

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: Thursday, December 14, 1995

Time: 8:30 a.m.

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

Present: Barbara Dew, Chair, Oahu Member
Stanley Kuriyama, Vice Chair, Oahu Member (Late arrival)
Charles Aki, Hawaii Member
Michael Ching, Kauai Member
Alvin Imamura, Maui Member
Carol Mon Lee, Public Member (Late arrival)
Nora Nomura, Public Member

Christine Rutkowski, Executive Officer
Lee Ann Teshima, Real Estate Specialist
Russell Wong, Real Estate Specialist
Benedyne Stone, Condominium Specialist
Shari Wong, Deputy Attorney General
Irene Kotaka, Secretary

Nicki Thompson, Hawaii Association of Realtors
Rodney Nishida, Esq., Ayabe Chong Nishimoto Sia & Nakamura
Bartlett W. Vance
Michael W. Cox
Harry Saunders, Hawaii Newsub, Inc. and Castle & Cooke Hawaii, Inc.
Samuel B. S. Lee
Ira E. Daugherty
Harold Bronstein, Esq., Attorney for Ira Daugherty
Kala Alexander
Michael V. Maggio
Randall R. Scharnhorst

Excused: Theo Butuyan, Public Member
Helen Lindemann, Oahu Member

Call to Order: The Chair called the meeting to order at 8:33 a.m., at which time quorum was established.

Executive Session: Upon a motion by Commissioner Ching, seconded by Commissioner Nomura, it was

voted on and unanimously carried to enter in to executive session, pursuant to Section 92--5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities;"

Commissioners Kuriyama and Lee arrived.

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

Real Estate
Recovery Fund
Report:

Norfolk Development Corp., et al. v . Atsuko Totsuka, et al., First Circuit Court, Civil No. 92-2168-06

Upon a motion by Commissioner Ching, seconded by Commissioner Nomura, it was voted on and unanimously carried to approve the payment of \$25,000 out of the real estate recovery fund against Atsuko Totsuka, upon entry of judgment and subject to the assignment of the judgment to the Real Estate Commission.

Adjudicatory Matters:

Vivian C. Whitney, REC 94-26-L

Pursuant to a request made by RICO, the Settlement Agreement Prior to Filing of the Petition for Disciplinary Action as to Vivian C. Whitney was withdrawn from consideration.

Executive Officer's
Report:

Announcements, Introductions, Correspondence and Additional Distributions

Additions to the Agenda:

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

8. Licensing - Restoration of Forfeited Licenses
Maeva Jan Higa
9. Licensing - Questionable Applications
Jon K. Croy
Raychelle K. Kondo dba Premier Properties
Kenneth H. Flood
Grace Carol Kimble dba Carol Kimble Sales and Marketing Consultant
Hawaii Reserves, Inc.
Hawaii Newsub, Inc.
Castle & Cooke Hawaii, Inc.
Makai Management, Ltd.
Wagner & Wagner Property Management, Inc.
Dolman Associates, Inc.

Additional Distribution

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

3. Executive Officer's Report
 - b. Minutes of Previous Meetings - November 22, 1995
4. Chapter 91, Hawaii Revised Statutes, Adjudicatory Matters
Vivian C. Whitney, REC 94-26--L
6. Committee Reports
 - a. Condominium Review Committee
 - b. Laws and Rules Review Committee
 - c. Education Review Committee
9. Licensing - Questionable Applications
Robert M. Takeuchi
CBI Residential Services, Inc.

Minutes of Previous Meetings

The minutes of the November 22, 1995 Real Estate Commission meeting was distributed to the Commissioners for their review and approval.

Chair's Report:

No report was presented.

