

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 26, 1996

Time: 9:00 a.m.

Place: Kapuaiwa 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/Early Departure)
Charles Aki, Hawaii Member
Michael Ching, Kauai Member
Alvin Imamura, Maui Member
Carol Mon Lee, Public Member
Helen Lindemann, Oahu Member
Nora Nomura, Public Member (Late Arrival)

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

Daniel P. Cohen, Applicant
Michael Carrieri, Applicant
Marcelo M. Lopez, Jr., Applicant
James L. Worley for Pali Kai, Inc.
Gail M. H. Petagno for Gail Petagno Realtor
Bert Ayabe, Attorney for Gail Petagno
Jon Croy, Applicant
Rand Totoki, Applicant
Douglas A. Joy, Applicant
David A. Fincher, Applicant

Excused: Theo Butuyan, Public Member

Call to Order: The Chair called the meeting to order at 9:05 a.m., at which time quorum was established.

Chair's Report: No report was presented.

Executive Officer's **Announcements, Introductions, Correspondence and Additional**
Report: **Distribution**

Additions to the Agenda

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

6. Committee Reports
 - c. Education Review Committee - Cooperative Education - Request from RICO for investigator training
8. Licensing - Restoration of Forfeited Licenses
Over One Year
Douglas A. Joy
9. Licensing - Questionable Applications
Raymond R. Sherwood, CCIS Brokerage
Pluta and Associates, Inc.

Additional Distribution

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

3. Executive Officer's Report - Minutes of the December 14, 1995 Meeting
6. Committee Reports
 - c. Education Review Committee
 - 1) Broker Management CE Course and PB/BIC Brochure
 - 2) 1996 Legislation - Education Waiver Bill
 - a) Senate Bill No. 2502
 - b) House Bill No. 2697
8. Licensing - Restoration of Forfeited Licenses
Daniel P. Cohen
9. Jon Croy

Announcements

Commissioners Kuriyama and Nomura will be arriving later during the meeting.

Adjudicatory Matters:

The Chair called for a recess from the meeting at 9:07 a.m. to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, Hawaii Revised Statutes:

Polly V. Watanabe, REC 93-243-L

Upon a motion by Commissioner Ching, seconded by Commissioner Lindemann, it was voted on and unanimously carried that REB is to notify Respondent Watanabe that paragraph 9 of the settlement agreement applies and if she fails to comply with paragraph 9, the portion of the fine which was stayed will be due and the Commission will pursue further sanctions against her through RICO.

Following the Commission's review, deliberation and decision in this matter, pursuant to Chapter 91, HRS, the Chair announced that the Commission was reconvening its scheduled meeting at 9:17 a.m., pursuant to Chapter 92, HRS.

Recess: The Chair recessed the meeting at 9:17 a.m.

Reconvene: The Chair reconvened the meeting at 9:24 a.m.

Real Estate Recovery
Fund Report: No report was presented.

Licensing: **Restoration of Forfeited License**

Daniel P. Cohen

Mr. Cohen was present to answer any questions the Commission may have regarding the restoration of his real estate salesperson's license.

Mr. Cohen stated that in December, he signed the forms and mailed the renewal forms. Mr. Cohen stated that he had just renewed his California real estate broker's license and had completed the continuing education requirements here. Mr. Cohen requested that he be allowed to restore his license on an active status with Paradise Found.

Mr. Cohen distributed copies of a notarized letter from Tracy Stice, dated January 10, 1996 and a copy of his stop payment request dated January 17, 1996. Mr. Cohen stated that he did not send the cc to Commissioner Imamura as is noted on the January 10, 1996 letter.

Mr. Cohen was informed that from January 1 of the odd year to December 31 of the odd year, a licensee can restore their license by paying the renewal fee and a penalty fee.

Commissioner Nomura arrived.

The Licensing Branch reported that they had received Mr. Cohen's original continuing education certificates and \$25 for his restoration, along with a change form. They conducted a search and could not locate the original restoration form and the check for the restoration fee of \$180.

Mr. Cohen stated that he called Licensing Branch on January 8, 1996 and was told that Licensing Branch had not received his renewal form and renewal fee. Mr. Cohen stated that had he been aware of the situation, he would have taken care of it immediately.

