

**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, March 24, 1995

Time: 9:00 a.m.

Place: Kapuaiwa Room  
HRH Princess Victoria Kamamalu Building  
1010 Richards Street, Second Floor  
Honolulu, HI

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

Calvin Kimura, Supervising Executive Officer  
Christine Rutkowski, Executive Officer  
Jan Yamane, Real Estate Specialist  
Russell Wong, Real Estate Specialist  
Lee Ann Teshima, Real Estate Specialist  
Stephen Okumura, Condominium Specialist  
James Paige, Deputy Attorney General  
Marlene Young, Special Deputy Attorney General  
Irene Kotaka, Secretary

Sheryl Nagata, Hearings Officer  
Nicki Thompson, Hawaii Association of Realtors  
Keoni Fursse, Applicant  
Joseph B. Clark, Applicant  
Laura Dolman Andrews, Applicant  
Lureen Reghi, Applicant  
Joseph Y. Sotomura, Applicant  
James Costello, Applicant  
Nancy B. Yamamoto, Applicant  
Marcus Baricuatro, Applicant  
James Arita

Excused: Barbara Dew, Vice Chair, Oahu 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: Commissioner Dew was excused from the meeting.

Executive  
Officer's  
Report:

**Additions to the Agenda:**

Upon a motion by Commissioner Butuyan, seconded by Commissioner Ching, it was voted on and unanimously carried to add the following item to the agenda:

9. Licensing - Questionable Applications  
ss. Myrla M. Poston

**Additional Distribution:**

The following materials were distributed to the Commissioners prior to the start of the meeting:

6. Committee Reports
  - c. Education Review Committee
9. Licensing - Questionable Applications
  - a. James T. Costello
  - f. For Sale By Owner Consultant, Incorporated
  - mm. D. Keoni Fursse

A copy of the letter to the Governor, dated March 9, 1995, recommending the appointment of Barbara Dew as Chair of the Real Estate Commission was distributed to the Commissioners for their information.

Real Estate  
Recovery  
Fund:

No report was presented.

Committee  
Reports:

**Condominium and Cooperative Review Committee**

Upon a motion by Commissioner Lee, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to approve the report and recommendations of the March 8, 1995 Condominium and Cooperative Review Committee Meeting as follows:

1. Accept minutes of the January 11 and February 8, 1995 meetings.
2. HREREC Report (distributed written report)
  - a. Condominium Board of Directors Guide - Distributed second draft of chapter entitled "Building Community Relations in Associations." Requested comments be submitted to HREREC by March 15, 1995. Recommend that Commission approve printing of second draft, subject to final review of text by Chair and REB staff and subject to final review of layout by Chair and REB staff. Requested that next chapter be more substantive and focus on insurance, especially flood, hurricane and homeowner coverage.
  - b. Condominium Seminars - Proceeding with plans to hold seminars beginning April 1, 1995. SEO stated that there is a great probability that travel to Neighbor Islands by Condominium Specialists will not be approved. If not approved, then travel will not be sanctioned by the State and Specialists will be on their own time and liability.

- c. HREREC Interactive Program - will make presentation on salient changes to reserve rules at HCAAO meeting on March 9. Will also make presentation on condominium management education issues on March 15 and also to a real estate company. SEO requested reports.
3. Condominium Governance and Management
  - a. Hawaii Hurricane Relief Fund Information - requested that relevant portions be included in next bulletin.
  - b. Information on National Flood Insurance Program and National Flood Insurance Reform Act - requested that relevant portions be included in next bulletin.
4. Project Registration, Public Reports, and Sales to Owner-Occupants
  - a. Proposed Revision to Commission Directive - Recommend that because there was not substantial compliance by the developer with the filing requirements of §514A-102(a), HRS, that the developer be required to re-publish the owner-occupant announcement, but to avoid consumer harm, the owner-occupants currently on the developer's lottery list will be allowed to maintain their positions on the list.
5. Program of Work
  - a. Rulemaking, Chapter 107 - Condominium Specialists Stone and Shiroma reported that progress is continuing.
  - b. Condominium Association Registration - So far, 557 associations have successfully registered for 1995.
  - c. Condominium Managing Agents Registration - So far, 51 applications have been approved, remainder are deficient.
  - d. Interactive Participation with Organizations - Recommend approval that the Chair (or an alternate) attend the Community Associations Institute National Conference, May 4-6, 1995, Scottsdale, Arizona, subject to administrative approval.
6. Budget and Finance Report - Approved.
7. Next Meeting: Wednesday, April 12, 1995  
10:00 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 Nomura, it was voted on and unanimously carried to approve the report and recommendations of the March 8, 1995 Laws and Rules Review Committee meeting, subject to amending item 2.a.2), as follows:

1. SEO's Report
  - a. Approved nomination of Kathryn S. Matayoshi as Director and submit testimony for EJA Hearing.
  - b. 1995 Amended Real Estate Commission/Committee Meeting Schedule issued.