Committee Reports:

Condominium Review Committee

Upon a motion by Commissioner Lee, seconded by Commissioner Ching, it was voted on and unanimously carried to accept the amended report of the December 13, 1995 Condominium Review Committee meeting, as follows:

1. SEO's Report
 - a. **Accepted** minutes for October 4 and November 8, 1995 meetings.
 - b. **Recommend** that Commissioners and CRC meeting participants re-review the REC 1996 meeting schedule and submit information on any conflicting dates.
2. HREREC Report
 - a. Hawaii Condominium Bulletin - end of December distribution.
 - b. Recodification Plan - **Accepted** working draft two (12/11/95) of report subject to CRC Chair to finalize with Chair Dew and SEO, staff to print and distribute to the Legislature through the Governor prior to the opening of session.
3. Condominium Project Registration, Public Reports, and Sales to Owner-Occupant Announcements
 - a. **Recommend approval** to ratify issuance of effective dates during November 1995.
 - b. **Recommend approval** of request by Schuler Homes Inc. that the present amount of the letter of credit may be reduced to an amount equal to, but not less than **two times** the highest estimated cost of completing the project at this point in time subject to receipt of the

following documentation: 1) architect's and general contractor's certification as to the percentage of the project remaining to be completed and the dollar amount needed to achieve full completion of the construction; and 2) lien releases from all sub-contractors.

4. Program of Work
Registrations - Condominium Associations and Condominium Managing Agents: **Recommend** that all previously registered AOAOs who have not registered for 1995 be referred to RICO and **recommend** that REC discontinue holding any future registration workshops due to nonparticipation.
5. CMEF Budget and Finance Report - **Accepted** September 1995 CMEF financial statements and **recommend approval** to send letter to HREREC and Dean Bess advising them about the budgetary crisis with CMEF and REEF and that funding will be at a reduced level for FY97 and commitments thereafter is questionable. HREREC should be pursuing alternate sources of funding immediately.
6. Next meeting: Wednesday, January 10, 1996
10:30 a.m.
Kapuaiwa Room
1010 Richards, Second Floor
Honolulu, HI 96813

Laws and Rules Review Committee

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Imamura, it was voted on and unanimously carried to accept the report of the December 13, 1995 Laws and Rules Review Committee meeting, as follows:

1. SEO's Report
 - a. **Accepted** minutes of the May 11, 1995, August 9, 1995 and November 8, 1995 meetings.
 - b. **Recommend** that Commissioners and LRRC participants to re-review the 1996 REC meeting schedule and submit a report of conflicts with any meetings date.
2. Hawaii Real Estate Research & Education Center Report
 - a. PB and BIC Brochure - Attached to the Broker Management student course outline in the Education Review Committee packet.
 - b. Professional Responsibility Course (PRC) - With REB staff.
 - c. Advertising Brochure - REB staff to finalize with HREREC ASAP.
 - d. Laws and Rules Manual and Reference Manual - **Recommend** that HREREC examine the feasibility of this program being self-sufficient. In that, fees charged should pay for updating, printing and distribution. Programs that require initial base funding then continues on self-sufficiency mode may be given more consideration for initial base funding.

- e. Real Estate Seminars - HREREC to submit proposed seminar schedule in early 1996.
- 3. Program of Work
 - a. Rule Making, Chapter 99 - Draft J2 and Recommended Amendments - Commissioners and staff to review Draft J2 which was distributed and provide written comments to or call the Program Specialist before the next Committee meeting.
 - b. CHO Registration - 12 applications in and 9 are deficient.
Recommend canceling registration workshops in the future.
- 4. Special Issues
Use of Multiple Tradenames - Lawrence N. C. Ing - **Recommend reaffirmation** of the Commission's previous decisions, dated November 29, 1990 and February 22, 1991, denying the use of multiple tradenames. Staff to respond to Mr. Ing.
- 5. Budget and Finance Report - **Accepted** September 1995 financial statements for Real Estate Recovery Fund.
- 6. Next Meeting: Wednesday, January 10, 1996
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 Kuriyama, it was voted on and unanimously carried to accept the report of the December 13, 1995 Education Review Committee, as follows:

- 1. **Accepted** minutes of October 4, 1995 and November 8, 1995 meetings.
- 2. Hawaii Real Estate Research and Education Center Report
 - a. Advisory Council - Recommend that Chair Dew confer with the Advisory Council Chair and Dean Bess regarding the vacancies on the Council and report back to the Committee.
 - b. Continuing Education Elective Courses:
 - 1) Broker Management Course - **Recommend Approval** subject to staff review, and staff to work on criteria for instructors.
 - 2) Disclosure - Dr. Ordway reported that he is working on the course and will not have a draft until January, 1996.
- 3. **Recommend approval** of the following continuing education applications:
Instructor Recertification: Max E. Sherley (Course Categories: Property Management, Law Update and Ethics, Fair Housing, Contracts, Finance; Elective Course: Hawaii Landlord-Tenant Code).
Provider Reregistration: Max Sherley Real Estate Center, a Division of Max Sherley & Associates.
- 4. **Recommend approval** of the following prelicense applications:
Instructor Certification: LaVerne L. Bessert, Broker and Salesperson Curriculum.
Instructor Recertification: Michael B. Pence, Salesperson Curriculum.