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

Michael Carrieri

Mr. Carrieri was present to request that the Commission approve the restoration of

license. He stated that he understood that he would have to pay the back fees. Mr. Carrieri has completed the real estate salesperson's preclicensing course and has also passed the real estate salesperson's licensing examination.

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

Questionable Applications

Marcelo M. Lopez, Jr.

Mr. Lopez was asked if he would like his application to be considered in executive session. Mr. Lopez requested that his application be considered in executive session.

Executive Session:

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

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

Licensing:

Questionable Applications

Pali Kai, Inc.

James L. Worley, principal broker of Pali Kai, Inc., was present to answer any questions regarding the 1996 Condominium Managing Agent and Condominium Hotel Operator reregistration. Mr. Worley was asked if he would like to have his application considered in executive session. Mr. Worley declined.

Mr. Worley distributed copies of §467-31(a)(1) and (2), HRS and a copy of the flood map for the property/area in question.

The EO raised concerns that the matter may come before the Commission as a disciplinary matter.

Mr. Worley stated that the settlement agreement has been signed by all parties involved.

The formal procedures between the County of Maui and FEMA needs a court order. The Maui County Planning Department had approved the SMA and other approvals which were necessary for the project. The settlement agreement is not completed as yet.

The remaining action is for FEMA to remove the property from the flood zone. Or, the owner of the property could sign and submit a document stating that the property has one foot of fill higher than when it was originated. He was told by the County of Maui that they have one minor change and then they will forward the document to the Federal government.

Mr. Worley stated that the FEMA maps were done in 1981 and 1989. The 1989 maps brings the flood zone 300 feet more mauka than it was in 1981. The owner was told one year ago that they could not build because it was in the flood zone. At the time the property was sold, the flood maps were not available. When the second buyer tried to build, they were told that they could not. They sued the previous owner. The previous owner turned around and sued the developer and the real estate broker.

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

Jon Croy

Mr. Croy was asked if he would like his application to be considered in executive session. He declined.

Mr. Croy stated that he has a tax lien and that he was previously denied because of his failure to be a good businessman. He stated that he has asked members from the business community on the Big Island to state that he is of good character and does not feel that the lien is a sign that he is not of good character.

Commissioner Ching asked Mr. Croy if he had signed a formal agreement with the tax collector. Mr. Croy stated that he had not. He is working with Mr. Kawachi of the Tax Department and is trying to settle on the amount that is owed. Mr. Croy stated that he had lost a lot of money in the electrical business. He stated that he has paid quite a bit against his tax lien. He stated that he thought that they had come to an agreement. He is currently waiting for copies of his tax returns to come back and he wanted his accountant to go through the documents and review it. He stated that a high percentage of the taxes he owes is because of the interest charges.

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

Gail M. H. Petagno, Gail Petagno Realtor

Ms. Petagno was asked if she would like her application to be considered in executive session. She declined.

Ms. Petagno was present, along with her attorney, Bert Ayabe, to answer any questions the Commission may have regarding her 1996 Condominium Hotel Operator reregistration.

Ms. Petagno stated that Mr. Ayabe is her attorney in a pending lawsuit.

Ms. Petagno submitted letters from her clients and fellow licensees. Ms. Petagno stated that in August 1994, she rented a condo hotel unit for five days, using the standard rental agreement. The tenant intentionally stayed in the unit even though she knew it was used as a hotel unit. The tenant continuously evaded her and she could not get in touch with the person. As a result, she blocked the tenant's phone. When the tenant went to pay for her hotel phone bill, they put a lock on her door. The tenant broke the hotel room window and the police arrested her. The tenant has a history of this type of conduct. Ms. Petagno stated that this is a frivolous nuisance lawsuit.

Ms. Petagno stated that she could bring forth more incidents involving this woman. The woman intentionally ruins people's property. The letters that Ms. Petagno submitted shows her character. Ms. Petagno stated that she feels that she did everything the way that she should have. She also submitted certified copies of the complaint.

Commissioner Kuriyama arrived.

