

REAL ESTATE COMMISSION
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Section 92-7(b), Hawaii Revised Statutes.

Date: Friday, March 27, 1998

Time: 9:00 a.m.

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

Present

Alvin Imamura, Chair
Carol Mon Lee, Vice Chair
Charles Aki, Hawaii Member
Michael Ching, Kauai Member
Mitchell Imanaka, Oahu Member
Helen Lindemann, Oahu Member
Nora Nomura, Public Member

Calvin Kimura, Supervising Executive Officer
Christine Rutkowski, Executive Officer
Lee Ann Teshima, Real Estate Specialist
Russell Wong, Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Camille Chun-Hoon, Condominium Specialist
Gina Watumull, Condominium Specialist
David Weber, Deputy Attorney General
Irene Kotaka, Secretary

Erica Piccolo, Special Deputy Attorney General
Richard Marshall, Office of Administrative Hearings
Craig Uyehara, Office of Administrative Hearings
Zeke Z. Izon
Richard Sargent
Scott Settle, Esq.
Cynthia Smith
Lindsey Lau
Paz Abastillas
Nancy Cabral
Nicki Ann Thompson, Hawaii Association of REALTORS
Steve Gilbert, Hawaii Real Estate Research and Education Center

Excused: Alfredo Evangelista, Public Member
John Ohama, Member

Call to Order: The Chair called the meeting to order at 9:09 a.m., at which time quorum was established.

Chair's Report: No report was presented.

Executive Officer's **Announcements, Introductions, Correspondence and Additional Distributions**

Report: David Weber, Deputy Attorney General, was present to provide assistance to the Commission at the meeting since Shari Wong was unable to attend today's meeting. A copy of a memorandum, dated March 12, 1998, regarding per diem payments to Boards

and Commission members was distributed to the Commissioners for their information.

Additional Distribution

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

- 5. Licensing - Restoration of Forfeited Licenses
 Gene Bagley
 Paz Feng Abastillas
- 6. Licensing - Questionable Applications
 e. Day-Lum Rentals & Management, Inc., Day-Lum Rentals
- 8. Recovery Fund Report
 b. BLT Advertisement Co., Inc. v. David Edades, et al., First Circuit Court,
 Civil No. 86-328
- 9. Committee Reports
 a. Laws and Rules Review Committee - Legislative Report 98-5

Licensing and
 Registration -
 Ratification:

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

<u>Brokers - Corporations and Partnerships</u>	<u>Effective Date</u>
Kona Kar, Inc. Kenneth R. Shock, PB	02/27/98

<u>Brokers - Sole Proprietor</u>	<u>Effective Date</u>
Albert James Del Rio	02/09/98
Chizuru Paulette Valenzuela	02/17/98
Burt K. Weiss, Weiss Properties	03/06/98
Carol L. Hong	02/18/98
Peter J. Haines	02/27/98
Bruce Hannon	03/04/98
Felipe G. Pomar	03/03/98
Dianne Willoughby	03/06/98
Rosalia Y. Chan	03/06/98
Melvyn Ho	03/11/98

<u>Brokers - Limited Liability Company</u>	<u>Effective Date</u>
Harbor Court Real Estate Services LLC G. Scott McCormack, PB	02/27/98

<u>Tradenname</u>	<u>Effective Date</u>
Aki Hideaki Mizushima, Central Realty	02/03/98
Sandra G. Hansen, Hansen Co.	02/27/98
Chela M. Wakefield, Kohala Properties	02/23/98

<u>Site Office</u>	<u>Expiration Date</u>
Gibraltar Pacific Realty, Inc., The Prudential West Hawaii Realty "Kaulana at Kona"	08/17/98
Savio Realty Ltd., Better Homes and Gardens "Queen Emma Gardens"	09/15/98
Schuler Realty/Oahu, Inc. "Village on the Green Waikele, Phases 1A, 1B and 2A"	10/27/98
Schuler Realty/Oahu, Inc. "Country Club Village at Salt Lake, Buildings 4 and 5"	10/04/98
Harbor Court Real Estate Services LLC "Harbor Court"	08/27/98
Gentry Realty, Ltd. "Fiesta Del Verde by Gentry"	10/14/98

