

**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, April 26, 1996

Time: 9:00 a.m.

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

Present: Stanley Kuriyama, Vice Chair  
Charles Aki, Hawaii Member  
Theo Butuyan, Public Member  
Michael Ching, Kauai Member  
Alvin Imamura, Maui Member  
Carol Mon Lee, Public Member

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

Camille Chun Hoon, Special Deputy Attorney General  
Sheryl Nagata, Hearings Officer  
Owen Tamamoto, Attorney, Regulated Industries Complaints Office  
Patricia M. Emminger  
Barbara Jackson  
Wendell Choy, Esq., Attorney for Carolyn Akaka  
Carolyn Akaka  
Michael E. Greseth  
Ryozo Ariyoshi  
Curtis Sano, Esq., Attorney for Kukui Kuahale  
S. M. Gelber  
Mei Ling Ing  
Stephen P. Pingree, Esq.  
Bob K. Hanohano  
William A. Bortfeld  
Jan Newhart  
John Zalewski, Esq., Attorney for Ira Greenspon  
Ira Greenspon

Excused: Barbara Dew, Chair  
Helen Lindemann, Oahu Member

Nora Nomura, Public Member

Call to Order: The Vice Chair called the meeting to order at 9:06 a.m., at which time quorum was established.

Vice Chair's Report: No report was presented.

Executive Officer's Report: **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:

8. Licensing - Restoration of Forfeited Licenses  
Under Two Years - Salesperson  
Robert O. Woodward  
Request for Consideration  
Eileen Chun Sakoda
9. Licensing - Questionable Applications  
Tonya R. Griffin

#### **Additional Distribution**

The following additional distributions were made prior to the start of the meeting:

3. Executive Officer's Report  
Minutes of Previous Meeting
4. Chapter 91, Hawaii Revised Statutes, Adjudicatory Matters
  - a. Manor Properties, Inc. and Carolyn J. Akaka dba CJ Properties Unlimited, REC 93-241-L, 94-69-L, Affidavit of Carolyn J. Akaka NKA Carolyn Greseth
  - d. Zaisen, Inc. dba Power Brokers and Ernest C. Aragon and Dan K. Morikawa and Estrellita G. Miguel, REC 94-273-L and 95-12-L, Errata
8. Licensing - Restoration of Forfeited Licenses  
Over Two Years - Salespersons  
Jeffrey S. L. Tong
9. Licensing - Questionable Applications
  - a. Christopher C. Harder
  - d. John Scott Coffey
  - h. Hanorai, Inc.
  - k. Ira Philip Greenspon

#### **Minutes of Previous Meetings**

The approval of the minutes of the February 28, 1996 Real Estate Commission meeting was deferred until later in the meeting.

Adjudicatory Matters: The Vice Chair called for a recess from the meeting at 9:08 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, Hawaii Revised Statutes:

**Marlene's Realty, Inc. and Marlene I. Lindsey, REC 94-219-L**

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

**Terry J. Theisen aka TJ Theisen, Dorothy M. Smith aka Dottie Smith and Realty Executives Honolulu, REC 95-84-L**

Upon a motion by Commissioner Aki, seconded by Commissioner Imamura, it was voted on and unanimously carried to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Commission's Final Order.

**Zaisen, Inc. dba Power Brokers and Ernest C. Aragon and Dan K. Morikawa and Estrellita G. Miguel, REC 94-273-L and REC 95-12-L**

Upon a motion by Commissioner Ching, seconded by Commissioner Aki, it was voted on and unanimously carried to accept the Settlement Agreement to Estrellita Miguel After Filing of Petition for Disciplinary Action and Commission's Final Order.

**Brenda S. Kuamoo, REC-TAX-95-1**

Upon a motion by Commissioner Ching, seconded by Commissioner Lee, it was voted on and unanimously carried to accept the Hearings Officer's Recommended Order and the Commission's Final Order and the Stipulated Agreement.

Upon a motion by Commissioner Lee, seconded by Commissioner Aki, it was voted on and unanimously carried that REB staff study the possibility of lessening the amount of resources expended by the Department to process refunds from the Real Estate Recovery Fund based on credits claimed by Ms. Kuamoo for her dependents and which are automatically deposited via the tax intercept program.

