity properly registered with the Business Registration Division. They argued unsuccessfully that they should not have to register the partnership. The Commission decided that those owners who were interested should be registered as a partnership. There were 30 apartments involved in this group. The members of the association of apartment owners reside on Maui, Oahu, and the mainland. They later dropped the "Association" and became Kihei Surfside Rental, which was approved by the Business Registration Division in May 1994. In June 1994, they submitted their CHO application, supported by the same materials that they have been coming before the Commission with since 1991. His staff communicated with REB staff, asking if there was any questions. He did not hear anything until he received the January 20, 1995 letter indicating that they would be placed on the Commission agenda. He stated that there was no way that he could have presented amendments to the bylaws. The bylaws should be construed as meeting the intent of the registration requirements. He stated that had the issue come up previously, he would have had an indication that the bylaws needed to be amended. Mr. Niles stated that he takes responsibility for the submission and that he is embarrassed that such a question arose.

Mr. Niles stated that if there was a problem, he would like to request that the Commission approve the registration and allow them an opportunity to rectify the problem. The purpose is to enable the homeowners to register so that they can

comply with the Commission's rules. Mr. Niles stated that he thinks that the bylaws, as they are presently written, can be construed as meeting the requirements. The declaration approved short term rentals of apartments and over all approved the condominium hotel operation. Mr. Niles stated that he was not clear as to why Kihei Surfside Rental should be required to hire a real estate broker. He stated that he had read the legislative history and have thought about it, but he still does not understand why they should be required to have a real estate broker.

Mr. Niles was asked what percentage of units were used for transient rentals. Mr. Niles stated that he could not remember. He checked the partnership registration and it indicates 30 units are participating. He does not know the total number of units in the project.

Mr. Niles stated that the bylaws can be amended by 65 percent of the vote. The bylaws can restrict the use, but not enlarge upon it. It cannot enlarge what the declaration did not allow. Mr. Niles stated that he will submit the entire document for review and will mark the pertinent sections in response to the questions raised.

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

Gina K. Heidler

Ms. Heidler was present to request an equivalency to the ten written transaction requirement, three of which are listings closed escrow and three of which are sales closed escrow.

Ms. Heidler stated that she has a diverse background which will help the consumer. She is knowledgeable in contractual issues, negotiations, and dealing with government agencies. She stated that she has a BBA from the University of Oklahoma, where she majored in Petroleum Land Management. She completed 15 semester hours of Business Law and completed two courses in law school. She was employed as a land manager at Conoco, Inc. where she researched ownership, negotiated and prepared oil and gas contracts and leases, and marketed and sold exploration projects. She handled land issues in four different States. She managed an annual budget of over two million dollars. She stated that she obtained over 1,000 oil and gas leases and 20 warm out/warm in agreements to jointly explore oil and gas. She stated that these transactions are similar to real estate transactions because she represented the interest of the developer. She completed numerous training programs while at Conoco, Inc. She stated that she could not present the contracts because it is considered confidential. They were not allowed to take anything out of the company.

She stated that she took her real estate salesperson's precicensing course from Jones School of Real Estate in 1990. She completed her real estate broker's precicensing course in December 1994. She stated that she had the highest grade in her class. She completed her continuing education courses in 1990, 1992, and 1994. She trained under Jo Jean Schieve. She stated that she attended a seminar given by Buyer's Resource, and she also attended a condo seminar. In September, she attended a Buyer's Resource seminar and she will be attending another seminar in April. She stated that she manages a homeowners association and that she does not take listings because they are exclusive buyer's brokers. She stated that she does not have three listings which have closed escrow. She does have numerous oil and gas type of agreements and two closed transactions, however one was rejected

because it was written under the tradename and not the corporate name. It was a complicated transaction. The buyer allowed the seller to take \$1,000 out of escrow to buy an airplane. All the contracts were drawn up by the buyer's attorney in Boston. She stated that she undertakes the same activities as a listing broker would undertake. She has the same duties, but she doesn't have the signed listing agreement.