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

Rand Totoki

Mr. Totoki is requesting an equivalency to the ten transaction requirement for a real estate broker's experience certificate.

Mr. Totoki stated that the company that he is working for is primarily involved in the property management business. They handle the management of residential apartment buildings and condominium units. He was licensed as a real estate salesperson since 1989. He has been involved only in property management. He has participated in four sales transactions, two are within the required time period. He is currently representing a client in selling an apartment unit. He was scheduled to close, but the buyer pulled out at the last minute. He is not involved in general brokerage where he can easily meet the transaction requirement.

He stated that he had applied for an equivalency in December 1993, but he was denied because he did not further his education. He has since completed GRI and has completed two CPM classes. He will be starting the CPM 500 course next week. He anticipates that it may take another year or so to obtain his CPM designation.

Mr. Totoki was asked about his two GRI certificates. Mr. Totoki stated that he had received one GRI certificate on September 28, 1995, at the HAR Convention. The other one he had received on December 19, 1994. He completed the fifth and final course in 1994.

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

John B. Crocker

Mr. Crocker was asked if he would like his application to be considered in executive session. Mr. Crocker declined.

Mr. Crocker distributed copies of letters supporting his application for a real estate salesperson's license from Alexis Coppedge, Principal Broker, Country Club Village and Ivy N. Kumai, Kumai Realty, Inc.

Mr. Crocker stated that he is pursuing the lawsuit as a criminal and also as a civil lawsuit. He did not submit his criminal lawsuit papers. He is willing to submit it if it is necessary. He first discovered the discrepancy in September 1994. He did his own investigation and called in the San Jose Police Department Fraud Unit. It took a year to process the case. He went over in November, hoping that the trial would have started. He was told it would be postponed until January 1996. They told him that they had new documents which would clear up the matter. The District Attorney had given him an extension date of January 17. He called the District Attorney and was told that they have more documentation. He called his attorneys in the civil lawsuit. He was told that there were five different ways that his employee had embezzled money. She had inflated her pay check. He has been in contact with his CPA and the IRS. The IRS is aware of the pending lawsuit. His CPA had asked the IRS to submit a letter stating that they are awaiting the outcome of the pending lawsuit, but the IRS will not send the letter. His CPA had advised him not to contact the IRS. He has moved back to Hawaii and is currently working for the airlines. His CPA had submitted his income and expense report to the IRS. Mr. Crocker stated that he had a successful contracting business in California, but he had to file bankruptcy. He stated that his company had paid for both his personal taxes and his business taxes.

He had hired an older part-time accountant who was not familiar with the computer. This person was very apologetic because he didn't know what was happening. The employee printed out false statements. They could not find the check stubs for some payments. He is trying to reduce his child support payments. This has ruined his life and he is trying to get it back on track. The case has been extended until March. The defense attorney, the District Attorney and the Judge will be meeting on February 18.

His CPA is not calling the IRS because Mr. Crocker does not have the moneys to pay his taxes. He has submitted his income and expense paperwork to show that he does not have the moneys to pay his taxes.

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

Restoration of Forfeited License

Douglas A. Joy

Mr. Joy stated that he had completed his continuing education courses and he had recently learned that his license had expired. Mr. Joy stated that he had lived on Maui for 23 years and he has been licensed as a real estate salesperson for 12 years. Mr. Joy stated that he was involved in general real estate, condominium rentals and commercial real estate with Whalers Realty Inc. dba Whalers Realty Management Company. Mr. Joy stated that he also holds a time share license. He stated that when he paid his time

share renewal fees, he received a pocket card which stated that he was inactive. He then found out that his real estate salesperson's license was forfeited. He stated that he does not have any excuses. His intent was to pay his renewal fees. Mr. Joy stated that he had paid his dues for the Maui Board of Realtors, Hawaii Association of Realtors, and the National Association of Realtors. Real estate is his sole source of income. Mr. Joy stated that he had completed CCIM 101 and 102 courses.

Mr. Joy stated that he had worked at Whalers Realty since 1984. Since his license expired, he has facilitated in sales and listings. He assumed that he was licensed. He stated that he would never have knowingly not paid his renewal fee. When asked if his principal broker knew that his license was forfeited, Mr. Joy stated that he had told him on Thursday. Mr. Joy stated that he has a clean record and that he practices with the highest ethical standards in all of his real estate activity.