**Manor Properties, Inc. and Carolyn J. Akaka dba CJ Properties Unlimited, REC 93-241-L and REC 94-69-L**

Upon a motion by Commissioner Lee, seconded by Commissioner Aki, it was voted on and unanimously carried to accept the Hearings Officer's Findings of Fact, Conclusions of Law. The Commission's Final Order to require the following: Manor Properties, Inc.'s real estate broker's license and Condominium Hotel Operator registration shall be revoked for five years and respondents ordered to pay a \$5,000 fine; Carolyn J. Akaka dba CJ Properties Unlimited's Condominium Hotel Operator registration shall be revoked and Respondent Akaka is ordered to pay a \$5,000 fine, provided that \$4,000 is stayed if the fine is paid within 30 days of the date of the order; and that restitution be paid to the three Samoil families of \$200 each.

Following the Commission's review, deliberations and decision in these matters, pursuant to Chapter 91, HRS, the Vice Chair announced that the Commission was reconvening its scheduled meeting at 10:02 a.m., pursuant to Chapter 92, HRS.

Recovery Fund  
Report:

**Harold Oshiro, et al. v. Brenda Sue Kuamoo, Third Circuit Court, Civil No. 85-496**

A copy of the Renewed Judgment in Favor of Real Estate Commission and Plaintiffs Harold Oshiro and Sharon Oshiro Against Defendant Brenda Sue Kuamoo was distributed to the Commissioner's for their information.

Committee  
Reports:

**Laws and Rules Review Committee**

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

1. HREREC Report
  - a. PB/BIC Brochure - went out to rebid, delayed printing, no estimate of completion date.
  - b. Real Estate Seminars - 16 preregistered for April 13, Kauai; 13 preregistered for April 26, Hilo; 14 preregistered for April 29, Maui; May 9, Kailua-Kona; June 14, Honolulu
  - c. HFDC Study from June 1996 to October 1996, \$70,000 grant
2. Mandatory Continuing Education Attorney General Opinion Request - **Recommend acceptance** of the Attorney General's Opinion, however, the Committee retains its attorney/client privilege.
3. Next meeting: Friday, May 10, 1996  
9:00 a.m.  
Conference Room B  
State Building, Third Floor  
54 High Street  
Wailuku, Maui

**Condominium Review Committee**

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

1. Condominium Specialist's Report  
**Accept** minutes of the March 13, 1996 meeting.
2. HREREC Report
  - a. Hawaii Condominium Bulletin - The Spring bulletin has been printed. The last bulletin for this fiscal year is the summer issue, presently projected for late June publication.
  - b. Board of Director's Guide - Condominium Insurance and Fidelity Bonds. HREREC received final revisions on April 2nd. Projected to be completed by April 8th and with final approval, published in time for the Maui seminar. The xeroxed portions of the guide will be used for the Kaua'i seminar. Condominium seminar participants shall receive a copy of the guide.
  - c. Condominium Seminars - Thirteen signed up for Kaua'i seminar and twelve for the Maui seminar.
  - d. Publication Subscription System - Thirty-one participants participating in the system.

3. Condominium Governance and Management
  - a. AOA Registration-Bond Exemption - **Defer** any changes to bond exemption procedure until after the Insurance Seminars.
4. Condominium Project Registration, Public Reports, and Sales to Owner-Occupant Announcements
  - a. **Public Reports - Recommend approval** to ratify issuance of effective dates for public reports for the month of March 1996.
  - b. Beretania North Apartments-Kukui Tower-Request for Exemption from Public Report Requirements. **Recommend approval** of developer's request in that Chapter 514A, HRS is inapplicable at this time to bulk sales and at such time that individual sales do occur, the requirements of Chapter 514A, HRS will apply.
  - c. Request to Modify Commission's Policy on Owner-Builder Units in Condominium Project. **Recommend denial** of request for reconsideration of Commission's policy on issuance of effective dates for owner-builder units in condominium projects.
5. Next meeting: Friday May 10, 1996  
10:30 a.m.  
State Building  
Conference Room B, Third Floor  
54 High Street  
Wailuku, 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 of the April 10, 1996 Education Review Committee meeting, as follows:

