

REAL ESTATE COMMISSION
Professional & 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 29, 1999

Time: 9:00 a.m.

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

Present: Alvin Imamura, Chair
Nora Nomura, Vice Chair (Late Arrival)
Charles Aki, Member
Alfredo Evangelista, Member
Mitchell Imanaka, Member
Helen Lindemann, Member
John Ohama, Member
Iris Okawa, Member

Calvin Kimura, Supervising Executive Officer
Christine Rutkowski, Executive Officer
Pamela Garrison, Senior Real Estate Specialist
Lee Ann Teshima, Real Estate Specialist
Russell Wong, Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Morris Atta, Condominium Specialist
Gina Watumull, Condominium Specialist
Shari Wong, Deputy Attorney General (Late Arrival/Early Departure)
Irene Kotaka, Secretary

Jan Yamane, Program Specialist
Barbara Diener, Applicant
Kirby Shaw, Hawaii Commission on Persons with Disabilities
Francine Wai, Hawaii Commission on Persons with Disabilities
Mark Hogue, Applicant
Steve Gilbert, Hawaii Real Estate Research and Education Center
Frances L. Morey, Shell Development Corporation - Lawai
Richard Bramwell, Applicant
Bonnie L. Moore, Attorney for Richard Bramwell
Nicki Ann Thompson, Hawaii Association of REALTORS
Greg Tatsuguchi, Applicant

Excused: Michael Ching, Member

Call to Order: The Chair called the meeting to order at 9:08 a.m., at which time quorum was established.

Chair's Report: No Chair's report was presented.

Executive Officer's Report:

Announcements, Introductions, Correspondence, and Additional Distributions

Additions to the Agenda

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

6. Licensing - Restoration of Forfeited Licenses
Over One Year, Under Two Years - Broker
Ethelyn K. Rosa

Additional Distribution

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

4. Committee Reports
 - d. Legislative Reports
6. Licensing - Restoration of Forfeited Licenses
Over One Year, Under Two Years - Broker
Joan Meagher
7. Licensing - Questionable Applications
 - i. Richard S. Bramwell

Committee Reports:

Laws and Rules Review Committee

Upon a motion by Commissioner Imanaka, seconded by Commissioner Aki, it was voted on and unanimously carried to accept the report of the January 13, 1999 Laws and Rules Review Committee meeting as follows:

1. **Accept** the minutes of the December 9, 1998 meeting.
2. Program of Work, FY99 – Neighbor Island Outreach – Staff to work with Commissioner Aki on scheduling the May committee meetings on the island of Hawaii, on or near the date of the original meeting date, not in conflict with the Kona Board of Realtors or the Hawaii Island Board of Realtors, preferably in the Kona area, and if no public facilities are available, in Hilo.
3. Issues – MLS Hawaii, Inc. dba Hawaii Information Service Advertising Request – Staff to respond to MLS Hawaii, Inc. dba Hawaii Information Service regarding their clarification on advertising.
4. Next Meeting: Wednesday, February 10, 1999
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Education Review Committee

Upon a motion by Commissioner Imanaka, seconded by Commissioner Aki, it was voted on and unanimously carried to accept the report of the January 13, 1999 Education Review Committee meeting as follows:

1. Minutes of December 9, 1998 Meeting – **Accept** as amended.
2. Hawaii Real Estate Research and Education Center Report – Acting Director's Report
 - a. Continuing Education 99-00 Core Course – Additional information received from Mr. Gilbert. Mr. Gilbert reported that initial meeting of advisors/reviewers for the core course will be held at the end of the month. The outline of the suggestions for the core course should be prepared by the March ERC meeting.
 - b. Evaluation and Education System for CE and Prelicensing Instructors – Mr. Gilbert reported that there is a high volume evaluations being received for the fourth quarter. The quarterly report should be available by the February ERC meeting. The final report should also be ready by the February ERC meeting or the February REC meeting at the latest.
3. Continuing Education Administration, Curriculum, Courses, Providers and Instructors - Applications
 - a. 1999-2000 Continuing Education Providers, Instructors, and Courses Ratification List – **Recommend Approval** of the attached lists.
 - b. Instructor – Michael Toner, Elective Course: “Real Estate and the Internet, Understanding a Changing Market” (Provider Listing Link, LLC) – **Recommend Approval**.
 - c. Course – “Permits, Permits and More Permits: Researching Building Permits and 25+ Other Permits Handbook” (Provider: Abe Lee Seminars), Instructor: Abe Lee, Course category: Property Ownership and Development – **Recommend Approval**.
4. Prelicensing Education Administration, Curriculum, Schools, Instructors, and Equivalency – Applications - 1999-2000 Prelicensing Education Schools and Instructors Reregistration/Recertification Ratification List - **Recommend Approval** of the attached lists.
5. Next Meeting: Wednesday, February 10, 1999
10:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
250 South King Street
Honolulu, Hawaii

Condominium Review Committee

Upon a motion by Commissioner Evangelista, seconded by Commissioner Imanaka, it was voted on and unanimously carried to accept the amended report of the January 13, 1999 Condominium Review Committee meeting as follows:

1. **Minutes of December 9, 1998** -- Accept minutes.
2. **HREREC Report** -- Hawaii Condominium Bulletin - FY99 Vol. 7, Number 2, (Winter 1998) will be distributed in January 1999.
3. **CPR Registration, Public Reports, Extensions Issued**
 - a. Public Reports, Extensions Issued - December 1998 -- **Recommend approval** to ratify issuance of effective dates for public reports and extensions for the month of December 1998.
 - b. Short Form Developer's Supplementary Public Report -- **Recommend approval** to amend procedures as follows:
 - to be handled in the same manner as a regular developer's supplementary public report, collection of fees and consultant fees, and assigned to the original consultant for the subject project and if not available, the next available consultant;
 - that unless otherwise recommended by the consultant, each project shall only be allowed one short form developer's supplementary public report; and
 - that consideration should be given to accommodate the purchaser in reading and understanding the developer's public reports as well as the amount of documents received, including the consultants recommending that the developer's supplementary public report supersede all previous developer's public reports.
4. **Neighbor Islands Outreach** -- The Condominium Review Committee meetings for May 12, 1999 in Honolulu will be rescheduled to the Island of Hawaii at a yet to be determined date and place, preferably in Kona or if no meeting room is available, in Hilo, and the July 8, 1999 meeting will be held in Maui.
5. **Condominium Seminars** -- **Recommend approval** of the proposed specifications as follows, subject to the Deputy Attorney General's review:
 - a. More than one provider contract.
 - b. Total on all contracts will be subject to approved budgeted amount for seminars.
 - c. First come, first serve, until budget is exhausted.
 - d. Funding will be per preregistered apartment owner of a registered AOA only at anywhere from \$5 to \$15 per preregistration.
 - e. Funding will be only for education, no food or beverages or membership dues.
 - f. Provider has to acknowledge and accept the State P.O. and payment system and time element.
 - g. Provider has to request for approval of seminar to be covered under contract at least 60 days prior to education date to CRC.
 - h. Shall be open to attendance by any registered condominium apartment owner and shall be readily accessible including handicap accessibility.