2. Hawaii Real Estate Research and Education Center Report (distributed report)
  - a. Broker Experience Certification
    - 1) Any further response or follow-up from the Center on this topic will be submitted as requested by the LRRC Chair.
    - 2) Recommend approval of policy that applicants submitting an "Application for Experience Certificate - Real Estate Broker" are not required to submit supporting documents towards the transaction requirement, provided that the Commission shall reserve the right to review documents upon request for the sole purpose of verification of the applicant's involvement in the submitted transaction. Further recommend that staff continue present administration of the broker experience certification program and delay implementation of such amended policy regarding the non-review of documents, pending revision of application and experience certification statement forms and instructions, and notice to licensees.
  - b. Advertising Brochure - Awaiting priority in layout stage and will be completed following the Federal project and the Law and Rules Manual.
  - c. PB and BIC Brochure - No change in status.
  - d. Professional Responsibility Course - No change in status.
  - e. Real Estate Seminars - Seller Disclosure Seminars, April 7 - Kauai, April 17 - Hilo, April 21 - Kona, May 5 - Maui, May 19 -Honolulu.
3. Program of Work  
Neighbor Island Outreach - Recommend approval of holding three Committee meetings during one day as scheduled for Kauai during May or June. Staff to coordinate with Commissioner Ching and Committee Chairs. Addendum to Report: The SEO notified the Commission that approval has been granted to hold the Committee Meetings on Kauai. Commissioner Ching to work with the EO to determine the date of the meetings.
4. Special Issues
  - a. Letter of Commendation on Roy and Betty Sakamoto and Judy Soeten - Staff to send letter of congratulations.
  - b. Use of Licensed Names and Registered Trade Names - Recommend approval of vacating action/decision on February 8, 1995 (based on a January 10, 1995 memo) and delegate to staff continuous administration of the broker experience certification program to staff.
5. Next Meeting: Wednesday, April 12, 1995  
9:00 a.m.  
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 approve the report and recommendations of the March 23, 1995 Education Review Committee meeting, as follows:

1. Real Estate Specialist's Report - Minutes of Previous Meetings - Meeting of February 23, 1995 - Recommend approval of minutes.
2. Hawaii Real Estate Research and Education Center Report
  - a. Advisory Council - Recommend acceptance of Bernice Liu's resignation from the Advisory Council. Recommend deferral of appointment of a replacement Advisory Council member, pending discussion of the future role of the Advisory Council.
  - b. Program of Work and Budget, FY95 - IDW and New Course Briefings - Tentative date for IDW is May 9, 1995.
3. Continuing Education Administration, Curriculum, Courses, Providers, and Instructors
  - a. Recommend approval of the following 1995 re-registered and recertified providers, instructors and courses:

<u>Continuing Education Instructors</u>	<u>Effective Date</u>
David M. Medaris	02/17/95
Real Estate Law Update and Ethics GRI 101	
La Verne L. Bessert	02/13/95
Real Estate Law Update and Ethics Fair Housing Real Estate Investment Analysis	
<u>Continuing Education Course</u>	<u>Effective Date</u>
Gino L. Gabrio	03/10/95
Commercial Real Estate Sales and Leasing Law	
4. Prelicensing Education Administration, Curriculum, Schools and Instructors - Recommend approval of instructor application for Eileen W. Luko to teach the prelicense broker curriculum.
5. Program of Work and Budget - Recommend that the Commission continue discussion and finalization of the program of work and budget in the Condominium and Cooperative Review Committee, the Laws and Rules Review Committee, and the Education Review Committee meetings and continue to solicit input from the real estate industry and interested parties at such meetings. Further recommend that due to budget constraints and fiscal austerity, the Commission forego the biennial planning symposium.
6. ARELLO and REEA Report
  - a. ARELLO
    - 1) Research and Education Fund Report - Recommend acceptance of the February 24, 1995 Report.
    - 2) Recommend approval of participation of one (1) Commissioner or staff member at the ARELLO Board

of Directors Meeting, Committee Meetings, Administrators Workshop, May 25 to 27, 1995, in Tucson, Arizona. Commission Chair to designate participant.