1. **Accepted** minutes of March 13, 1996 meeting.
2. Hawaii Real Estate Research and Education Center Report
  - a. Continuing Education Elective Courses:
    - 1) Disclosure Course - Steve Gilbert reported that Dr. Nicholas Ordway was in receipt of the Commission letter of March 20, 1996. Dr. Ordway reported he had nothing to add.
3. Continuing Education Administration, Curriculum, Courses, Providers, and Instructors:
  - a. Applications
    - 1) Recertification of Continuing Education Providers, Instructors and Courses -**Recommend approval** of the attached list.
    - 2) One-time Offering for Continuing Education Provider/Instructors/Course - Institute of Real Estate Management (IREM), "Management and Leasing of Shopping Centers and Retail Space - #303", Joseph W. Karp and Alan A. Alexander - **Recommend approval** subject to the following conditions: 1) That no continuing education credit be given for "home study" participants; 2) That only 3 1/3 hours of credit will be given for completion of the seminar; 3) That

- participants attending seminar for continuing education credit for real estate must take and pass exam to receive continuing education credit; 4) Provider complies with bond requirement, pursuant to § 16-99-53, HAR; and, 5) That this course be monitored pursuant to § 16-99-119, HAR.
- 3) Certification of Continuing Education Provider for Ralph Foulger, Hawaiian School of Real Estate - **Recommend approval.**
  - 4) Certification of Continuing Education Instructors - **Recommend approval** of the following:
    - a) Max E. Sherley - "Introduction to Broker Management" (Elective Course)
    - b) Ralph S. Foulger - Real Estate Law Update & Ethics and Fair Housing (Course Categories) provided that he complete the instructor briefing for both courses, prior to teaching the courses.
    - c) Frank E. Kowalski - "RS 206 Computer Applications for the Residential Specialist" (Elective Course) provided that he complete the next Commission approved/sponsored Instructor Development Workshop (IDW).
    - d) Tina B. Daniel - "RS 206 Computer Application for the Residential Specialist" (Elective Course) provided that she complete the next Commission approved/sponsored Instructor Development Workshop (IDW).
    - e) David M. Medaris - Fair Housing (Course Category), provided that he complete the instructor briefing prior to teaching the course.
  - 5) Certification of Continuing Education Course - "RS 206 Computer Applications for the Residential Specialist" - **Recommend approval** subject to receipt of revisions to the course to extend the financial analysis portion of the course to 3 1/3 hours.
4. Program of Work and Budget, FY96
    - a. Annual Report, Quarterly Bulletin, and School Files - Bulletin Consultant Proposals - **Recommend acceptance** of John D. Ramsey as consultant.
    - b. Interactive Participation with Organizations - HAR Convention, October 8-10, 1996 - **Recommend approval** to send one Staff person or Commissioner, who is not a member of the Hawaii Association of REALTORS, to be determined by the Commission Chair and SEO.
  5. ARELLO, REEA and Other Organizations Report - ARELLO Education Fund Report - **Recommend approval** of ARELLO's Research and Education Fund Report for March 1996.
  6. Next Meeting: **Wednesday, May 10, 1996, 1:30 p.m.**  
Conference Room B, Third Floor  
State Building  
54 High Street  
Wailuku, Hawaii

### **Legislative Report**

The Supervising Executive Officer reported on the status of the bills affecting the Commission. He reported that HB 3241, SD2 (condominium proxies) was accepted in Conference Committee. SB 2003 (family child care) is still in conference. The group that will be studying this issue will only include members from governmental agencies. SB 2502, HD1 (Commission's CE bill) was accepted by the Senate. HB 3101 (biennial renewals for CMAs/CHOs) was accepted, however, we are unsure of the final language.

### **Neighbor Island Outreach**

The Commissioners and staff were reminded that the next neighbor island outreach will be held on May 10, 1996 at the State Building in Wailuku, Maui. The Laws and Rules Review Committee meeting will begin at 9 a.m., followed by the Condominium Review Committee meeting at 10:30 a.m. and the Education Review Committee at 1:30 p.m.

### Licensing and Registration - Ratification:

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

#### Brokers

Hawaii KBS, Inc. dba Prince Realty  
Hawaii Properties and Development, Inc.  
Debra L. Martin  
Terri W. Chun  
IPM, Inc.  
Bruce Hicks dba Bruce Hicks, Realtor  
Ann Pac Real Estate Corporation  
Teresa A. Lopez  
Patricia Dillman  
F. P. Krieger, Inc.