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

Questionable Applications

David Fincher

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

Mr. Fincher was asked if he would like his application discussed in executive session. Mr. Fincher requested that his application be considered in executive session.

Executive Session:

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

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

Recess:

The Chair recessed the meeting at 11 a.m.

Reconvene:

The Chair reconvened the meeting at 11:11 a.m.

Committee Reports:

Condominium Review Committee

Commissioner Lee introduced Barbara Byrd Lawler of the Community Associations Institute (CAI). Ms. Lawler reported on the programs that (CAI) Institute is involved in.

Ms. Lawler stated that CAI is in the process of developing a national certification program for community association managers. CAI and the National Association of Housing Cooperatives will be developing and managing the national certification

program for managers. The certification program will cover 15 areas of responsibilities. CAI will have a computerized system for testing. The examination has gone through a psychometric evaluation. They have a good track record. They will be sending out informational packets to all 50 states within the next four weeks.

The SEO reported that a bill has been introduced to require licensing of community association managers. DCCA does not support the bill because it requires resources and may be subject to a sunrise review.

Ms. Lawler stated that CAI supports the concept of the bill. CAI supports strong education standards. They hope that the certification program gets a chance to improve themselves in the voluntary sector. Ms. Lawler stated that the bill does not have an examination component in it. The Hawaii Chapter of CAI has not taken a position on the bill.

Ms. Lawler reported that CAI will hold its annual meeting in early April or May of 1997 in Hawaii. It was felt that holding the conference in Hawaii would allow for more participants from the Pacific Rim countries.

Upon a motion by Commissioner Lee, seconded by Commissioner Ching, it was voted on and unanimously carried to approve the report of the January 10, 1996 Condominium Review Committee as follows:

1. Condominium Specialist's Report
Accepted minutes for December 13, 1995 meeting.
2. Condominium Governance and Management
Proposed CPR Bill on Biennial CMA and AOA Registrations - **Recommend approval** subject to corrections and additional comments.
3. Condominium Project Registration, Public Reports, and Sales to Owner-Occupant Announcements
Recommend approval to ratify issuance of effective dates during December 1995.
4. CMEF Budget and Finance Report
The request for FY97 Supplemental Budget for the Condominium Management Education Fund was denied by Budget and Finance.
5. Next meeting: Wednesday, February 14, 1996
10:30 a.m.
Kapuaiwa Room
1010 Richards St. Second Floor
Honolulu, HI 96813

Laws and Rules Review Committee

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Ching, it was voted and on and unanimously carried to approve the amended report of the January 10, 1996 Laws and Rules Review Committee as follows:

1. SEO's Report
Accepted minutes of the December 13, 1995 meeting.
2. Hawaii Real Estate Research & Education Center Report
 - a. PB and BIC Brochure - Defer discussion to the Education Review Committee meeting, as it is attached to the Broker Management student course outline.
 - b. Advertising Brochure - **Recommend** that HREREC pursue a more economical means of printing the Advertising brochure, similar or identical to the Real Estate Bulletin, as this will decrease the costs involved in the production, printing 1,000, and mailing of the brochure, which means that savings can be used to **increase** the amount to be printed under the same budget. HREREC to provide REB staff with a camera-ready copy of the brochure, along with a diskette copy of the brochure.
 - c. Real Estate Seminars - HREREC to submit proposed seminar schedule, which will outline the dates and topics of the seminars, for discussion at the February 14, 1996 Laws and Rules Review Committee meeting.
3. Program of Work
 - a. Rule Making, Chapter 99 - Commissioners and staff to review Draft J2 which was previously distributed and provide written comments to or call the Program Specialist before the next Committee meeting.
 - b. CHO Registration - 96 applications were mailed out; 71 were received as of January 3; 33 have been approved; 38 are deficient or are still awaiting review as they were submitted after December 28, 1995.
4. Special Issues
Department of Taxation Legislative Bills - The Committee believes that all real estate licensees should comply with the tax laws and supports efforts to ensure compliance, but **recommends** that the Commission **not** support one of the proposed bills which requires tax clearances as a condition to renewal. The Committee believes that this proposal will not achieve the desired results, imposes a substantial administrative burden, will decrease revenues as more resources are needed to administer the program, will decrease license renewals, unfairly discriminates against real estate licensees, and will perpetuate an unfriendly attitude towards business.
5. Budget and Finance Report
The request for FY97 Supplemental Budget for the Recovery Fund was denied by Budget and Finance.