Maryl Realty, Inc. "Sandalwood at Waimea"	09/11/98
The Prudential Locations, Inc. "Westhills Subdivision"	09/06/98
The Prudential Locations, Inc. "949 Prospect" "One Archer Lane" "5231 Kuaiwi Street"	09/11/98
Consolidated Resorts, Inc. "Maui Beach Vacation Club"	09/13/98

<u>Branch Office</u>	<u>Effective Date</u>
Sofos Realty Corporation S. Steven Sofos, pb G. Warren Freeland, bic	01/13/98
Re/Max Maui LLC Warren M. Haynes, Jr., pb Fred W. Haywood, bic	02/26/98

<u>Education Waiver Certificate</u>	<u>Expiration Date</u>
Luis Carlos Trevino	02/23/98
Michele Ann Schwab	02/23/98
Madolyn E. Ames	02/26/99
Howard S. Durchslag	02/26/99
Diane E. Redline	03/03/99
Renee Blondin-Nip	03/11/99
Richard Leonard Radford	03/11/99

<u>Real Estate Broker Experience Certificate</u>	<u>Expiration Date</u>
Jeffrey S. Engel	02/18/99
Debra A. Bolognese	02/24/99
Mary Elizabeth Struve	02/25/99
Bruse Eckmann	02/25/99
Kazue Nii	02/27/99
Mathew C. Dauenhauer	03/02/99
Cynthia A. Gatto	03/03/99
Rorie A. Urban	03/05/99
C. Moana Carreira	03/12/99
Steven N. Masui	03/16/99
Paula K. Orr	03/18/99
Darryl L. Johnson	03/17/99

<u>Real Estate Broker (upgrade)</u>	<u>Effective Date</u>
G. Warren Freeland	01/13/98
Robert A. Ferrari	02/18/98
Peter J. Haines	02/27/98
Shelley M. Yamamoto-Higa	01/29/98

<u>Restoration of Forfeited Salesperson's License</u>	<u>Date</u>
<u>Salesperson license will be restored upon successfully passing the real estate salesperson examination within six months</u>	

Romeo Folvarko	09/30/98
----------------	----------

<u>Condominium Hotel Operator</u>	<u>Effective Date</u>
Action Team Realty, Inc.	02/20/98

Condominium Managing Agent
Mike Harismendy, Real Estate Broker, Inc.

Effective Date
02/26/98

Licensing - Restoration
of Forfeited License:

Zeke Z. Izon

Zeke Z. Izon was present to answer any questions the Commission may have regarding the restoration of his forfeited real estate salesperson's license. Mr. Izon was asked if he wished to have his application considered in executive session. He declined the offer.

Mr. Izon was asked to elaborate on how he has kept up to date on real estate. Mr. Izon stated that he has kept abreast by reading real estate periodicals and the newspaper. Mr. Izon stated that he is working full-time at Hickam and then he worked part-time in real estate. When the real estate market started to slow down, he went inactive. In order to renew his license, he called Eddie Flores to take his continuing education courses. He said that at the second class that he attended, it was mentioned that they would need two blue and one yellow certificates. He stated that he only had one certificate. The next scheduled class which was available in January. When he submitted his application, he was notified that he missed the boat. On the day he went to take the course, all three courses were not being offered on that day. He stated that he was planning to retire this year. Mr. Izon stated that he works at Hickam Air Force Base in the Finance Office. When asked what his duties were at Hickam, he stated that he takes care of financial matters for the military personnel and retirees.

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

Lindsey Lau

Lindsey Lau was present to answer any questions the Commission may have regarding the restoration of his forfeited real estate salesperson's license. Mr. Lau was asked if he wished to have his application considered in executive session. He declined the offer.

Mr. Lau stated that he would like to waive the prelicense course. He stated that if he had known that he would have to take the prelicensing course over, he would have paid his renewal fees. He would like to be able to pay the delinquent fees and penalties now and be allowed to restore his license. He will be taking the next three continuing education courses that he needs with Eddie Flores on April 11, 1998.