Ms. Heidler stated that she worked in the petroleum industry in Oklahoma, California, Texas and Louisiana. She did not have a real estate broker's license because it was not required. She just worked for the company.

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

James T. Costello

Mr. Costello was present to answer any questions regarding the reinstatement of his real estate salesperson's license.

By the Commission's Final Order, dated November 24, 1993, the Commission suspended Mr. Costello's real estate salesperson's license for six months and ordered that he complete a course in real estate principles/ethics designated by the Commission and that he pay a fine of \$1,000. Mr. Costello has not completed the course, nor has he paid the fine.

Mr. Costello stated that if he had been physically able to come before the Commission at the time the situation arose, he would have appeared before the Commission. However, at the time of the hearing, he was incarcerated. If he had appeared, he had been told that his license would not have been suspended. Mr. Costello stated that he is a disabled American veteran and he does not have \$1,000. He would like to know what he needs to do.

The Chair informed Mr. Costello that in 1993, the Commission approved the Final Order which required that his license be suspended for six months, that he complete a course, and that he pay a fine of \$1,000. He is appearing before the Commission today to request reinstatement of his license. However, he has not fulfilled any of the terms in the Final Order.

Mr. Costello stated that during the six-month period, he was incarcerated. Mr. Costello stated that if that was the only alternative, he would do it, but he would like to address the initial issue. Mr. Costello was informed that he could have provided written testimony. Mr. Costello stated that he never received any communication while he was incarcerated.

The Executive Officer informed Mr. Costello that RICO is required by law to provide information to him on the proceedings and that the Commission is not involved with the investigation. The Commission is unable to assist him with problems relating to his non-notification and that his concerns regarding non-notification should be addressed to another forum. Mr. Costello was informed that the Commission is here to address his request for reconsideration of the reinstatement of his real estate salesperson's license.

Mr. Costello stated that he would do whatever he had to do to get his license reinstated.

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

Executive Session: Upon a motion by Commissioner Lee, seconded by Commissioner Butuyan, it was voted on and unanimously carried to enter into executive session, pursuant to Section 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;" and Section 92-5(a)(4), "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 Imamura, seconded by Commissioner Lee, it was voted on and unanimously carried to move out of executive session.

Adjudicatory Matters: The Chair called for a recess from the meeting at 11:21 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, Hawaii Revised Statutes:

The Krieg Condominium, REC-DR-93-1

Upon a motion by Commissioner Lee, seconded by Commissioner Dew, it was voted on and unanimously carried to approve the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order in the above-referenced case.

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 11:28 a.m., pursuant to Chapter 92, HRS.

Committee Reports: **Laws and Rules Review Committee**

Upon a motion by Commissioner Lee, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to approve the recommendations in Real Estate Specialist Yamane's memorandum, dated January 10, 1995, regarding the use of licensed names and registered tradenames and that in those instances where the name could be traced would be deemed acceptable.

Commissioner Lee was excused from the meeting.

Licensing: **Ratification**

Upon a motion by Commissioner Dew, seconded by Commissioner Aki, it was voted on and unanimously carried to approve the ratification of the following licensing applications and registrations:

Brokers
Norman Rothstein
Thomas T. Matsuoka
Constance Marie Carvill dba Carvill & Company
Lorene A. Chang
Louise R. Hewett
Realty Executives Honolulu