- i. The subject matter of the seminar: timely topic; topic is of meaningful benefit to condominium apartment owners or board of directors, especially in the area of condominium management and governance; seminar offered live unless otherwise approved by the Commission; speakers are recognized experts in the subject matter and possess a good reputation in the community; shall not be commingled with any other activity of the provider, example - holding a meeting before the seminar which will cause conflicts with nonmembers.
 - j. Upon request for purposes of monitoring, without charge, provider shall allow up to four seminar registrations for Commissioners, Staff, and any other persons designated as representatives of the Commission.
 - k. Shall include in all publicity and information on the seminar, credits to the Commission and the CMEF, as agreed upon with the Commission.
 - l. The seminar shall not be materially utilized for the provider's agenda or as a means to recruit new members or to promote a political cause.
6. **Legislative Acts and Resolutions -- CAI Hawaii Request for Support of Measure to Amend Chapter 514A - Recommend to defer** this issue to the January 29, 1999 Commission meeting.
7. Next Meeting: February 10, 1999
1:30 p.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Legislative Reports

A copy of the SEO's Legislative Report 99-1 was distributed to the Commissioners for their information. The SEO reported on the bills that would affect the Commission. The Commission has not taken a position on the bills as it has not had an opportunity to review all of the bills.

The Deputy Attorney General arrived.
The Vice Chair arrived.

The Commissioners were asked to inform staff of their comments on the bills. Staff will discuss the Commission's position on the proposed bills with the REC Chair. If the Commission's position differs from the Department's position, the parties involved will work out their differences.

Licensing - Questionable Applications:

Kirby Shaw, Program Specialist and Francine Wai, Executive Director of the Hawaii Commission on Persons with Disabilities, were present at the meeting to provide information on the Americans with Disabilities Act ("ADA").

Ms. Wai stated that they were present at today's meeting to provide a technical overview of the ADA requirements.

Mr. Shaw had received a call from an individual who described herself as disabled. The person asked if the Real Estate Commission provides waivers of fees. The individual noted that she was a real estate broker and that her license was on ice and she wanted to know if there were any waivers. He informed her that to his knowledge, there were none. Mr. Shaw spoke with Senior Real Estate Specialist Garrison, who informed him that the REC did not have any waivers. Mr. Shaw reviewed the statutes and determined that there were no waivers. He then told the individual that per the ADA, as long as fees are charged across the board, it is not considered discrimination.

Ms. Wai stated that Title II of the ADA covers all the activities of State and local governments.

Section 35.130(a) states, "No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity."

Section 35.130(b)(6) states, "A public entity may not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may a public entity establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability."

Section 35.104 states, "Definitions - Qualified Individual with a Disability means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural communication, or transportation barriers or the provision of auxiliary aids for the receipt of services or the participation in the programs or activities provided by a public entity."

Section 35.130(f) states, "A public entity may not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by the Act or this part."

Ms. Wai stated that if an individual did not pay fees, they would not be considered qualified under the ADA. The only reason an individual may be unable to maintain their status as a real estate broker or salesperson is because of their disability, otherwise they would be practicing. The Department of Justice does not see that their absence is disability related. There would not be a distinction from anyone else who takes a hiatus to raise their children. If the fee is applied evenly across the board, it is not considered discriminatory. The Department does have the discretion to give a discount, but it is not required by the ADA.

Ms. Wai stated that government is not allowed to impose a surcharge because of a person's disability. For example, if a person had to attend a meeting and needed to have an interpreter, the State would not be able to charge the individual for the cost of the interpreter. If a person requested copies of the laws in Braille, the Commission would only be

able to charge the statutory amount of \$.50/side. The Commission would not be able to charge the individual for the difference in producing the material in Braille.

Ms. Wai stated that they were not present to provide legal advice. Based upon the information that they had received, the renewal fee did not appear to be a surcharge and it did not appear to be a fee that the Commission would be required to waive.

The Vice Chair asked Ms. Wai if this was the first inquiry of this nature that they had received. Ms. Wai stated that they had received an inquiry two to three years ago from a person with a disability who had a license. The person had asked if the fee structure could be modified. The individual had problems with his income and felt that it was due to his disability. The Commission on Persons with Disabilities provided him with technical assistance and told him that it would not be appropriate for him to file a complaint.