Mr. Lau was asked if he felt that taking the prelicense course would not be helpful and a benefit to himself. He stated that there would be a benefit to the course, however, he felt that if he had paid the fees a year ago he would not have to take the course. He stated that he was not aware that he would have to take the course if he did not renew his license within the year. Mr. Lau asked that the course requirement be waived. He has practiced commercial real estate in California for five years. However, because of the market conditions, he has not practiced real estate in Hawaii.

Mr. Lau was reminded that when he signed the real estate license application form, he was attesting that he was familiar with the licensing requirements. The rules state that the Commission can require that a course or the examination be taken prior to approving an application for restoration.

Mr. Lau stated that it was not 100% clear why his license was forfeited. He did take the continuing education courses that are required.

Mr. Lau was informed that he did not pay the renewal fees and did not submit his renewal application. He was also informed that once his license is forfeited, he is considered to be without a license.

Mr. Lau stated that if he had been aware of the facts, he would have paid his renewal fees. He did not have it memorized. He does not want to spend the time to take the test again. He stated that he does not want to jump over any more hurdles.

Mr. Lau was informed that the Commission is considering rule changes that may have benefited him if they were in effect today. However, they are not in effect. According to the rules, the Commission does not have the discretion to offer the applicant the option of taking the examination in place of the course.

Mr. Lau stated that if he had known that he had to pay the fees, he would have done so. He stated that he thought he had until the end of this year because his continuing education courses are current. Mr. Lau apologized for being misinformed.

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

Paz Feng Abastillas

Paz Feng Abastillas was present to request that the Commission grant her request for reconsideration. Ms. Abastillas was asked if she wished to have her application considered in executive session. She accepted the Commission's offer.

Executive Session:

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

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

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

Licensing - Questionable Applications:

TNR Development Corporation, Island Pacific Home

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

Scott Settle, Esq., and Cynthia Smith, proposed Principal Broker of TNR Development Corporation dba Island Pacific Home were present to answer any questions the Commissioners may have regarding the real estate corporation application.

Mr. Settle was asked if he wished to have the application considered in executive session. He declined the offer.

Mr. Settle was asked if Timothy N. Roberts would be actively involved in the real estate corporation. The Commissioners were informed that Mr. Roberts resides in California. He provides financing and pays for the overhead expenses of the Hawaii office. Mr. Roberts is not involved or practicing real estate in Hawaii. There is a TNR Development Corporation in California. Previously, the only project in which Mr. Roberts was involved in Hawaii was in Kapolei.

Ms. Smith was asked if she would have total control over the trust accounts. She stated that she has the supervisory or decision-making control as it relates to Hawaii. When asked, she informed the Commissioners that the office will be located at 1341 South

Beretania Street.

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

Commissioner Imanaka returned to the meeting.

Day-Lum Rentals & Management, Inc. dba Day-Lum Rentals

Nancy Cabral (fka Nancy Day-Lum) was present to answer any questions the Commission may have regarding her application for a real estate broker corporation license.

Ms. Cabral was asked if she would like to have her application considered in executive session. She declined the offer.

Ms. Cabral stated that Day-Lum Inc. dba Coldwell-Banker Day-Lum Properties is a corporation. She stated that she would like to make two subsidiaries. There is no longer a proper person named "Day-Lum". Day-Lum Inc. dba Coldwell-Banker Day-Lum is one of the largest management companies in Hilo. It is imperative that she be able to retain the name "Day-Lum". She still owns both corporations and is trying to maintain the reputation and help the people to know two separate elements of the operations. She was born "Nancy Day" then later formed her company under the name "Day-Lum", which was her married name.