6. Next Meeting: Wednesday, February 14, 1996
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

HREREC - Advertising Brochure Update

It was reported that HREREC has printed 1,000 copies of the Advertising brochure. Staff reported that the only response received from HREREC about the cost savings was that there were a little savings. Staff shall request a written accounting of the cost of printing the advertising brochure.

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 10, 1996 Education Review Committee meeting, with further discussion on Items 2.a.2), as follows:

1. **Accepted** minutes of December 13, 1995 meeting.
2. Hawaii Real Estate Research and Education Center Report
 - a. Continuing Education Elective Courses:
 - 1) Broker Management Course - Staff received final draft on January 5, 1996, including the PB/BIC Brochure which is being incorporated into the course. Broker Management Course was approved at December 1995 ERC meeting, subject to staff review.
PB/BIC Brochure was deferred from January 10, 1996, Laws and Rules Review Committee meeting to the Education Review Committee meeting. **Recommend Approval** subject to staff review, and staff to work on criteria for instructors.
 - 2) Disclosure - Steve Gilbert reported that Dr. Ordway should have course ready for review prior to February 1996 meeting.
3. Continuing Education Administration, Curriculum, Courses, Providers, and Instructors:
 - a. Administration - Categorizing CE Elective Courses - **Recommend Approval** of current list of continuing education course categories with elective courses.
 - b. Proposed Bill on Educational Waivers - **Recommend approval** of Draft B for prerequisites for license renewal, subject to advice of Licensing Administrator.
4. Budget and Finance Report
The request for FY97 Supplemental Budget for the Real Estate Education Fund was denied by Budget and Finance.

5. Next Meeting: Wednesday, February 14, 1996, 1:30 p.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
250 South King Street, Second Floor
Honolulu, Hawaii

Proposed Bill on Educational Waivers

Copies of Senate Bill No. 2502 and House Bill No. 2697 were distributed to the Commissioners for their information.

There were concerns that the categories for the educational waivers may be ambiguous and too broad. The bill will more likely be passed if the Commission submits "Draft A", which would narrow the categories and provide further clarification.

Upon a motion by Commissioner Imamura, seconded by Commissioner Aki, it was voted on and unanimously carried to approve Draft A for prerequisites for license renewal.

Broker Management Course

REB staff feels that the product needed a lot of housekeeping. Staff has consistently received work products from HREREC which needed to be cleaned up. After reviewing the course, it was felt that the course was geared towards someone who was thinking of becoming a principal broker or broker-in-charge and unless the structure of the program was changed dramatically, it is an entry-level course.

Commissioner Lindemann stated that the licensees are complaining that the continuing education courses are too "Mickey Mouse."

Upon a motion by Commissioner Imamura, seconded by Commissioner Aki, it was voted to retitle the course, "Introduction to Broker Management."

Cooperative Education - Request from RICO for Investigator Training

Upon a motion by Commissioner Imamura, seconded by Commissioner Aki, it was voted on and carried to approve additional funding, from the Real Estate Education Fund, for two RICO investigators to attend the UH SBMP prelicense salesperson course, subject to all provisions stated in the July 29, 1994 Real Estate Commission meeting minutes and that all future requests shall be reviewed and approved by the Real Estate Commission due to budgetary constraints. Commissioners Ching and Lindemann opposed the motion since RICO has its own funds which can be spent on training.

Executive Officer's
Report:

Announcements

The SEO reported on the status of former Chair Nishikawa.

The SEO also reported that Commissioners Butuyan, Imamura and Nomura terms will expire on June 30, 1996.

Upon a motion by Commissioner Lee, seconded by Commissioner Ching, it was voted on and unanimously carried to recommend the reappointment of Commissioners Butuyan, Imamura and Nomura to the Real Estate Commission.