5. Prelicensing Education
 - a. General Content Outline will change, effective 1/3/96.
 - b. Future moving of ASI's Honolulu test site to 1580 Makaloa Street, 9th Floor, Honolulu, Hawaii.
6. Budget and Finance Report - **Recommend acceptance** of Real Estate Education Fund financial statements for the quarter ending September 30, 1995, and inform the Hawaii Real Estate Research and Education Center and the Dean of the College of Business of the fund's projected financial position.
7. Next Meeting: **Wednesday, January 10, 1996**, 1:30 p.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
250 South King Street, Second Floor
Honolulu, Hawaii

Licensing:

Questionable Applications

Bartlett W. Vance

Mr. Vance was present to answer any questions the Commission may have regarding his application for a real estate salesperson's license. Mr. Vance declined discussing his application in executive session.

Mr. Vance stated that he had requested that the IRS send a letter to the Commission stating that he had a current payment plan with the IRS. The IRS refused to do so. Mr. Vance stated that he would like to take care of his outstanding tax lien within the next 24 months. The total owed to the IRS is \$23,000. Mr. Vance stated that he is trying to pay \$1,000 a month, but he cannot make the payment without his real estate license. If he is not granted his real estate license, he will have to go back to California to set up a different plan. He stated that he would like to move to Kauai on a permanent basis. He is currently making very small payments of \$250 to \$300. He has been current on his taxes for the last two years. He has been in Hawaii for only 30 days, so he has not worked in Hawaii. He was involved in time share in Washington, DC. A time share license is not required in Washington, DC. Prior to that, he was licensed in Colorado.

Mr. Vance had submitted copies of the voluntary payments that he had made from March 1990 to June 1993. Mr. Vance was asked if he had made any payments after 1993. Mr. Vance stated that he does not have copies of all of the cancelled checks. The last payment that he made was six months ago.

Mr. Vance was asked if he would be willing to provide written verification of the subsequent payments that he had made after 1993. Mr. Vance stated that he would be willing to give it his best shot, but he is not sure if he would be able to provide the documents.

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

Michael W. Cox

Mr. Cox was present to answer any questions the Commission may have regarding his application for a real estate salesperson's license. Mr. Cox declined discussing his application in executive session.

Mr. Cox stated that the judgment arose out of a conflict between the buyer and the seller. He stated that the seller had been in the middle of a divorce and had disappeared. The seller wasn't able to testify during the arbitration proceedings. The arbitrator awarded a \$13,000 judgment against his agent and himself. Mr. Cox stated that the money will be collected from the seller first. Mr. Cox stated that he would be responsible for the remaining unpaid balance of the judgment should the seller be unable to pay the \$13,000 in full. Mr. Cox stated that he was not happy with the buyer's testimony because the buyer told the arbitrator half-truths or mistruths.

Mr. Cox stated that the arbitrator had asked the buyer if he read and explained the contract and if the agent had suggested that the buyer conduct a property inspection. The buyer answered yes. The buyer signed the contract, but did not get a property inspection. Mr. Cox stated that he felt his agent had done all that he could and had acted in good faith. Mr. Cox stated that he has been a real estate broker in California for over 33 years. He has never had a complaint lodged against him. This matter has been in the courts for 1-1/2 years. He expects this matter to be resolved soon. He stated that if the judgment were to fall back to him, he would pay it off.

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

Castle & Cooke Hawaii, Inc.

Harry A. Saunders, proposed Principal Broker and Vice President of Castle & Cooke Hawaii, Inc., was present to answer any questions regarding the corporation application of Castle & Cooke Hawaii, Inc.

Mr. Saunders declined discussing this matter in executive session.