Ms. Cabral was asked the reason why she would like to set up the rental company. She said that in 1994, she became affiliated with Coldwell Banker. The franchise agreement with Coldwell Banker allows Coldwell Banker to assess a fee for all auxiliary services. However, in the past, they did not assess the fee. Recently, Coldwell Banker has begun to assess the fees. Ms. Cabral stated that the largest source of income is received from the management of properties. The franchise fee that is assessed is nine percent and the fee is sent to the mainland. Ms. Cabral stated that if the company is approved, her license will be associated with the new company and she will appoint a new principal broker to be responsible for Day-Lum Inc. dba Coldwell-Banker Day-Lum. All of her sales agents who are participating in sales will be associated with Coldwell-Banker Day Lum. Those who are involved in the rental management side will be employees working under her.

The Commission has discretion to approve or disapprove according to §467-9(b), HRS, but does not have any discretionary powers in §467-9(c), HRS.

Ms. Cabral was informed that if her personal license is taken over to Day-Lum Rentals, the corporation would have to be placed on an inactive status.

Ms. Cabral was told that as an option, she could rename her company and have someone else handle the management portion of the company.

Ms. Cabral stated that she wanted to leave the meeting knowing what options she had because she wants to do it right. She said that she had considered having separate branch offices, but her attorney had advised her to do what she did because it would break up her assets in the event of liability considerations.

Ms. Cabral asked what would happen if she just used her initials. She was then informed that the Commission would ask what the "DL" stood for.

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

Ms. Cabral stated that Real Estate Specialist Teshima has been extremely nice and helpful to her in the processing the application.

Recess: The Chair called a recess from the meeting at 10:04 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Application for a Real Estate Salesperson's License of Richard D. Sargent, Petitioner, REC-LIC-97-8

Richard D. Sargent was present representing himself as he does not have legal representation. Richard Marshall, Hearings Officer, and Erica Piccolo, Special Deputy Attorney General, were present. The parties presented their oral arguments.

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

In the Matter of the Application for Experience Certificate of Thomas R. Borges, Petitioner, REC-LIC-97-4

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

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 10:39 a.m., pursuant to Chapter 92, HRS.

Recess: The Chair recessed the meeting at 10:39 a.m.

Reconvene: The Chair reconvened the meeting at 10:58 a.m.

Executive Session: Upon a motion by Commissioner Lee, seconded by Commissioner Nomura, it was voted on and unanimously carried to enter into 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;" and §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 Ching, seconded by Commissioner Nomura, it was voted on and unanimously carried to move out of executive session.

Real Estate Recovery Fund Report:

Stephen Kaya v. Tri Investments, Ltd.; Roy Matsumoto, et al., First Circuit Court, Civil No. 97-2992-07

Upon a motion by Commissioner Ching, seconded by Commissioner Nomura, it was voted on and unanimously carried to approve the Real Estate Recovery Fund counsel's recommendation to not intervene in this matter.

BLT Advertisement Co., Inc. v. David Edades, et al., First Circuit Court, Civil No. 86-3238

Upon a motion by Commissioner Ching, seconded by Commissioner Nomura, it was voted on and unanimously carried to approve the Real Estate Recovery Fund counsel's recommendation to not intervene in this matter and to approve the pay out of \$25,000 from the account of Philip S. Adao, upon receipt of the order and the assignment of the judgment to the Real Estate Commission.

Licensing - Restoration of Forfeited Licenses:

The Commission will accept the completion of the three "Essentials" ("Essentials of Listing", "Essentials of Finance" and the "Essentials of DROA") courses or the completion of the appropriate pre-licensing course as meeting the terms of the restoration of a forfeited license when a course is required.

Nita Pearl Sawyer

Salesperson

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the restoration of Nita Pearl Sawyer's real estate salesperson's license upon submitting evidence of successfully passing a Commission-approved real estate course. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Zeke Z. Izon

After a review of the information presented by the applicant, Commissioner Ching moved to approve the restoration of Zeke Z. Izon's real estate salesperson's license upon submitting evidence of successfully completing a Commission-approved real estate course. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Lindsey E. Lau

Salesperson

After a review of the information presented by the applicant, Commissioner Ching moved to approve the restoration of Lindsey E. Lau's real estate salesperson's license upon submitting evidence of successfully completing a Commission-approved real estate course. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Gene Bagley

Broker

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the restoration of Gene Bagley's real estate broker's license upon submitting evidence of successfully completing a Commission-approved real estate course. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Paz Feng Abastillas

Upon a motion by Commissioner Nomura, seconded by Commissioner Lee, it was voted on and unanimously carried to grant Paz Feng Abastilla's request for reconsideration.