#### Branch Office

M W Commercial Realty, Inc., 26 Keala Place, Kihei, HI  
The Prudential Locations, Inc., 4211 Waiialae Avenue, #106, Honolulu, HI

#### Site Office

Pahio Vacation Ownership, Inc. - Pahio at Kauai Beach Villas  
Pahio Vacation Ownership, Inc. - Pahio at the Shearwater  
Pahio Vacation Ownership, Inc. - Pahio at Ka'eo Kai  
Pahio Vacation Ownership, Inc. - Pahio at Bali Hai Villas  
Towne Realty Brokerage Services, Inc. - The Terraces at Launani Valley  
The Prudential Locations, Inc. - Kahala Kua  
Savio Realty, Ltd. Better Homes and Gardens - Royal Towers  
McCormack Real Estate, Inc. - The Palms at Wailea, Phase 2  
Savio Realty, Ltd. Better Homes and Gardens - Palama Manor  
Gentry Realty, Ltd., a Hawaii Corporation - The Lofts by Gentry  
Thomas G. Soeten dba Tom Soeten Realty - The Masters at Kaanapali  
Hillside  
Stone Realty, Inc. - Kalele Kai  
Iwado Realty, Inc. - The Masters at Kaanapali Hillside

Tradename

Property Management Hawaii, Inc. dba Sunset Vacations (fka Property Management Hawaii, Inc. dba Kona Vacation Resorts)

Condominium Managing Agent

**1996 Reregistration**

Colony Hotels and Resorts Company  
Aloha Resorts International, Inc.  
Agent Systems USA Corp.  
PAR Management, Inc.  
CBI, Inc.

Condominium Hotel Operator

**1996 Reregistration**

Colony Hotels and Resorts Company  
Vacation Internationale, Ltd.  
Friendly Isle Realty, Inc.

Licensing:

**Restoration of Forfeited Licenses**

Ryozo Ariyoshi

Mr. Ariyoshi was present to request the restoration of his real estate salesperson's license.

Mr. Ariyoshi was requesting that he be waived from taking the course and licensing examination as a term of restoration. He stated that he has been paying the Honolulu Board of REALTOR dues and has completed his continuing education requirements. He stated that he has no time in the near future to complete the approved course, nor to prepare for the real estate examination because he will be involved in contracting with clients in the near future. He also stated that he had made an arrangement with his broker that the broker would pay for all of his renewal fees and he would reimburse his broker at a later date. Mr. Ariyoshi stated that he would be willing to pay a monetary penalty or to do volunteer work in lieu of having to complete the course or retake the examination.

Mr. Ariyoshi was informed that in order for a real estate licensee to renew their license, they must submit an application form with the licensee's signature.

Mr. Ariyoshi stated that previously his broker had gotten the forms to him for his signature and he had returned the forms to her from Japan. He stated that he did not recall seeing the forms since he was out of town. His principal broker usually brought these matters to his attention. However, he forgot about his renewal this time and that is how this situation came about.

Mr. Ariyoshi was advised to look for his renewal forms and pocket card in the mail so as to avoid this situation occurring again.

Mr. Ariyoshi stated that he has been paying his Board of REALTOR dues up until now.

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

Jan D. Newhart

Ms. Newhart was present to request the restoration of her real estate broker's license.

Ms. Newhart stated that it was her intent to retire and that was why she did not renew her license. However, in early March, she was asked to join the sales team of One Kalakaua Senior Living Center. She stated that she was licensed for 27 years, 2 as a real estate salesperson and 25 as a real estate broker. She has been active in the Board for 27 years. She had her own office for 22 years. She stated that her license has been forfeited since January 1, 1995.

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

#### **Questionable Applications**

Patricia M. Emminger

Ms. Emminger was present to request that the Commission approve her application for a real estate salesperson's license.

Ms. Emminger stated that due to the long and lengthy illness and subsequent deaths of her parents, she was unable to file her application within 90 days of the examination date. She stated that she had horrendous medical bills to take care of and that she had miscalculated the deadline by one day. She stated that she had been actively working with a property management company, going with the property manager on their presentations. She had decided that property management was the career that she wanted to pursue. She stated that she has not been doing anything that she shouldn't be doing without a license and that she would like to still do property management.

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

Mei Ling Ng dba Mei Ling Ng Properties

Ms. Ng was present to request the approval of her application for sole proprietorship, along with the approval of her trade name, Mei Ling Ng dba Mei Ling Ng Properties. Ms. Ng was also accompanied by Stephen P. Pingree, Esq.

Ms. Ng stated that the complaint involved advertising wherein the hyphen was omitted from her name in the newspaper ad. She stated that there is a pending lawsuit, but she has minimal involvement in the lawsuit. The only time that she met the buyer was at escrow closing.