- b. REEA - Recommend approval of participation of the ERC Chair or designee at the 16th Annual REEA Conference, June 1 to 3, 1995, in Louisville, Kentucky.
7. Budget and Finance Report - Recommend approval of the February 1995 Real Estate Education Fund Report.
8. Next Meeting: Wednesday, April 12, 1995  
1:30 p.m.  
Kuhina Nui Room  
HRH Princess Victoria Kamamalu Building  
1010 Richards Street, Second Floor  
Honolulu, Hawaii

Licensing and  
Registration:

**Ratification**

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

Brokers

Bill Foley dba A Piece of Heaven Realty  
Lawrence P. Medeiros dba Larry Medeiros, Realtor-Appraiser  
Hyson Industries, Inc.  
Trinet, Inc.  
Clement K. Y. Chan dba Eagle Properties  
The Bay Club Ownership Resort, Inc.  
Barbara J. Evarts  
Andrew J. Gerakas  
The Prudential Maui Realtors  
Cori K. Meyers dba Kapolei Realty

Branch Office

Hawaii Affordable Properties, Inc. (Honolulu, HI)  
Clark Realty Corporation (Hilo, HI)  
Chaney, Brooks & Company (Lahaina, HI)

Site Office

1133 Waimanu - McCormack Real Estate, Inc. dba Coldwell Banker  
McCormack Real Estate  
Streamside at Launani Valley, Phases I and II - Towne Realty Brokerage  
Services, Inc.  
The Gardens at Launani Valley, Phases I, II and III - Towne Realty Brokerage  
Services, Inc.  
The Kona Coast Resort - Shell Development Corporation - Kona  
The Kona Coast Resort II - Shell Development Corporation - Kona  
Ko Olina Fairways - Herbert K. Horita Realty, Inc.  
Executive Centre - SHC - Properties, Inc.

The Palms at Wailea - Phase 2 - McCormack Real Estate dba Coldwell Banker  
McCormack Real Estate

Trade Name

Robert Fujito Puckett dba Magus Realty  
Peter F. Fisher dba The Hawaii Real Estate Company fka Kauai Brokers and  
Associates

Condominium Managing Agents

Asset Property Management, Inc.  
Simon Bebb dba Commercial Realty Corp.  
James Robert Buckley dba Pacific Trader Properties  
Fidelity Management, Inc.  
Gary S. Futura  
Michael B. Griggs dba Griggs & Griggs Properties  
Hawaii Affordable Properties, Inc.  
KBR Management Realty, Ltd.  
Victor T. Nakamura dba Victor T. Nakamura Realty  
Ruth V. Nettleship dba Ruth Realty  
Professional Island Management, Ltd.  
Realty Management Corporation  
Shell Realty Maui, Inc.  
Max Sherley & Associates, Ltd.  
Team Real Estate, Inc. dba Buyer's Resource Team Real Estate  
FPP, Ltd. dba Century 21 First Pacific Properties  
Robert Louis Sanders dba G/I Realty

Condominium Hotel Operators

Asset Property Management, Inc.  
Classic Resorts, Ltd.  
Rowena B. Cobb dba Cobb Realty  
Kim A. Courtright dba Keauhou Property Management Co.  
Ralph Edward Farmer dba Golden Triangle Real Estate  
HCR Associates  
Maui Kai Rental Program  
Ocean Express Hawaii, Inc. dba Ocean Express International Realty  
Outrigger Lodging Services  
Pacific Paradise Properties  
Paniolo Hale Rentals, Inc.  
Gail M. H. Petagno dba Gail Petagno Realtor  
South Kohala Management Corp.  
Vision Properties, Inc.  
CRW dba Condo Rentals of Waikiki  
Gloria Jean Behrens dba Kaluakoi Properties

Condominium Project Registration - Public Reports Issued (February 1995)

Hauula Estates, Honolulu (Final)