After a review of the information presented by the applicant, Commissioner Nomura moved that subject to the applicant's submission of a written statement from her attending physician which specifically confirms the applicant's representation to the Commission that the applicant cannot participate in a classroom course for a prolonged period due to her medical condition, the Commission will accept one of the following before restoring the applicant's forfeited real estate salesperson's license:

1. Successful completion of the real estate salesperson's prelicense course via a Commission-approved prelicense school by way of home study; or
2. Successful completion of the "Essentials of Listing" and "Essentials of Finance" and the "Essentials of the DROA"; or
3. Successful completion of "Consensual Dual Agency" - Interactive Computer Course and "Tax Free Exchange of Residence" - Interactive Computer Course; or
4. Successful passage of the real estate salesperson's license examination.

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

Gary L. Byer

After a review of the information submitted by the applicant, Commissioner Lee moved to

approve the real estate salesperson's license of Gary L. Byer. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Trading Places International

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

After a review of the information submitted by the applicant, Commissioner Aki moved to approve the real estate corporation application of Trading Places International. Commissioner Lindemann seconded the motion. The motion was voted on and unanimously carried.

Commissioner Imanaka returned to the meeting.

Lee-Pacific Realty LLC

After a review of the information submitted by the applicant, Commissioner Imanaka moved to approve the LLC application of Lee-Pacific Realty LLC. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

CB Commercial Real Estate Group, Inc.

After a review of the information submitted by the applicant, Commissioner Nomura moved to approve the real estate corporation application of CB Commercial Real Estate Group, Inc. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Day-Lum Rentals & Management, Inc. dba Day-Lum Rentals

After a review of the information presented by the applicant, Commissioner Aki moved to approve the name of the corporation, "Day-Lum Rentals & Management, Inc. dba Day-Lum Rentals", the effective date shall be based upon the submission of written instructions and documents/fees concerning the change of name of the existing broker corporation, "Day-Lum, Inc. dba Coldwell Banker Day-Lum". Commissioner Lindemann seconded the motion. The motion was voted on and unanimously carried.

TNR Development Corporation dba Island Pacific Homes

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

After a review of the information presented by the applicant, Commissioner Ching moved to approve the real estate corporation, TNR Development Corporation dba Island Pacific Homes, effective March 27, 1998 and to deny the applicant's request to backdate the approval to March 3, 1998. Commissioner Lindemann seconded the motion. The motion was voted on and unanimously carried.

Commissioner Imanaka returned to the meeting.

Executive Officer's Report:

Upon a motion by Commissioner Ching, seconded by Commissioner Aki, it was voted on and unanimously carried to add the real estate

Additions to the Agenda

The Chair called a recess from the meeting at 11:31 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Application for a Real Estate Salesperson's License of Richard D. Sargent, Petitioner, REC-LIC-97-8

Upon a motion by Commissioner Ching, seconded by Commissioner Aki, it was voted on

broker's experience certificate issue from the Laws and Rules Review Committee Report to the agenda for discussion and decision making. Chapter 91, HRS, Adjudicatory Matters:

and unanimously carried to amend the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order to be brought back to the Commission at the April 24, 1998 Real Estate Commission meeting.

In the Matter of the Application for Experience Certificate of Thomas R. Borges, Petitioner, REC-LIC-97-4

Upon a motion by Commissioner Ching, seconded by Commissioner Aki, it was voted on and unanimously carried to amend the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order to be brought back to the Commission at the April 24, 1998 Real Estate Commission meeting.

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 11:47 a.m., pursuant to Chapter 92, HRS.