Ms. Wai also informed the Commissioners that if an individual wants to pursue their complaint further, they could contact DCCA's ADA Coordinator, who would then research the issue and try to resolve the matter. If the individual is not satisfied with how the matter was handled with DCCA, they could file a complaint with the Department of Justice, or they may hire legal counsel to represent them. Most people try to exhaust discussions with their office and the ADA Coordinator.

The purpose of the Commissions on Persons with Disabilities is to provide a fair interpretation of the law.

The Chair thanked Ms. Wai and Mr. Shaw for their presence at today's meeting.

Licensing and
Ratification:

Upon a motion by Commissioner Aki, seconded by Commissioner Ohama, it was voted on and unanimously carried to ratify the attached list.

Licensing -
Restoration of
Forfeited Licenses:

Greg M. Tatsuguchi

Greg M. Tatsuguchi was present to answer any questions the Commissioners may have regarding his application for the restoration of his forfeited real estate salesperson's license.

The Commissioners did not have any questions for Mr. Tatsuguchi.

Licensing -
Questionable
Applications:

The following applicants requested that their applications be considered in executive session:

1. Barbara B. Diener
2. Mark D. Hogue
3. Richard Bramwell

Executive
Session:

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

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

Licensing-
Questionable
Applications:

Richard Bramwell

Upon a motion by Commissioner Imanaka, seconded by Commissioner Okawa, it was voted on and carried to approve Richard Bramwell's request for reconsideration. Commissioner Aki opposed the motion.

Upon a motion by Commissioner Imanaka, seconded by Commissioner Ohama, it was voted on and unanimously carried to accept the application, despite its submission after the 90-day deadline.

Commissioner Evangelista stated that Mr. Bramwell's situation is different from that of the Gibson case because in the Gibson case, the applicant did not give the real estate license application to the principal broker. In Mr. Bramwell's case, the principal broker admitted that it was her fault for not having the applicant submit the application earlier. It appeared that Mr. Bramwell did make some effort to call the Department and could have received misinformation on the deadline date. Mr. Bramwell was concerned about the date. The principal broker should have known that the actual date was not the 18th, but the 16th.

The Vice Chair stated that if the applicant was told the deadline was the 18th, even though it could not be postmarked on the 18th, he should have submitted the application earlier. Based on the information and the testimonies presented, the Commission acknowledges that there may have been a problem with the principal broker's handling of the application and the Commission is concerned about it.

Commissioner Ohama stated that Mr. Bramwell appeared to be diligent in trying to get his application filed. The corporation and the principal broker appeared to have delayed submission of his application. The principal broker probably should have turned in the application earlier. The Commission considered these representations in its deliberation.

Commissioner Evangelista stated that the Commission realizes that there are difficulties with mail on the neighbor islands and considered these facts in making its decision. The Commission is aware that people on the neighbor islands do experience difficulties with their rural mail and this is not the case for those residing in Honolulu.

Upon a motion by Commissioner Evangelista, seconded by Commissioner Okawa, it was voted on to amend the motion to include that the principal broker and the corporation be referred to RICO for further investigation. Commissioner Aki opposed the motion.

Licensing -
Questionable
Applications:

Richard Bramwell

Mr. Bramwell requested that his application be considered in executive session. He was asked if he wished to allow Frances Lee Morey, his proposed principal broker, to remain during executive session. He did not have any objections.

Executive Session:

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

Ms. Moore, attorney for Mr. Bramwell, stated that she is not certain, but she feels that Ms. Morey mailed the application on the 16th, but the postal situation may have been a problem.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 11:21 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate Salesperson's License of Wayne E. Hupalo, REC 97-117-L

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

In the Matter of the Real Estate Salesperson's License of Milagros A. Kampen, REC 97-126-L

It was brought to the attention of the Special Deputy Attorney General that page 4, paragraph 6 of the Settlement Agreement references the conduct of real estate brokers while Milagros Kampen is a real estate salesperson. The Special Deputy Attorney General stated that since both real estate brokers and salespersons fall under the same laws and rules, it would not affect the Settlement Agreement.