Mr. Pingree stated that the top producers at Coldwell Banker work in teams. Ms. Ng's partner had put her name on the DROA form, even though she did

not participate in the transaction. The trial date is set for next year. Ms. Ng had almost no involvement with the client other than sitting with them when they closed escrow. She did get a portion of the commission.

Ms. Ng was asked if Mr. Sumstine was listed as a broker on the DROA. Ms. Ng answered in the affirmative. Ms. Ng stated that the only time she met the clients was at the signing of escrow. She was not with them when they first went to visit the property. She did not talk with them on the phone. She met the client after escrow had closed when she met him at Honolulu Park Place where he was renting a condo.

Commissioner Ching moved to take this matter under advisement. Commissioner Aki seconded the motion.

Ms. Ng stated that she received a commission from sitting at the escrow signing. The escrow officer explained all the charges. She was there in case there were any questions on the closing statements.

Mr. Pingree stated that when they work together as a team, everything was split down the middle. The team mates agree to help each other out and the commission is split in half.

The motion was voted on and unanimously carried.

Hanorai, Inc.

Mr. Robert Hanohano, President of Hanorai Enterprises, Inc., and Mr. William Bortfeld, proposed Principal Broker, were present to request the approval of their real estate corporation application of Hanorai, Inc.

Mr. Hanohano stated that Hanorai, Inc. is a joint venture which is buying back the master lease at Pat's at Punaluu. For the convenience of the unit owners they need to keep the restaurant alive and they also need to have a front desk in operation 24 hours of the day. The name "Hanorai" is taken from the name "Hanohano Enterprises Incorporated" and "Rai" is from "Sarai Ann Vahey". The corporation was formed to buy out the lease, and they wanted to show the senior and junior relationship in the buy out. Mr. Hanohano stated that the officers and directors of the corporation are family members. He was asked if any of the family members had a real estate license. Mr. Hanohano stated that he does have a family member who has a real estate license, but she lives in Kona and is not an officer of the corporation.

Mr. Hanohano stated that May 3rd is their deadline for obtaining all of the necessary approvals. The restaurant and the convenience store on the premises will remain open and they will have a 24 hour front desk operation in order to keep it active for the investors and owners. They have completed their building inspection and have received approval from the City Department of Land Utilization.

Mr. Hanohano was informed that should the Commission approve the real estate corporation, it would still be necessary for them to register as a condominium hotel operator. Mr. Hanohano stated that they do have a condominium hotel operator registration pending.

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

Mr. Bortfeld inquired on the status of their condominium hotel operator registration and was informed that REB staff is still awaiting evidence of bonding from the applicant.

Recess: The Vice Chair recessed the meeting at 10:35 a.m.

Reconvene: The Vice Chair reconvened the meeting at 10:53 a.m.

Licensing: **Restoration of Forfeited License**

Ryozo Ariyoshi

Mr. Ariyoshi requested to speak to the Commission again. He stated that he would like to request a waiver of the course or examination and that he be allowed to pay a monetary penalty or be allowed to do volunteer work.

**Questionable Applications**

Ira Philip Greenspon

Mr. Greenspon was present, along with his attorney, John W. Zalewski, to request a second reconsideration of his application for a real estate salesperson's license.

Mr. Zalewski stated that the latest developments provide overwhelming evidence or sufficient evidence to grant Mr. Greenspon a conditional real estate salesperson's license. He stated that the decision rendered by the California Department of Real Estate is important. The decision was rendered pursuant to a full-blown hearing. The findings and conclusions of the hearing was extremely positive. The California Department of Real Estate concluded that a restricted license was to be issued to Mr. Greenspon. Mr. Zalewski stated that he had included excerpts from the hearing in the information which was submitted to the Commission. The California Department of Real Estate concluded that it was an aberration and was out of character for Ira Greenspon. Further, they had referred to his 23 year career in which there was only one incident which had occurred ten years ago. Mr. Zalewski stated that the Commission should consider what happened in the ten years since the incident. Mr. Greenspon worked in real estate four and a half years before coming to Hawaii. He has an unblemished record and has had a crystal clear record since.

Mr. Zalewski also stated that Carolyn Hall's letter states that Mr. Greenspon poses no threat to the community. Ms. Hall is Mr. Greenspon's probation officer and has been his probation officer for the past 18 months.