Realty Executives Hawaii
C I Management, Inc.
Hometrend, Ltd.
Chi Kin Choi
Vernon R. Miller dba Elite Island Properties
Cornelius James Carmody dba Neil Carmody Realtor
Kato & Associates, Inc.
Gentry Properties
K B Development Co. Ltd.
Yukio Kashiwa
The Honolulu Group, Ltd. dba RE/MAX Honolulu
Gloria Billingsley dba Gloria Billingsley, Realtor
Property Management Resources, Inc.
CMM Inc.
Basil Hawaii, Inc. dba Basil Realty
Albert Kenzo Yonaoshi dba Leilani Realty Co.
John R. Peterson
Tia J. Nakanelua
Mustard Enterprises, Inc.
Puahio Properties, Ltd.
Emmett H. Helms
James A. Gunn
Carmen K. Lindsey dba Lindsey Realty
Calvin K. H. Hee
Muriel K. Kashiwa
Robert Ball
Dornbush & Co., Ltd.
Karen T. Kimura
Corwin & Associates, Inc.
Patrick H. Callahan
Hans de Beer

Branch Office

PaR Management, Inc. (Kailua-Kona, Hawaii)
Vacation Internationale, Ltd. (Lahaina, Hawaii)
Puahio Properties, Ltd. (Kamuela, Hawaii)
Puahio Properties, Ltd. (Waikoloa, Hawaii)
Puahio Properties, Ltd. (Kailua-Kona, Hawaii)
Graham Murata Russell (Kailua-Kona, Hawaii)

Site Office

Coronado, Phases A, B and D - Gentry Realty, Ltd.
Waikiki Landmark - SHC-Properties, Inc.
Kekuiani Villas, Village IV at Kapolei - TNR Development dba Island Pacific Homes
Lyman Gardens Senior Living - Day-Lum, Inc.
Alii Lani, Phases 1A and 1B - Realty Executives - Banyan, Inc.
Pualani Subdivision - Schuler Realty / Oahu, Inc.
Piilani Village Phase I - The Prudential Locations
Highlands at Waikele - Schuler Realty / Oahu, Inc.
The Signatures at Waikele - Schuler Realty / Oahu, Inc.
Highland View at Waikele - Schuler Realty / Oahu, Inc.
Royal Pines at Waikele - Schuler Realty / Oahu, Inc.
Sunset Shores - McCormack Real Estate dba Coldwell Banker McCormack Real

Estate

Royal Kunia Phase I, Sites 6 and 7 - Herbert K. Horita Realty, Inc.
Kona Vista Subdivision - Gamrex, Inc.
'Iolani - Maryl Realty, a division of Maryl Development, Inc.
Moanalua Village, Phases I, II, III and IV - Pacific Homes, Inc.
Na Pali Haweo - Pacific Homes, Inc.
Kalele Kai - McCormack Real Estate dba Coldwell Banker McCormack Real Estate

Condominium Hotel Operators

Vacation Internationale, Ltd.
Country Club Hawaii Realty & Management, Inc.
Shoreline Properties Corp.
Kulakane Rental, Inc.
South Kohala Management Corp.
Sullivan Properties, Inc.
Patricia Lowe dba Big Island Realty
Vision Properties, Inc.

Condominium Project Registration - Public Reports Issued (November 1994)

Millyard Executive Suites (fka Wailuku Business Center), Maui (Final)
Highlands at Waikele, Honolulu (Final)
Boka, Kauai (Final)
Dano Acres, Kauai (Final)
Ishida Condominium, Hawaii (Final)
Kahana Country Cottages, Hawaii (Final)
99-425 and 99-425A Kekoa Place, Honolulu (Final)
Mesa, Kauai (Final)
159 Puako Beach Drive, Hawaii (Final)
Waipua Estates, Kauai (Supplementary)
Kaiulani Gardens, Lot D, Hawaii (Final)
Nani Iki Hale, Hawaii (Final)
Figueira, Hawaii (Final)
Maui Lani Terraces (fka Poinciana Place), Maui (Supplementary)
Grey Hawk, Hawaii (Final)
45-553 Kuu Home Place, Honolulu (Final)
Lawai Kai Vista, Kauai (Final)
Ko Olina Fairways, Honolulu (Final)
Kealoha Place, Kauai (Final)
Anekona Estates, Lot 31, Hawaii (Final)
Pu'aono Condominium Project, Hawaii (Final)
H & C, Hawaii (Final)
Iao Parkside Phase III, Maui (Final)