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

In the Matter of the Real Estate Salesperson's License of Jason P. Belchar, REC 97-135-L

Upon a motion by Commissioner Nomura, seconded by Commissioner Lindemann, it was voted on and unanimously carried to accept the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order.

Following the Commission's review, deliberation and decisions in these matters, pursuant to Chapter 91, HRS, the chair announced that the Commission was reconvening its scheduled Commission meeting at 11:30 a.m.

Recess: The Chair recessed the meeting at 11:30 a.m.

The Deputy Attorney General was excused from the meeting.

Reconvene: The Chair reconvened the meeting at 11:40 a.m.

Executive Officer's Report: **Minutes of Previous Meetings**

Upon a motion by Commissioner Okawa, seconded by Commissioner Ohama, it was voted on and unanimously carried to approve the minutes of the December 10, 1998 Real Estate Commission meeting as circulated.

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

Commissioner Evangelista excused himself from the discussion relating to Roderick S. Medallon due to a conflict of interest. The Chair recused himself from the discussion relating to Joan Meagher. The Vice Chair presided over the meeting during that portion of the discussion.

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

Licensing -
Restoration of
Forfeited Licenses:

**Charles H. Church
Donald Edward Sellers
Joseph D. Volk**

**Salesperson
Salesperson
Salesperson**

After a review of the information submitted by the applicant, Commissioner Aki moved that restoration be approved upon submitting evidence of successfully completing one of the two options of Commission-approved real estate courses. Commissioner Ohama seconded the motion. The motion was voted on and unanimously carried.

Greg M. Tatsuguchi

Salesperson

After a review of the information presented by the applicant, Commissioner Imanaka moved that restoration be approved upon submitting evidence of successfully completing one of the two options of Commission-approved real estate courses. Commissioner Evangelista seconded the motion. The motion was voted on and unanimously carried.

Roderick S. Medallon

Salesperson

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

After a review of the information submitted by the applicant, Commissioner Aki moved that restoration be approved upon submitting evidence of successfully completing one of the two options of Commission-approved real estate courses. Commissioner Lindemann seconded the motion. The motion was voted on and carried.

Commissioner Evangelista returned to the meeting.

Doss K. Tannehill

Salesperson

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

Linda L. Fisher

Broker

After a review of the information submitted by the applicant, Commissioner Nomura moved that restoration be approved upon submitting evidence of successfully completing one of the two Commission-approved real estate courses. Commissioner Okawa seconded the motion. The motion was voted on and unanimously carried.

Joan Meagher

Broker

The Chair recused himself from the meeting. The Vice Chair presided over the meeting.

After a review of the information submitted by the applicant, Commissioner Ohama moved that restoration be approved upon submitting evidence of successfully completing one of the two Commission-approved real estate courses. Commissioner Evangelista seconded the motion. The motion was voted on and carried.

The Chair returned and resumed presiding over the meeting.

Ethelyn K. Rosa

Broker

After a review of the information submitted by the applicant, including the applicant's completion of the real estate broker's preclicensing course which expires on June 26, 1999, Commissioner Lindemann moved that

restoration be approved. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Delegation to staff:

Upon a motion by Commissioner Aki, seconded by Commissioner Evangelista, it was voted on and unanimously carried to approve the following delegation to staff:

Restoration applications over 1 year and under two years forfeited, provided the applicant has met all ministerial requirements, specifically the submission of the completed application form, application fee, proof of completing CE hours for the prior license biennium, and proof of completing (within one year prior to submission of complete restoration application) Commission approved course or courses for restoration, delegate to staff to continue processing application to approval provided that within 30 days of notice, applicant submits:

Original course completion certificate or original completion letter, all delinquent and penalty fees, original continuing education certificates and a change form if restoring on the active status.