Wailuku Business Plaza, Maui (Preliminary)  
Nani Waimea, Hawaii (Final)  
2911 Pacific Heights, Honolulu Road (Final)  
Lyman Gardens Senior, Hawaii (Supplementary)  
1050 Wong Lane, Honolulu (Final)  
Victoria Gardens, Honolulu (Final)  
Hale Uluwehi, Honolulu (Final)  
Punaluu Kai, Honolulu (Final)  
2721/2721-A East Manoa Road, Honolulu (Supplementary)  
Uluniu Urban, Honolulu (Supplementary)  
Harbor Court, Honolulu (4th Supplementary)  
Na Hui Pali 7M, Hawaii (Supplementary)  
Beard/Carter, Hawaii (Final)  
Kaloko View Estates, Hawaii (Final)  
Hawi Plantation, Hawaii (Final)  
926 & 926-A Kaipii Street, Honolulu (Supplementary)  
Makualani Condominium, Hawaii (Final)  
Ah Moi Ching, Lot 125-3, Hawaii (Final)  
Hemolele Estates, Hawaii (Final)  
1721 Wilhelmina Rise, Honolulu (Final)  
Riverfront Townhouse Condominium, Honolulu (Final)  
Kahu, Kauai (Final)  
Waialua Homes, Honolulu (Second Supplementary)  
Hale Ilima Condominium Project, Honolulu (Final)  
1539 Ponopono Place, Honolulu (Final)  
Gilliard, Hawaii (Final)  
L & L Estates, Kauai (Final)  
Pukuniah, Hawaii (Final)

Licensing:

**Questionable Applications**

D. Keoni Fursse

Mr. Fursse was present to answer any questions the Commission may have 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. Fursse stated that he is a real estate salesperson with Iwado Realty on Maui. He is requesting an equivalency to one closed listing and one closed sale. Mr. Fursse stated that he had been involved in commercial leasing while he has at Monroe and Friedlander and that he is currently involved in leasing at Iwado Realty. He stated that he has submitted many commercial leases. He joined Iwado Realty in 1995 and is helping them in leasing and sales. He hopes to obtain his real estate broker's license shortly so that he can assist Iwado Realty in reorganizing their commercial division. Mr. Fursse also stated that he hoped to be starting the process to obtain his CCIM designation shortly.

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

Joseph B. Clark, Jr.

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

Mr. Clark did not have any further information to add. The Commission did not have any further questions for Mr. Clark.

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

#### **Restoration of Forfeited License**

Laura Dolman Andrews

Broker

Ms. Andrews was present to answer any questions the Commission may have had regarding her application for restoration of her forfeited real estate broker's license.

Ms. Andrews stated that during the past two years, she has been employed by Dolman Associates and has been involved in the management and administration of the company. Ms. Andrews stated that she had submitted her wall certificate and her change form, but did not renew her license. She stated that she had placed her license on inactive in order to pursue licensing as a real estate appraiser and to save money. She is presently at Dolman Associates. When asked what her job duties are at Dolman Associates, she stated that she does computer work, commission schedules, handles internal matters, matters relating to the errors and omissions insurance, and she also works with the secretaries. She understands that she cannot perform any other tasks without a real estate license.

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

Recess: The Chair recessed the meeting at 9:27 a.m.

Reconvene: The Chair reconvened the meeting at 9:44 a.m.

Licensing: **Restoration of Forfeited License**

Lureen M. Reghi

Ms. Reghi was present to answer any questions the Commission may have had regarding her application for restoration of her forfeited real estate salesperson's license.

Ms. Reghi stated that she owned properties and that she had sold one of the properties last year. She was not involved in the contract process, but is

familiar with the DROA. Herbert K. Horita Realty, Inc. represented her in the sale. She did not receive a commission for the sale.

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

Executive  
Session:

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

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

Chair's Report:

The Chair reported that pursuant to a conversation with Senator Holt's office, the administration's mandatory continuing education bill will not be heard by the Senate Consumer Protection and Commerce Committee.

Executive  
Session:

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

Upon a motion by Commissioner Aki, 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 10:07 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, Hawaii Revised Statutes:

**Roberta G. Haas, REC 94-33-L**

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

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Lee, it was voted on and unanimously carried to reject the Settlement Agreement After Filing of Petition for Disciplinary Action and Commission's Final Order.