Restoration of Forfeited License

Shinya Tanaka	Broker
John L. Wilbur	Broker
Wesley T. Akamine	Salesperson
James R. Frisbie	Salesperson
Frank T. Java	Salesperson
Karen Lynn Michievic	Salesperson
Celeste Renee Monis	Salesperson
Donald E. Monroe, Jr.	Salesperson
Carol L. Murphy	Salesperson

Gregory J. Norby Salesperson

After a review of the information submitted by the applicants, Commissioner Butuyan moved that restoration be approved upon submitting evidence of successfully completing the respective real estate precicensing course. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Clayton E. H. Chang Broker

After a review of the information presented by the applicant, Commissioner Imamura moved that restoration be approved upon submitting evidence of successfully completing the real estate broker's precicensing course. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Christopher P. Hoy Salesperson

After a review of the information submitted by the applicant, Commissioner Ching moved that restoration be approved upon submitting evidence of successfully completing the real estate salesperson's precicensing course. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Brian K. Panee Salesperson

After a review of the information submitted by the applicant, Commissioner Butuyan moved that restoration be approved upon submitting evidence of successfully completing the real estate salesperson's precicensing course. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Charles M. Brewster	Salesperson
Cathleen E. Mize	Salesperson
Bill Foley	Broker
Leslie Ann Cabral	Salesperson
Robert Y. Asato	Salesperson

After a review of the information submitted by the applicants, Commissioner Imamura moved that restoration be approved upon submitting evidence of successfully passing the respective real estate licensing examination. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Questionable Applications

Judith A. Vinluan

After a review of the information submitted by the applicant, Commissioner Aki moved to approve the real estate broker's license of Judith A. Vinluan. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

James Edwin Smith

This application was deferred for further information.

Willis Floyd Letson dba The Realty House

After a review of the information submitted by the applicant, Commissioner Dew moved to approve the real estate sole proprietor application of Willis Floyd Letson dba The Realty House. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Barbara J. Evarts

This application was deferred for further information.

Leeward Rental Agency, Inc.

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the real estate corporation application of Leeward Rental Agency, Inc. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Keystone Properties, Inc.

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

Gibraltar Pacific Realty, Inc. dba The Prudential West Hawaii Realty

After a review of the information presented by the applicant, Commissioner Dew moved to approve the real estate corporation application of Gibraltar Pacific Realty, Inc. dba The Prudential West Hawaii Realty. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Oceanfront Realty International, Inc.

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the condominium hotel operator registration of Oceanfront Realty International, Inc. Commissioner Butuyan seconded the motion. The motion was voted on and unanimously carried.

Kihei Surfside Rental

After a review of the information presented by the applicant, Commissioner Butuyan moved to approve the condominium hotel operator registration, real estate broker exemption and require that by the next re-registration period, the condominium bylaws shall explicitly allow for the condominium hotel use. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Bob Tanaka, Inc.

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the condominium managing agent registration of Bob Tanaka, Inc. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Certified Management, Inc.

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the condominium managing agent re-registration of Certified Management, Inc. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Shell Development Corp. - Kona

After a review of the information submitted by the applicant, Commissioner Imamura moved to approve the condominium managing agent re-registration of Shell Development Corp. - Kona. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Monroe & Friedlander Management, Inc.

After a review of the information submitted by the applicant, Commissioner Aki moved to approve the condominium managing agent re-registration of Monroe & Friedlander Management, Inc. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Oishi's Property Management Corporation

After a review of the information submitted by the applicant, Commissioner Butuyan moved to approve the condominium managing agent re-registration of Oishi's Property Management Corporation. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Classic Resorts Limited

After a review of the information submitted by the applicant, Commissioner Dew moved to approve the condominium managing agent re-registration of Classic Resorts Limited. Commissioner Butuyan seconded the motion. The motion was voted on and unanimously carried.