Salesperson restoration applications over two years forfeited, provided the applicant has met all ministerial requirements, specifically the submission of the completed application form, application fee, proof of completing CE hours for the prior license biennium, and proof of passing the salesperson's license examination (within 90 days of submission of complete restoration application), delegate to staff to continue processing application to approval provided that within 30 days of notice, applicant submits:

Original passing score report, all delinquent and penalty fees, original continuing education certificates and a change form if restoring on the active status.

Licensing -
Questionable
Applications:

India

After a review of the information presented by the applicant, Commissioner Okawa moved to deny India's request that her real estate broker's license be renewed without payment of the required license renewal fee, based on §467-11(b), HRS, §16-99-7, HAR and §436B-13(c) and 15, HRS and information offered by the Hawaii Commission on Persons with Disabilities that the ADA does not require the renewal of her license without payment of the renewal fee. Commissioner Nomura seconded the motion. The motion was voted on and unanimously carried.

Lurline R. Johnson

After a review of the information submitted by the applicant, Commissioner Lindemann moved to approve the real estate salesperson's license application of Lurline R. Johnson. Commissioner Imanaka seconded the motion. The motion was voted on and unanimously carried.

Anthony J. Di Mauro

After a review of the information submitted by the applicant, Commissioner Ohama moved to approve the real estate salesperson's license application of Anthony J. Di Mauro. Commissioner Okawa seconded the motion. The motion was voted on and unanimously carried.

Barbara B. Diener

After a review of the information presented by the applicant, Commissioner Nomura moved to deny Barbara B. Diener's application for a real estate broker's license, unless within 60 days she submits proof of payment or an approved written payment plan with the Internal Revenue Service for all outstanding tax obligations. Commissioner Imanaka seconded the motion. The motion was voted on and unanimously carried.

Shell Development Corporation - Sampler

After a review of the information submitted by the applicant, Commissioner Aki moved to approve the real estate corporation application of Shell Development Corporation - Sampler. Commissioner Ohama seconded the motion. The motion was voted on and unanimously carried.

Dempsey West Realtors, LLC

After a review of the information submitted by the applicant, Commissioner Nomura moved to approve the limited liability company application of Dempsey West Realtors, LLC. Commissioner Evangelista seconded the motion. The motion was voted on and unanimously carried.

Maui & Co. Real Estate LLC

After a review of the information presented by the applicant, Commissioner Lindemann moved to deny the limited liability company application of Maui & Co. Real Estate LLC, unless within 60 days the proposed principal broker and sole member/manager submits proof of payment or an approved written payment plan with the State of Hawaii's Department of Taxation and the County of Maui's Real Property Tax Division, for all outstanding tax obligations. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Mark D. Hogue

After a review of the information presented by the applicant, Commissioner Ohama moved to approve Mark D. Hogue's request for an equivalency to the ten real estate transactions, of which three are sales contracts or commercial or industrial leases closed escrow and three are listing contracts or commercial or industrial leases closed escrow. Commissioner Okawa seconded the motion. The motion was voted on and unanimously carried.

Richard S. Bramwell

After a review of the information presented by the applicant, Commissioner Okawa moved to approve the real estate salesperson's license application of Richard S. Bramwell as to the criminal conviction information and delegate to staff to continue processing the application. Commissioner Imanaka seconded the motion. The motion was voted on. Commissioners Ohama, Evangelista and Nomura opposed the motion. The motion was carried.

Committee Reports: **Condominium Review Committee**

Legislative Actions and Resolutions - CAI Request for Support of Measure to Amend Chapter 514A, HRS

Upon a motion by Commissioner Evangelista, seconded by Commissioner Imanaka, it was voted on and unanimously carried to refer this matter back to the Condominium Review Committee for further action, pending receipt of the subject bill.

Next Meeting: Friday, February 26, 1999
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Adjournment: The Chair adjourned the meeting at 12:02 p.m.

Reviewed and approved by:

Christine Rutkowski
Executive Officer

Date

[] Approved as circulated.

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