Commissioner Ching returned to the meeting.

**Eugene T. Calvert, Hale Kona Realty, Inc. Better Homes and Gardens and  
Sharlene G. Ward, aka Sharly Kawasaki-Ward, REC 93-245-L**

Upon a motion by Commissioner Kuriyama, 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.

**William E. Kizer, REC-93-109-L**

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Lee, it was voted on and unanimously carried to approve the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order.

**Marion Libbie Kamisugi, REC 92-60-L**

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

Upon a motion by Commissioner Imamura, seconded by Commissioner Nomura, it was voted on and unanimously carried to deny Marion Libbie Kamisugi's request for reconsideration and to deny any other requests for consideration by the Commission based on the Settlement Agreement.

Commissioner Kuriyama returned to the meeting.

Following the Commission's review, deliberation and decisions in these matters, pursuant to Chapter 91, HRS, the Chair announced that the Commission was reconvening its scheduled meeting at 10:50 a.m., pursuant to Chapter 92, HRS.

Licensing:

**Questionable Applications**

For Sale By Owner Consultant, Incorporated

Mr. Joseph Sotomura, proposed principal broker of For Sale By Owner Consultant, Incorporated, was present to answer any questions the Commission may have had regarding the real estate corporation application.

Mr. Sotomura was asked to elaborate on the types of transactions which would be performed by the corporation. Mr. Sotomura stated that the corporation would be involved in general brokerage and that they would serve as the agents for the home owners.

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

**James T. Costello**

Mr. Costello was asked if he wished to discuss his application in executive session. Mr. Costello declined the offer.

When asked, Mr. Costello stated that he did not answer to any of the disciplinary proceedings because he was not available. He was on parole for a conviction in 1988 and he was found to have violated the terms of the parole for using drugs, he was incarcerated. Then he had to go through a drug treatment program. He was not notified of the disciplinary proceeding because he was in prison at the time. He stated that he was in a drug treatment program for three months after he was released from prison. As soon as he was able to, he notified REB staff to determine what needed to be done. He then explained why he was not able to meet the terms of the

Commission's Final Order. He has taken steps to rectify this matter. He was clean for seven or eight years, used drugs, turned himself in and did what he needed to do. When questioned, Mr. Costello stated that he is still under the supervision of the Hawaii Paroling Authority.

Mr. Costello was informed that the Commission has still not received a statement from his Parole Officer.

Mr. Costello stated that it was difficult for him to appear before the Commission. He stated that he has had problems and that he has taken care of it and he would like to proceed in real estate. Mr. Costello stated that he does not object to paying the fine or completing the course at a later date. He stated that he currently does not have the finances available to pay the fine and to complete the course. He requested an extension of time to complete the course and to pay the fine.

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

TY Realty, Inc.

Ms. Nancy B. Yamamoto, proposed principal broker of TY Realty, Inc., was present to answer any questions the Commission may have regarding the real estate corporation application of TY Realty, Inc.

Ms. Yamamoto stated that there was a complaint filed in 1993 which involved a tenant dispute of \$100 for cleaning and cigarette burns on a carpet. The complaint was later withdrawn.

When asked what "TY" represented, Ms. Yamamoto stated that she had picked a name that was short due to advertising costs. She stated that she does have a four year old daughter, named Tracy Yamamoto. She also stated that she liked the name "Ty" when she was in college. She stated that "TY" does not stand for "Tracy".

The Executive Officer reminded Ms. Yamamoto that she had met with her to discuss processing time and to do a preliminary review of the application. At that time, the Executive Officer had informed Ms. Yamamoto that the Commission would be asking her to explain what "TY" represented and at that time, Ms. Yamamoto stated that "TY" represented Tracy Yamamoto.

Ms. Yamamoto stated that she thought that it was cute that "TY" was her daughter's initials. She also stated that the main thrust was that it was a short name with respect to advertising. She stated that the Commission could also consider it to mean "The Yamamoto". When pronounced, the name will be pronounced "TY", as in "tie". She further stated that the real estate corporation would be referred to as such and not as "T.Y."

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

Marcus J. K. Baricuatro

Mr. Baricuatro was present to request an equivalency to the ten written real estate transactions, three of which are sales closed escrow and three of which are listings closed escrow.