Kapalua Land Company

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the condominium hotel operator re-registration of Kapalua Land Company. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Johnitta Nowell dba J. Nowell Realty

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the condominium hotel operator re-registration of Johnitta Nowell dba J. Nowell Realty. Commissioner Butuyan seconded the motion. The motion was voted on and unanimously carried.

Pluta and Associates

After a review of the information submitted by the applicant, Commissioner Butuyan moved to approve the condominium hotel operator re-registration of Pluta and Associates. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Whalers Realty, Inc.

After a review of the information submitted by the applicant, Commissioner Aki moved to approve the condominium hotel operator re-registration of Whalers Realty, Inc. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Sue Young

After a review of the information submitted by the applicant, Commissioner Dew moved to approve the condominium hotel operator re-registration and the fidelity bond exemption of Sue Young. Commissioner Butuyan seconded the motion. The motion was voted on and unanimously carried.

Kona Sun Coast Properties, Inc.

After a review of the information presented by the applicant, Commissioner Dew moved to approve the condominium hotel operator re-registration and the fidelity bond exemption of Kona Sun Coast Properties, Inc. Commissioner Butuyan seconded the motion. The motion was voted on and unanimously carried.

Lorna M. Silkwood

After a review of the information presented by the applicant, Commissioner Butuyan moved to approve the real estate broker license renewal application and to require that applicant successfully complete one additional continuing education course within 30 days. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

William Y. L. Tso

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the real estate salesperson's license renewal application of William Y. L. Tso. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Wendell F. Brooks, III

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to deny Wendell F. Brooks, III's request for an equivalency to ten written transactions, three of which are listings closed escrow and three of which are sales closed escrow (one closed sale and three closed listings). Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Michael K. Smith

After a review of the information submitted by the applicant, Commissioner Aki moved to deny Michael K. Smith's request for an equivalency to ten written transactions, three of which are listings closed escrow and three of which are sales closed escrow (three closed sales and three closed listings). Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

James T. Costello

This application was deferred for further information.

RCI Management, Inc.

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the real estate corporation application of RCI Management, Inc. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Diamond Head Development, Inc.

After a review of the information submitted by the applicant, Commissioner Imamura moved to approve the real estate corporation application of Diamond Head Development, Inc. Commissioner Butuyan seconded the motion. The motion was voted on and unanimously carried.

Lawrence P. Swenson dba The Home Team (Hale Hui) Swenson Construction and Realtors

After a review of the information submitted by the applicant, Commissioner Butuyan moved to approve the real estate sole proprietor application of Lawrence P. Swenson dba The Home Team (Hale Hui) Swenson Construction and Realtors. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Peggy-An Hoekstra

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the real estate sole proprietor application of Peggy-An Hoekstra. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

C. J. Kimberly

After a review of the information submitted by the applicant, Commissioner Imamura moved to approve the condominium hotel operator registration of C. J. Kimberly. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Gina K. Heidler

After a review of the information presented by the applicant, Commissioner Kuriyama moved to deny Gina K. Heidler's request for an equivalency to ten written transactions, three of which are sales closed escrow and three of which are listings closed escrow (one closed sale and three closed listings). Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Laola K. Lake

After a review of the information submitted by the applicant, Commissioner Dew moved to deny Laola K. Lake's request for reconsideration as she failed to submit her complete real estate salesperson's license application within 90 days from the date of the examination. Commissioner Butuyan seconded the motion. The motion was voted on and unanimously carried.

Special Issues:

Deanne Ochoa v. First Choice Realty, Inc., The Real Estate Commission, Division of Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs, No. L-94-379 First Amended Complaint

Upon a motion by Commissioner Dew, seconded by Commissioner Aki, it was voted on and unanimously carried to approve the Deputy Attorney General's recommendation to settle this matter.

Next Meeting:

Friday, February 24, 1995
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Adjournment:

With no further business to discuss, the Chair adjourned the meeting at 12:38 p.m.

Respectfully submitted by:

Christine Rutkowski
Executive Officer

Date