Mr. Saunders stated that the prior complaints have all been closed without any action being taken against him. He stated that he is trying to complete the transfer of the assets of Castle & Cooke under Dole Foods. Timing is critical for them. The transaction involves property in Hawaii, California, New Mexico, Arizona and North Carolina. They have been trying to stay within the law. They are releasing the names from the old company to become a new entity under a new name. They will have the same staff, assets, broker's license, trade names and officers. They are asking for the new corporation application to be retroactively effective from December 8, 1995.

Mr. Saunders was informed by the Executive Officer that when the principal broker of Castle & Cooke Homes Hawaii, Inc. changes to the principal broker of Castle & Cooke Hawaii, Inc., the corporation, branch offices, site offices, and all of the licensees under

Castle & Cooke Homes Hawaii, Inc. will become inactive.

Mr. Saunders stated that he is aware of that and he has been working with REB staff to ensure that everything has been submitted correctly. Mr. Saunders asked that if the Commission is unable to retroactively approve the corporation that the corporation be made effective immediately so that they may satisfy SEC regulations.

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

Samuel B. S. Lee

Mr. Lee was present to answer any questions the Commission may have regarding his application for a real estate salesperson's license. Mr. Lee declined discussing his application in executive session.

Mr. Lee stated that he knows it was wrong of him to not pay his taxes for so long. He was not making money in those days and made terrible investments. He had a company and was involved in real estate in Las Vegas. He stated that he made a wrong decision by gambling there. He lost his wife and children and made wrong investments. He stated that his wife sold the house and took his children back to Korea. He went to Korea to get some money, but it was impossible. He stated that the IRS had asked him to make an offer in compromise. He told them that he didn't have any money. The IRS is willing to settle with him, but he doesn't have any money. He wasn't interested in going back into real estate, but his friend, Jerry Park, told him to take the test and become licensed because he has some investors coming over from Korea.

Mr. Lee stated that he is trying to correct his life and is trying to get back into paying the taxes to the IRS. He is 62 years old. This is his last chance to do something for himself and to take care of his taxes. He was licensed in Hawaii as a real estate salesperson. His license expired in 1990. He stated that when his wife went to Korea and he went to Korea, his wife gave him some money, but it wasn't enough to take care of his debts.

Mr. Lee was asked if he owed any moneys to the Hawaii Department of Taxation. He said he did not. Mr. Lee was asked if he had any other documentation from the IRS after the August 6, 1990 Notice of Levy. He replied that he did not.

Mr. Lee stated that he could sue his wife for the money that he wants, but does not want to because she is taking care of three children. Mr. Lee stated that the tax liens were as a result of bad investments that he had made in Las Vegas. He stated that it was bad to gamble. He thought that he would be able to make money the whole time. He has not gone to Las Vegas since. He currently owes the IRS \$800,000. The last time he talked to the IRS, they told him to bring in \$20-30,000 and they would be willing to settle the whole thing.

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

Ira Daugherty

Mr. Daugherty was present to request the Commission to reconsider its decision concerning his application for a real estate salesperson's license. Mr. Daugherty was also represented by his attorney, Harold Bronstein.

Mr. Bronstein stated that the Commission's denial of Mr. Daugherty's application for a real estate salesperson's license was wrong. Mr. Bronstein stated that Mr. Daugherty was convicted in 1989 of a burglary which occurred in 1988. It is now 1995. The act occurred six or seven years ago. Mr. Daugherty was in jail, paroled, and completed anger management classes and is doing well on parole. Mr. Bronstein stated that the REC takes the position that he maybe entering people's homes and will be stealing from them. Mr. Daugherty has a janitorial and steam cleaning business. In July 1995, the manager of Cafe Luna has entrusted his client with the keys. Mr. Sabatini, the manager, is aware of Mr. Daugherty's background, has entrusted him with the keys and is very satisfied with him. Mr. Daugherty gets along with his staff and works out his differences with the staff when it arises. Mr. Daugherty also has the keys and access to the burglar alarm system at Zelo's. Mr. Steven Jure, Vice President of Zelo's, has acknowledged that Mr. Daugherty has been a new contract for them, but so far he is very happy with the work and gave him a good character reference based on his performance. Dr. Dorsey, Executive Directory of Serenity House, Inc., acknowledged that Mr. Daugherty has made tremendous strides in changing his life. Dr. Dorsey supported and encouraged Mr. Daugherty's efforts in pursuing a career in the real estate profession.