Mr. Baricuatro stated that he had transactions in which he represented the seller but he did not have the listing agreement. He also submitted a copy of a letter of recommendation from the Branch Manager of First Hawaii Title Corporation.

He stated that he is currently working with Consolidated Resorts and has been with them for four years. He is employed as an Executive Assistant at Consolidated Resorts. He is in line to be a real estate broker at the branch office, but the only thing that is stopping him from doing so is that he does not have his real estate broker's license. Mr. Baricuatro stated that he did not submit the reconveyances because he was not sure if that would be considered as a listing contract. In those transactions, he represented the buyer, Consolidated Resorts, when the interests were bought back.

Mr. Baricuatro stated that he does have a degree in real estate. He stated that he has the knowledge of what is required and that he can fulfill the responsibilities of the license. Mr. Baricuatro stated that he has a corporate power of attorney for Consolidated Resorts. He has had this power of attorney since November 1993. The power of attorney allows him to sign on in behalf of the company without having an active license. In January 1995, he activated his real estate salesperson's license. When asked to describe his responsibilities, Mr. Baricuatro stated that he is responsible for setting prices, determining unit availability and determining a buyer's qualification. He is not selling the interests directly himself. He is able to sit down and review the terms with the clients now that he is active.

In October 1991, Mr. Baricuatro received his real estate salesperson's license. In February 1995, he received a letter which stated that he needed to be active in real estate for the last five years. Mr. Baricuatro stated that he started with Consolidated Resorts in the administrative section.

When asked to elaborate on the corporate power of attorney, Mr. Baricuatro stated that the corporate power of attorney allowed him to sign on behalf of the company. Without his signature, the interests are not conveyed.

The first paragraph of the corporate power of attorney was read, in which it authorizes Mr. Baricuatro to "make, endorse, accept, receive, sign, seal, execute, acknowledge, and deliver deeds, leases, assignments, agreements, certificates, checks, notes, bonds, vouchers, dividend warrants, receipts and other such necessary, convenient, or proper in the premises." Mr. Baricuatro was asked the extent of his responsibilities with regard to the specifics mentioned in the corporate power of attorney. Mr. Baricuatro stated that the company wants him to sign on the accounts, but he has not done so as yet. The President and Comptroller of the company endorse the

checks. He has not accepted the responsibility as yet for being a signator on the checks. The President of the company signs the trust account checks. Mr. Baricuatro stated that the Vice President of the company also has a corporate power of attorney which she received when she became the Vice President.

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

Executive Session:

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

Commissioner Ching was excused from the meeting.

Upon a motion by Commissioner Lee, seconded by Commissioner Aki, it was voted on and unanimously carried to move out of executive session at 11:46 a.m.

Licensing:

**Restoration of Forfeited License**

George Gerald O'Brien Broker

After a review of the information submitted by the applicant, Commissioner Imamura moved that restoration be approved upon submitting successful completion of the real estate broker's prelicensing course. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Laura Dolman Andrews Broker

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

Lureen M. Reghi Salesperson

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

Terrence Lavergne Monroe Salesperson  
Steven T. Oka Salesperson  
Daisy C. Ponce Salesperson  
David C. Von Hamm Salesperson

JoAnn Lum

Salesperson

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

### **Questionable Applications**

James T. Costello

After a review of the information presented by the applicant, Commissioner Imamura moved to approve the reinstatement of James T. Costello's real estate salesperson's license, subject to there being no changes in the applicant's status and successful completion of the real estate salesperson's prelicensing course and payment of the \$1,000 fine within six months. If above is not completed within the prescribed time, applicant shall begin the licensing process as a new applicant. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Morissa S. Jannings

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

Diana "Dee" E. Bienenfeld dba Lady Dee Properties

After a review of the information submitted by the applicant, Commissioner Lee moved to approve the sole proprietor application of Diana "Dee" E. Bienenfeld

dba Lady Dee Properties. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Linda Bradley

After a review of the information submitted by the applicant, Commissioner Nomura moved to approve the real estate sole proprietor application of Linda Bradley. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Kenneth David Josephson dba Maui Property Management and Sales

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the sole proprietor application, condominium managing agent and condominium hotel operator registration of Kenneth David Josephson dba Maui Property Management and Sales. Commissioner Butuyan seconded the motion. The motion was voted on and unanimously carried.