Mr. Zalewski stated that Mr. Greenspon has presented evidence of rehabilitation. Mr. Greenspon has done everything that he could. Mr. Zalewski stated that Section 831-3.1(b) states that a person convicted of a crime cannot be denied a license where there is sufficient evidence of rehabilitation. In Mr. Greenspon's case, there is no evidence that there is anything that works

against rehabilitation. Mr. Greenspon has not been involved in recurrent activities. Mark Sheehan, principal broker of Landmark Properties, is still willing to hire Mr. Greenspon.

Mr. Zalewski was asked if Mr. Greenspon was still on probation. Mr. Zalewski reported that Mr. Greenspon has completed two-thirds of his probation. He has 15 months remaining on his five year probation. As for the restitution that is due, it is up to the probation officer to determine the exact amount of restitution. Mr. Greenspon has been paying \$100 per month towards the restitution. There have been some negotiations with the Chicago office to set the amount of restitution due. However, since none of the injured parties have stepped forward to demand restitution, the exact amount of restitution has not been determined. Mr. Zalewski stated that Mr. Greenspon would like to make a living so that he can pay whatever amount is owed in a quick fashion.

Mr. Zalewski was asked if it was Mr. Greenspon's intent to meet the conditions imposed by the California Department of Real Estate. Mr. Greenspon has paid the amount and will be taking the Professional Responsibility course within six months. Mr. Greenspon intends to reside in Hawaii. Mr. Greenspon needs to complete the course and pass the examination. He does intend to fulfill these requirements.

The judge ordered that Mr. Greenspon pay restitution of an amount up to \$50,000. Mr. Zalewski stated that there was no paperwork on the restitution because the amount of restitution has not been set by the probation officer. The Hawaii probation office has been contacting the Chicago probation office to determine the amount of restitution. However, since no one has yet come forward to say that they are owed money, it is difficult to set the amount of restitution. Mr. Greenspon has continued making the restitution payments to show that he is living up to the terms of the agreement.

Mr. Greenspon stated that the agreement states that the amount of restitution would be up to \$50,000 and not \$50,000. The recent letter from Ms. Hall states that he is living up to the terms of the probation. It is up to the probation officer to determine what is acceptable. Since he has been unemployed, Ms. Hall stated that it was satisfactory for him to pay a token amount. If he was granted a license, the monthly amounts would be altered to reflect his change in employment status at that time. His probation officer has never indicated that he is not in compliance with the restitution provision. If they had evidence of what was owed, they would have presented the information before the Commission.

Mr. Greenspon was asked how much restitution had been paid thus far. He stated \$3,100. As part of the negotiations with the Prosecutor's Office in 1992, he made substantial payments. The Judge said that as an additional matter, the probation officer could set an additional amount.

Mr. Greenspon stated that he has copies of the Cashier's checks that he submitted to the government and that he would be more than happy to make copies available to the Commission.

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

Executive  
Session:

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

Licensing:

**Restoration of Forfeited License**

Doris J. Dunnigan	Salesperson
Candace G. Smith	Salesperson
Chi-Hai Sung	Salesperson
Renee C. W. S. Yim	Salesperson
Robert O. Woodward	Salesperson
David Akina	Broker

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

Ryozo Ariyoshi Salesperson

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

Jan D. Newhart Broker

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

Jeffrey S. L. Tong	Salesperson
Stephen A. A. Goddard	Salesperson

After a review of the information submitted by the applicant, Commissioner Ching 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.

Eileen Chun Sakoda

After a review of the information submitted by the applicant, Commissioner Ching moved to accept Eileen Chun Sakoda's examination score of January

30, 1996. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

#### **Questionable Applications**

Christopher C. Harder

After a review of the information submitted by the applicant, Commissioner Butuyan moved to deny Christopher C. Harder's application for a real estate salesperson's license based on §§ 467-9(a), 436B-10(a)(9), -11(2), -19(1), Hawaii Revised Statutes, and §16-99-17, Hawaii Administrative Rules. Commissioner Lee seconded the motion. Commissioner Imamura recused himself from voting due to ex parte communication with the applicant. The motion was voted on and carried.

Although stated in his undated letter, which was received by the Real Estate Commission on March 19, 1996, that "One commissioner stated to me outside of the meeting that the Commission really does not have very much power, yet licensees are denied arbitrarily by the commission who meets once a month, is paid nothing, and is not capable of making proper assessment unless all the financial statements are available, which they don't even ask for." The Commission members present during this meeting stated that none of them had made this comment or had had such a conversation with Mr. Harder.