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 accept the report of the March 11, 1998 Laws and Rules Review Committee meeting as follows:

1. **Accept** the minutes of the February 11, 1998 Laws and Rules Committee meeting as circulated.
2. Hawaii Real Estate Research and Education Center Report - Real Estate Seminars - **Request** that Steve Gilbert ask Dr. Ordway to contact Commissioners Ohama and Nomura on the status of the real estate seminar program scheduled for June 1998.
3. ARELLO, Other Organizations and Jurisdictions - **Recommend** approval to send one person to the ARELLO Western District Conference, to be held in Salem Oregon, on June 11 to 13, 1998 and that the Real Estate Commission Chair and the Supervising Executive Officer determine who will attend the Conference.
4. Next Meeting: Wednesday, April 8, 1998
9:00 a.m.
Kapuaiwa Room
1010 Richards Street, Second Floor
Honolulu, Hawaii

A copy of the SEO's Legislative Report 98-5 was distributed to the Commissioners for their information.

Real Estate Broker Experience Certificate Requirements - Upon a motion by Commissioner Ching, seconded by Commissioner Nomura, it was voted on and unanimously carried to approve three years full-time experience as an active Hawaii real estate salesperson within the last three years preceding the submission of the application for experience certificate to be equivalent to the three executed listing contracts, or commercial or industrial listings, that have closed escrow, and three sales contracts, or commercial or industrial leases, that have closed escrow requirement of HAR §16-99-38.

Education Review Committee

Upon a motion by Commissioner Aki, seconded by Commissioner Ching, it was voted on and unanimously carried to accept the report of the March 11, 1998 Education Review Committee meeting as follows:

1. Hawaii Real Estate Research and Education Center Report and Chair Report Evaluation and Education System for CE and Prelicensing Instructors - Mr. Gilbert reported that this project is moving along and introductory evaluation packets were mailed to everyone who received IDW invitations. Mr. Gilbert also reported that

there has been a delay in obtaining evaluation forms from Scantron because the scanner that the HREREC borrowed from the Real Estate Branch is an older model which uses a form no longer in use. HREREC should receive the evaluation forms by the middle of the month. If not, HREREC will create non-scannable forms and tally them by hand. The goal is to have the evaluations in classes by the 18th.

2. Continuing Education Administration, Curriculum, Courses, Providers and Instructors - Applications
 - a. 1997-1998 Continuing Education Providers, Instructors, and Courses Ratification List - **Recommend Approval.**
Provider: Windward Community College
Instructor: Steve W. Gilbert
 - b. Course - "CRATS, CRUTS & FLPS: An Alternative Way to Own & Sell Real Estate" (Author/Owner: Abe Lee) Course Category: Property Ownership & Development - **Recommend Approval** subject to including a conspicuous disclaimer in the student materials that the course is for knowledge/informational purposes only and is not meant to provide legal/technical advice.
 - c. Course - "Sticks, Bricks & Steel Understanding Plans & Construction Methods" (Author/Owner: Abe Lee) Course Category: Construction & Development - **Recommend Approval.**
 - d. Continuing Education Certification for Nationally Certified Course/Instructor -
"RS 202 Sales Strategies for the Residential Specialist"/Bob Wolff, CRS (Provider: Hawaii Association of REALTORS) - **Recommend Approval.**
 - e. Continuing Education Certification for Nationally Certified Course/Instructor -
"RB 503 Strategically Positioning a Business with Proven Marketing Systems"/John W. Lane, CRB, CRS (Provider: Hawaii Association of REALTORS) - **Recommend Approval.**
 - f. Course - "Legal Hotline Issues" (Author/Owner: John Reilly) Course Category: Real Estate Law - **Recommend Approval.**
3. Prelicensing Education Administration, Curriculum, Schools, Instructors, and Waiver - Applications
 - a. 1997-1998 Prelicense Schools and Instructors Ratification List - **Recommend Approval.**
Instructor, Salesperson Curriculum: Jonathon C. Hudson
 - b. School - Ralph S. Foulger, Hawaiian School of Real Estate - Add broker curriculum and request to hold joint salesperson and broker classes - **Recommend Approval.**
 - c. School - Akahi Real Estate Network, LLC (Administrator: Jay J. Spadinger) - **Recommend Approval.**
4. Licensing Examination - ASI - Issue - Candidate Testing Out of State - **Recommend Acceptance** of the candidates' test score based on the specific facts and circumstances of this particular case only. Staff to write ASI advising them of Hawaii's rules on out of state testing.
5. Program of Work, FY98
 - a. Neighbor Island Outreach - Hilo, May 8, 1998, at the State Office Building.
 - b. Instructor's Development Workshop - March 12, 1998, HAR IDW - location has been changed to the Ala Moana Hotel, Garden Lanai.
6. ARELLO, REEA and Other Organizations Report
 - a. ARELLO Education Fund Report for September 1997 and December 1997 - **Accept.**
 - b. REEA Conference - **Recommend Approval** to send one individual to the REEA Conference to be held on June 4-6, 1998, in St. Louis and if monies available in budget to send another individual. SEO and Commission Chair to select individual(s).
7. Next Meeting: Wednesday, April 8, 1998, 10:00 a. m.