Mr. Bronstein stated that they do not deny Mr. Daugherty's past. However, there has been a tremendous amount of change in Mr. Daugherty's life. He came from a broken home, however, the Commission should consider what he has done with his life since the conviction.

Mr. Daugherty has had two parole violations in 1993 and 1994 because he smoked marijuana. He was incarcerated for 30 days and then released. The last time he was incarcerated for six months. After that he went to Serenity House and has been drug free since then. He runs a meeting once a week at Serenity House.

Mr. Daugherty was sentenced to ten years for burglary. He is not sure if the sentence was a mandatory ten year sentence.

Mr. Daugherty stated that he was given the maximum sentence of ten years because he did not cooperate with the authorities. He walked into someone's house and beat that person up. Instead of testifying against his friend, he took the blame and was given the maximum sentence for assault and terroristic threatening.

Mr. Daugherty was asked to comment on his parole officer's comment, "...I would be untruthful to tell you his reputation from the past has been one of honesty, truthfulness or fair dealing." Mr. Daugherty replied that prior to taking the urine test when you check in with your parole officer, you are asked if you did drugs. He did not tell his parole officer that he had smoked marijuana, which is why his parole officer made that statement.

Mr. Bronstein stated that he would be willing to provide copies of the letters from Mr. Sabatini, Mr. Jure, Mr. Harrington, and Dr. Dorsey to the Commission for their

information.

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

Kala Alexander

Mr. Alexander was present to answer any questions the Commission may have regarding his request for reconsideration of the denial of his application for a real estate salesperson's license. Mr. Alexander declined discussing his application in executive session.

Mr. Alexander stated that he was offered a job with Michael Hannon of The Makai Club and is currently employed there. Mr. Alexander stated that he was a crew person with Captain Zodiac. He loves working with tourists and meeting people. He stated that he devised a beach tour for the guests. He takes them snorkeling. His principal broker agreed to reimburse him for the real estate prelicense class if he passed the class. He stated that he had a academic scholarship from Kamehameha Schools, but he got kicked out. He hung out with the wrong crowd and smoked marijuana and got caught. Mr. Alexander stated that he thinks he could be a good time share person as he works more with the guests than the sales people do. He hosts a luau for the guests and conducts the orientation. He has access to his bosses house and has keys to the resort. He believes that everyone deserves a chance to have a better life. He is now friends with the victim. The person sped through the town, which has a ten mile per hour speed limit, at 60 miles per hour. He had a pedigree dog which the person ran over. He has taken anger and stress management classes. He really wants to change his life. His restitution is down to \$1,000. He is paying as much as he can, as often as he can.

Mr. Alexander was asked to explain more about the incident which lead to his conviction. Mr. Alexander stated that the dog ran away and died somewhere. He told the man that if he found his dog, he would have to pay for the vet bill and the man agreed to it. He stated that he tries to pay as much as he can from every pay check in restitution. He also voluntarily sends money to his former girlfriend for their son. Raymond Young, his parole officer, doesn't feel that he has been with him long enough to make an assessment of him. Mr. Alexander explained the problem stated in the letter from Valerie Scott of the Department of Public Safety. He stated that he had borrowed a friend's car to attend a marketing seminar. He was caught by the Police for going five miles per hour over the speed limit. He has his driver's license, has another baby on the way and is engaged to be married.

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

Randall R. Scharnhorst

Mr. Scharnhorst was present to answer any questions the Commission may have regarding his application for a real estate salesperson's license. Mr. Scharnhorst declined discussing his application in executive session.

Mr. Scharnhorst stated that he has lived in Hilo since 1976. He had his own company,

which had a bulldozer, dump truck and compressor. He developed real estate. He moved to Oahu when he was released from prison. He stated that he could have had letters from people in Hilo, but he was not sure what was needed for this meeting.