Licensing and
Registration:

Ratification

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

Real Estate Brokers

Diane A. Smith
Kenneth T. K. Ching
Tomacene M. Kaanaana-Lindsey
Coreman Corp.
Raychelle K. Kondo dba Premier Properties
Grace Carol Kimble dba Carol Kimble Sales and Marketing Consultant
Toyama Realty, Ltd.
Castle & Cooke Commercial Hawaii, Inc.
Patriamor Edu Agullana dba Pat's Realty and Associate
Alfred E. De Luz
Hawaii Resort Management, Inc.
Judith L. Bottom dba J B Realty
Interisland Vacation Concepts, Inc.
Vicente T. Blas dba Blas Realty Company
Hawaii Calls Activities, Inc.
Kathleen A. Redding
H. Douglas Miki

Branch Office

Castle & Cooke Hawaii, Inc., 95-1091 Ainamakua Drive, Mililani, HI 96789
Castle & Cooke Hawaii, Inc., 6600 Kalaniana'ole Highway, #114, Honolulu,
HI 96825

Site Office

Karen T. Kimura, Olaloa
Schuler Realty/Maui, Inc., Southpointe at Waikoa, Phases II and III
Schuler Realty/Oahu, Inc., Westview at Makakilo Heights, Phases I and II
Kohala Bay Properties, Ltd., Vista Waikoloa
Schuler Realty/Oahu, Inc., The Tropics at Waikele, Phase I

Castle & Cooke Homes Hawaii, Inc., Mililani Mauka, Unit 115
Gamrex, Inc., Kona Vistas Subdivision
Maryl Realty, a Division of Maryl Development, Inc., Iolani
McCormack Real Estate, Inc. dba Coldwell Banker McCormack Real Estate, Harbor
Court
Finance Realty, Ltd., Westhills

Corporation Name

Hawaiian & Relocation, Inc. (fka Hawaiiana & Relocation, Inc.)

Condominium Managing Agent

Frederick O. Harris (R) CPM dba Fred O. Harris Realty & Management

1996 Reregistration

South Kohala Management, Corp.
Klahani Resorts Corporation
Destination Maui, Inc.
American Properties Corp.
Bob Keown, Ltd.
Mahalo Nui Management, Inc.
Realty Management Corporation
Ind-Comm Management, Inc.
Equity Properties, Inc.
Max Sherley & Associates Ltd.
JLB, Inc.

Condominium Hotel Operator

1996 Reregistration

Paniolo Hale Rental, Inc.
Klahani Resorts Corporation
Kona Sun Coast Properties, Inc.
Destination Maui, Inc.
West Hawaii Property Services, Inc.
Property Network Ltd.
Poipu Ocean View Resorts, Inc.
CRW, Inc. dba Condo Rentals of Waikiki
Whalers Realty, Inc. dba Whalers Realty Management Company
Clark Realty Corporation
Village Realty Services, Inc.
AA Oceanfront Condominium Rentals, Inc.
Napili Kai, Ltd. dba Napili Kai Beach Club
J. L. B. Inc. dba MDR/Maui Diversified Real Estate
South Kohala Management Corp.
Rowena B. Cobb
Harbor Shores Apartments, Inc.

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

Upon a motion by Commissioner Imamura, seconded by Commissioner Aki, it was voted on and unanimously carried to approve the ratification of the following branch offices of CBPP, Ltd. dba Coldwell Banker Pacific Properties:

210 Ward Avenue, #100, Honolulu, Hawaii 96814
21 Oneawa Street, Kailua, Hawaii 96734
4211 Waialae Avenue, #104, Honolulu, Hawaii 96816
95-1249 Meheula Parkway, Suite B-7, Mililani, HI 96789
201 Merchant Street, #2200, Honolulu, Hawaii 96813
98-199 Kamehameha Highway, Suite A-1, Aiea, Hawaii 96701
45-920 Kamehameha Highway, Kaneohe, Hawaii 96744
200 Hamakua Drive, #5, Kailua, Hawaii 96734
749 Kailua Road, Kailua, Hawaii 96734
1909 Ala Wai Boulevard, C-2, Honolulu, Hawaii 96815

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

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

Commissioner Kuriyama was excused from the meeting.