Kapuaiwa Room, Second Floor
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, HI 96813

Condominium Review Committee

Upon a motion by Commissioner Imanaka, seconded by Commissioner Ching, it was voted on and unanimously carried to accept the report of the March 11, 1998 Condominium Review Committee meeting as follows:

1. HREREC Report
 - a. Hawaii Condominium Bulletin -- Third bulletin scheduled for March, 1998 printing and distribution.
 - b. Board of Director's Guide -
 - 1) "An Introduction to Condominium Living in Hawaii" -- Bidding, printing and distribution to be coordinated and enclosed with the fiscal year #3 Condominium Bulletin.
 - 2) "Anti Discrimination in Hawaii Condominiums" -- HREREC 's Draft 4 distributed to committee members and staff.
Recommend approval for publication subject to staff's review and any recommended non-substantive stylistic changes.
 - c. Condominium Seminars -- received confirmation from HUD for a June 1998 seminar.
2. Condominium Governance and Management
AOAO Registrations -- 1997-1999 Registration Issued Effective Dates through February 27, 1998 - **Recommend approval** for ratification.
3. CPR Registration, Public Reports, Extensions Issued -- **Recommend approval** to ratify issuance of effective dates for public reports and extensions for the month of February 1998 as amended.
4. Interactive Participation with Organizations - CAI 44th National Conference -- **Recommend approval** to send an additional person, subject to budget and Supervising Executive Officer and Commission Chair to decide on participant.
5. Division and Department Programs - Partnership with RICO on Complaints -- **Recommend approval** to explore with RICO for those governance complaints that appear to be a technical violation of those areas enumerated in §514A-46, 47, and 48, HRS, including the availability of records provisions, a process for utilizing mediation as a step prior to filing a complaint with RICO subject to budget considerations.
6. Minutes of Meeting of February 11, 1998 -- **Accept minutes.**
7. Next Meeting: Wednesday, April 8, 1998
 1:30 p.m.
 Kapuaiwa Room
 HRH Princess Victoria Kamamalu Building
 1010 Richards Street, Second Floor
 Honolulu, Hawaii

Executive Officer's Report:

The SEO informed the Commissioners that should they have concerns, they should follow the proper chain of command. The Commissioners were informed to speak to the SEO if they have concerns about REB staff members, to the Licensing Administrator if there are concerns with the SEO, and to the respective REC Committee Chairs if there are concerns pertaining to items on the program of work for the specific Committees.

The Deputy Attorney General provided the Commissioners with an update of the lawsuit that was filed by James Stanley Kraft. He reported that on March 11, 1998, the Attorney General's Office had filed a motion to dismiss the case. A hearing has been scheduled before Judge Kay.

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 12:05 p.m.

Next Meeting: Friday, April 24, 1998
9:00 a.m.
Kuhina Nui Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Reviewed and approved by:

Christine Rutkowski
Executive Officer

April 24, 1998
Date

[X] Approved as circulated.

[] Approved with corrections; see minutes of _____ meeting.