Mr. Scharnhorst stated that he knew a lot of different people. Someone that he knew asked if he knew someone at Matson. He introduced that person to his friend in 1984. When he introduced the two people, he had full knowledge that their intent was to ship drugs. He was arrested in 1988. When he went to trial the first time, the case was overturned. Because he was involved, in 1991, he agreed to plead guilty. He was told that he would be let out in two years. He did not import the drugs himself. He did not know exactly when the acts occurred, but he knew what the introduction would lead to. He has been working for Consolidated Resorts since 1994. The developer and general sales manager likes how he deals with people and wants him to be a sales manager.

Mr. Scharnhorst was asked if that was the only conviction in 20 years. Mr. Scharnhorst stated that he was convicted in 1977 for possession of marijuana. He had a one year deferred sentence. It was supposed to be taken off his record but he never submitted the paper work to do so. Mr. Scharnhorst stated that the title statute also showed aiding and abetting. Mr. Scharnhorst stated that he was also charged with sales of marijuana because of all of this. He was charged by the State and the Federal government, but everything has been cleared up.

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

Michael V. Maggio

Mr. Maggio was present to answer any questions the Commission may have regarding his application for a real estate salesperson's license. Mr. Maggio declined discussing his application in executive session.

Mr. Maggio stated that he and his wife owned a corporation, Maggio and Associates. The corporation entered into a lease agreement with Kapalua Land Co. and purchased a restaurant in 1992. They went out of business in September 1995. Kapalua Land Co. sued them for the remainder of the lease and related obligations. They had signed a personal guarantee and that is why the litigation is against himself. Mr. Maggio stated that they will be filing for Chapter 7 bankruptcy. Mr. Maggio stated that they had to sign the personal guarantee when they entered into the lease agreement. Mr. Maggio stated that they are up-to-date with their taxes. The profits that they were making from the restaurants were used to pay for the salaries of the employees and so they decided to close the restaurant. Mr. Maggio stated that he is currently unemployed, but he hopes to be employed by The Bay Club at Waikoloa once he receives his license.

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

Recess:

The Chair recessed the meeting at 10:20 a.m.

Reconvene:

The Chair reconvened the meeting at 10:35 a.m.

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(b)(1), "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;"

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

Licensing and
Registration:

Ratification

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

Brokers

Operating and Managing Services, Inc.
Buyer's Advantage Realty, Inc.
Kenneth G. Patterson
Frederick O. Harris dba Fred O. Harris Realty & Management
Stephen P. Pingree
Allan K. Harty dba Harty Realty
Fourmax, Inc. dba RE/MAX Brokers
Carrie Feuer

Branch Office

Castle & Cooke Homes Hawaii, Inc., 6600 Kalaniana'ole Highway, Honolulu,
HI 96825
Kenneth M. Young, Waimea Building, Mamalahoa Highway, Kamuela, HI
96743
Gibraltar Pacific Realty, Inc., The Prudential West Hawaii Realty,
75-5744 Alii Drive, Kona Inn, Suite 31, Kailua-Kona, HI 96740
General Growth Management of Hawaii, Inc., 1441 Kapiolani Boulevard,
Suite 1010, Honolulu, HI 96814

Site Office

Herbert K. Horita Realty, Inc., Royal Kunia - Kulana Knolls
Herbert K. Horita Realty, Inc., Royal Kunia Phase 1, Sites 6 and 7
Kapalua Realty Co., Ltd., Plantation Estates
Castle & Cooke Homes Hawaii, Inc., Unit III - Ku'ulako, Phase 1
Haseko Realty, Inc. - The Courtyards at Punahou
The Prudential Locations - Hale Makalei

Condominium Managing Agent

Garden Island Management & Realty, Inc.
Operating & Managing Services, Inc.

Condominium Managing Agent - 1996 Reregistration

James R. Buckley
South Kohala Management, Corp.

Condominium Hotel Operator
Garden Island Management & Realty, Inc.

Condominium Hotel Operator - 1996 Reregistration
Sun Corp.

Commissioners Kuriyama and Imamura were excused from the meeting due to a conflict of interest.

Upon a motion by Commissioner Aki, seconded by Commissioner Nomura, it was voted on and unanimously carried to approve Valley Isle Realty, Inc.'s site office registration of Kahului Ikena.

Commissioners Kuriyama and Imamura returned to the meeting.