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

Licensing: **Restoration of Forfeited License**

Daniel P. Cohen Salesperson

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

Herman C. Villanueva Salesperson
Douglas A. Joy Salesperson

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

Ednelyn I. Panganiban

Salesperson

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 Lindemann seconded the motion. The motion was voted on and unanimously carried.

Michael R. Carrieri

Salesperson

After a review of the information presented by the applicant, Commissioner Nomura moved to accept the prelicense course and examination which Mr. Carrieri has completed and require that payment of all back fees be made within 30 days. Commissioner Lindemann seconded the motion. The motion was voted on and unanimously carried.

Questionable Applications

The Chair was excused from the meeting due to a conflict of interest. Chair Pro Tem Lee presided over the meeting.

Conley Dew, Ltd.

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the change form to change the corporate name of Conley Dew, Ltd. to CD Management, Ltd. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

The Chair returned and resumed presiding over the meeting.

Marcelo M. Lopez ,Jr.

After a review of the information presented by the applicant, Commissioner Ching moved to deny the real estate salesperson's license application of Marcelo M. Lopez, Jr., pursuant to Section 467-8(3) and 436B-19(1), (8) and (12), HRS. Commissioner Lindemann seconded the motion. The motion was voted on and unanimously carried.

John B. Crocker

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

Maui Lani Realty, Inc.

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

Western Pacific Properties, Inc.

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

Cen Pac Properties, Inc.

After a review of the information presented by the applicant, Commissioner Imamura moved to approve the 1996 Condominium Managing Agent reregistration of Cen Pac Properties, Inc. Commissioner Aki 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 Lindemann moved to approve the 1996 Condominium Hotel Operator reregistration of Oceanfront Realty International, Inc. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Gail M. H. Petagno, Gail Petagno Realtor

After a review of the information presented by the applicant, Commissioner Lindemann moved to approve the 1996 Condominium Hotel Operator reregistration of Gail M. H. Petagno, Gail Petagno Realtor. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Pali Kai, Inc.

After a review of the information presented by the applicant, Commissioner Ching moved to approve the 1996 Condominium Hotel Operator reregistration of Pali Kai, Inc. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Rand H. Totoki

After a review of the information presented by the applicant, Commissioner Imamura moved to approve Rand H. Totoki's request for an equivalency to the ten real estate transaction requirement (two closed listings and two closed sales). Commissioner Lindemann seconded the motion. The motion was voted on and unanimously carried.

Walter "Walt" Dye

After a review of the information submitted by the applicant, Commissioner Ching moved to deny Walter "Walt" Dye's request for an equivalency to the ten real estate transaction requirement (three closed listings and three closed sales). Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

David A. Fincher

The Chair was excused from the meeting due to a conflict of interest. Chair Pro Tem Lee presided over the

meeting.

After a review of the information presented by the applicant, Commissioner Nomura moved to deny the request for reconsideration and to reaffirm the Commission's previous decision, dated October 26, 1995. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

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

Jon Croy

After a review of the information presented by the applicant, Commissioner Imamura moved to deny the request for reconsideration and reaffirms its previous decision, dated December 14, 1995. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Bartlett W. Vance

After a review of the information submitted by the applicant, Commissioner Lee moved to deny the request for reconsideration and reaffirms its previous decision, dated December 14, 1995. Commissioner Lindemann seconded the motion. The motion was voted on and unanimously carried.

Raymond R. Sherwood, CCIS Brokerage

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the real estate sole proprietorship application of Raymond R. Sherwood, CCIS Brokerage. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Pluta and Associates, Inc.

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the 1996 Condominium Hotel Operator reregistration of Pluta and Associates, Inc. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Approval of Minutes: Upon a motion by Commissioner Aki, seconded by Commissioner Imamura, the minutes of the December 14, 1996 Real Estate Commission meeting were approved.

Next Meeting: Wednesday, February 28, 1996
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 12:29 p.m.

Reviewed and approved by:

Christine Rutkowski
Executive Officer

Date