For Sale By Owner Consultant, Incorporated

After a review of the information presented by the applicant, Commissioner Nomura moved to deny the corporation application of For Sale By Owner Consultant, Incorporated, based on §16-99-11(c), HAR and §436B-19(2) and (17), HRS. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

TY Realty, Inc.

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

Village Realty Services, Inc.

After a review of the information submitted by the applicant, Commissioner Lee moved to approve the corporation application of Village Realty Services, Inc., to delegate to staff the approval of the condominium hotel operator registration and the condominium managing agent registration, subject to receipt of the bond documents. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Resort Condo, Inc.	CHO Re-registration
Heritage Properties, Inc.	CMA Re-registration
Allen Yap, Inc.	CMA Registration
Condominium Fiscal Management, Inc.	CMA Re-registration
Tri-Isle Realty & Development Co., Inc.	CMA Re-registration
Blue Water Development, Inc.	CHO Re-registration
Napili Kai, Ltd. dba Napili Kai Beach Club	CHO Re-Registration
Pali Kai, Inc.	CMA and CHO Re-registration
Oihana Property Management and Sales, Inc.	CMA and CHO Re-registration
Castle Resorts and Hotels, Inc.	CMA and CHO Registration
Aiea Realty, Inc.	CMA Re-registration
Bob Keown, Ltd. dba Makai Properties	CMA Re-registration
Ind-Comm Management, Inc.	CMA Re-registration
Hawaiiana Management Co., Ltd.	CMA Re-registration
The Landmark Property Corporation	CMA Re-registration
Dynamic Property Management, Inc.	CMA Re-registration
Metropolitan Management, Inc.	CMA Re-registration
Loyalty Enterprises, Ltd.	CMA Re-registration
C.B.I., Inc.	CMA Re-registration
Kauai Realty, Inc.	CMA Re-registration
A'ala Realty and Mgmt, Inc.	CMA Re-registration
Day-Lum, Inc.	CMA Re-registration
Capital Investment of Hawaii, Inc.	CHO Registration
Prosser Realty, Inc.	CHO Registration
Sherbourne Maui, Inc. dba Condominium Rentals Hawaii	CHO Re-registration

Gold Coast, Inc. dba Hawaiian Condo Resorts	CHO Application
Property Management Hawaii, Inc. dba Kona Vacation Resorts	
	CMA and CHO Re-registration
Colony Hotels and Resorts, Inc.	CMA and CHO Re-registration
Property Network, Inc.	CHO Registration
Patdi, Inc.	CMA Re-registration

After a review of the information submitted by the applicants, Commissioner Kuriyama moved to approve the respective registration and re-registrations of the applicants listed above. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

D. Keoni Fursse

After a review of the information presented by the applicant, Commissioner Kuriyama moved to approve D. Keoni Fursse'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 listing and one closed sale). Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Derek Kawika Wood

After a review of the information submitted by the applicant, Commissioner Lee moved to deny Derek Kawika Wood'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 listing closed escrow and three sales closed escrow). Commissioner Nomura seconded the motion. The motion was voted on and unanimously carried.

Joseph B. Clark, Jr.

After a review of the information presented by the applicant, Commissioner Kuriyama moved to deny Joseph B. Clark, Jr.'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 listing closed escrow and two sales closed escrow). Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Marcus J. K. Baricuatro

After a review of the information presented by the applicant, Commissioner Imamura moved to deny Marcus J. K. Baricuatro'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 listings closed escrow and three sales closed escrow). Commissioner Butuyan seconded the motion. The motion was voted on and unanimously carried.

Dan R. Billick

After a review of the information submitted by the applicant, Commissioner Butuyan moved to approve the renewal of Dan R. Billick's real estate

salesperson's license. Commissioner Nomura seconded the motion. The motion was voted on and unanimously carried.

Harold P. Kempf

After a review of the information submitted by the applicant, Commissioner Aki moved to approve the renewal of Harold P. Kempf's real estate broker's license. Commissioner Imamura 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, Stipulation for Dismissal of All Claims and Parties, With Prejudice; Order**

The Executive Officer reported that the above matter has been settled. The Stipulation for Dismissal of All Claims and Parties, With Prejudice; and the Order was distributed to the Commissioners for their information.

Next Meeting:

Friday, April 28, 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 11:50 a.m.

Respectfully submitted by:

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Christine Rutkowski  
Executive Officer

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Date