Patricia M. Emminger

After a review of the information presented by the applicant, Commissioner Imamura moved to approve the real estate salesperson application of Patricia M. Emminger. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Michael J. Smith

After a review of the information submitted by the applicant, Commissioner Aki moved to approve the real estate salesperson application of Michael J. Smith. Commissioner Imamura seconded the motion. The motion was voted on and carried. Commissioner Ching voted against the motion.

John Scott Coffey

After a review of the information submitted by the applicant, Commissioner Butuyan moved to approve the real estate salesperson application of John Scott Coffee. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Gwyn Fowler-Butchka

After a review of the information submitted by the applicant, Commissioner Aki moved to approve the real estate broker application of Gwyn Fowler-Butchka. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Mei Ling Ng dba Mei Ling Ng Properties

After a review of the information presented by the applicant, Commissioner Lee moved to approve the real estate sole proprietor application of Mei Ling Ng dba Mei Ling Ng Properties. Commissioner Butuyan seconded the motion. The motion was voted on and unanimously carried.

WZJ, Inc. dba Honland Realty

After a review of the information submitted by the applicant, Commissioner Imamura moved to approve the real estate corporation application of WZJ, Inc. dba Honland Realty. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Upon a motion by Commissioner Imamura, seconded by Commissioner Lee, it was voted on and unanimously carried to reaffirm its "interpretation" as to an applicant's name and the "initials". Initials means the first letter and the last letter of a person's name, not the combination of either the first or last initials of different persons. Delegate to staff to approve applications in which the letters of the applicant's name **are not** the initials of an unlicensed person, licensed salesperson, or real estate broker which will not be associated with the broker applicant.

Hanorai, Inc.

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

Upon a motion by Commissioner Imamura, seconded by Commissioner Lee, it was voted on and unanimously carried that REC "interprets" that "part of the name" of an unlicensed person, licensed salesperson or broker not associated with the broker applicant does not include names which are combination of more than one person's name. Delegate to staff to approve applications in which the applicant's name, when it is a combination of more than one name, is not readily identifiable to any persons which may be unlicensed, salespersons, or real estate brokers who are not associating with the applicant.

Gentry Properties

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the extension of the temporary principal broker request for Gentry Properties for six months. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Wailea Vacation Rentals, Inc.

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

Tonya R. Griffin

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the real estate salesperson's application of Tonya R. Griffin. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Ira Philip Greenspon

After a review of the information presented by the applicant and his attorney, John D. Zalewski, Commissioner Aki moved to approve a conditional real estate salesperson's license of Ira Philip Greenspon, on the basis of §436B-19(14), Hawaii Revised Statutes, as follows:

During the term of probation, Mr. Greenspon must comply with all terms of the probation as per the United States District Court, District of Hawaii Probation Office. Any violation of the terms of probation shall grounds for revocation of license. Mr. Greenspon shall advise the United States District Court, District of Hawaii Probation Office, through his probation officer of the conditions set forth by the Commission.

Mr. Greenspon must comply with the terms, conditions and/or provisions under the restricted real estate license issued by the California Department of Real Estate. Failure to comply with such terms, conditions and/or provisions shall be grounds for revocation of the Hawaii real estate salesperson's license.

Mr. Greenspon must inform any principal broker, sole proprietor broker, including a broker-in-charge of a branch office with whom he associates his real estate salesperson's license or is employed, of the conditional license and the terms of the conditional license. Should Mr. Greenspon change association and/or employment to another real estate broker, the change must be reported, in writing, to the Commission with the new broker, principal broker, sole proprietor and applicable broker-in-charge acknowledging the conditional license within ten (10) days of the change.

Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Upon a motion by Commissioner Lee, seconded by Commissioner Aki, it was voted on and unanimously carried that the Commission shall decide by vote at the meeting if a request for reconsideration will be taken up by the Commission.

Executive  
Officer's  
Report:

**Minutes of Previous Meetings**

Upon a motion by Commissioner Lee, seconded by Commissioner Imamura, it was voted on and unanimously carried to approve the minutes of the February 28, 1996 Real Estate Commission meeting.

Next Meeting: Friday, May 24, 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 Vice Chair adjourned the meeting at 12 Noon.

Reviewed and approved by:



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Christine Rutkowski  
Executive Officer

June 28, 1996  
Date