Licensing:

Restoration of Forfeited License

Maeva Jan Higa

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

Questionable Applications

Randall R. Scharnhorst

After a review of the information presented by the applicant, Commissioner Aki moved to approve the conditional real estate salesperson's license to Randall R. Scharnhorst. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Michael W. Cox

After a review of the information presented by the applicant, Commissioner Imamura moved to approve the real estate salesperson's license of Michael W. Cox. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Michael V. Maggio

After a review of the information presented by the applicant, Commissioner Nomura moved to approve the real estate salesperson's license of Michael V. Maggio. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Bartlett W. Vance

After a review of the information presented by the applicant, Commissioner Aki moved

to deny the real estate salesperson application of Bartlett W. Vance, based on §§ 467-8(3), 436B-19(1), (8) and (12), HRS. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Samuel B. S. Lee

The Chair recused herself from the meeting. Vice Chair Kuriyama presided over the meeting.

After a review of the information presented by the applicant, Commissioner Ching moved to deny the real estate salesperson's license of Samuel B. S. Lee, based on §§ 467-8(3), 436B-19(1), (8), and (12), HRS. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

The Chair returned to the meeting and resumed presiding over the meeting.

George T. Nomura

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

Robert M. Takeuchi

After a review of the information submitted by the applicant, Commissioner Aki moved to approve the real estate sole proprietor application of Robert M. Takeuchi. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

CBI Residential Services, Inc.

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

Hawaiian Joy, Ltd.

After a review of the information submitted by the applicant, Commissioner Lee moved to approve the real estate corporation application of Hawaiian Joy, Ltd. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Michael B. Griggs

After a review of the information submitted by the applicant, Commissioner Aki moved to approval the condominium managing agent application and the fidelity bond exemption of Michael B. Griggs. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Ira E. Daugherty

After a review of the information presented by the applicant, Commissioner Aki moved to approve the conditional real estate salesperson's license of Ira E. Daugherty. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Kala Alexander

After a review of the information presented by the applicant, Commissioner Aki moved to approve the conditional real estate salesperson's license of Kala Alexander. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Jon K. Croy

After a review of the information submitted by the applicant, Commissioner Nomura moved to deny the real estate salesperson's license application of Jon K. Croy, based on §§ 467-8(3), 436B-19(1), (8), and (12), HRS. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Raychelle K. Kondo dba Premier Properties

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the real estate sole proprietor application of Raychelle K. Kondo dba Premier Properties. Commissioner Nomura seconded the motion. The motion was voted on and unanimously carried.

Kenneth H. Flood

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

Grace Carol Kimble dba Carol Kimble Sales and Marketing Consultant

After a review of the information submitted by the applicant, Commissioner Aki moved to approve the real estate sole proprietor application of Grace Carol Kimble dba Carol Kimble Sales and Marketing Consultant. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Hawaii Reserves, Inc.

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

Hawaii Newsub, Inc.

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

Castle & Cooke Hawaii, Inc.

After a review of the information presented by the applicant, Commissioner Imamura moved to approve the real estate corporation application of Castle & Cooke Hawaii, Inc. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Makai Management, Ltd.

After a review of the information submitted by the applicant, Commissioner Lee moved to approve the condominium managing agent reregistration of Makai Management, Ltd. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Wagner & Wagner Property Management, Inc.

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the condominium managing agent reregistration of Wagner & Wagner Property Management, Inc. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Dolman Associates, Inc.

The Chair excused herself from the meeting due to a conflict of interest. Vice Chair Kuriyama presided over the meeting.

After a review of the information submitted by the applicant, Commissioner Nomura moved to approve the request that the firm, Dolman Associates, Inc., would remain active with the release of Vi Dolman since Laura Dolman Andrews, daughter, will continue to be a licensee with the firm. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

The Chair return to the meeting and resumed presiding over the meeting.

Approval of Minutes: Upon a motion by Commissioner Nomura, seconded by Commissioner Aki, it was voted on and unanimously carried to approve the minutes of the November 22, 1995 Real Estate Commission Meeting as circulated.

Next Meeting: Friday, January 26, 1996
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Penthouse
Honolulu, Hawaii

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 11:23 p.m.

Respectfully submitted by:

Christine Rutkowski, Executive Officer

Date