

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

MINUTES OF MEETING

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

Date: Thursday, December 9, 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 (Early Departure)
Charles Aki, Member
Michael Ching, Member
Patricia Choi, Member
Alfredo Evangelista, Member
Mitchell Imanaka, Member
John Ohama, Member
Iris Okawa, Member

Calvin Kimura, Supervising Executive Officer
Christine Rutkowski, Executive Officer
Pamela Garrison, Senior Real Estate Specialist
Naomi Cole, 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
Irene Kotaka, Secretary

Erica Piccolo, Special Deputy Attorney General
Henry Quayle
Elizabeth R. Quayle
Paul Horikawa, Esq.

Call to Order: The Chair called the meeting to order at 9:03 a.m., at which time quorum was established.

Chair's Report: The Chair did not have a formal report, but wished everyone a happy and safe holiday.

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

Additions to the Agenda

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

4. Committee Reports
 - c. Condominium Review Committee
Minutes of the November 10, 1999 Meeting
6. Licensing - Questionable Applications
Jean C. Lewis
7. Chapter 91, Hawaii Revised Statutes, Adjudicatory Matters
 - b. In the Matter of the Real Estate Salesperson's License of Steven H. Burke; REC 98-16-L, Settlement Agreement After Filing of Petition for Disciplinary Action and Commission's Final Order, First Amended Petition for Disciplinary Action Against Real Estate Salesperson's License, Petition for Disciplinary Action Against Real Estate Salesperson's License

Deputy Attorney General Wong arrived.

Additional Distribution

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

4. Committee Reports
 - a. Laws and Rules Review Committee
 - b. Education Review Committee
 - c. Condominium Review Committee
6. Licensing - Questionable Applications
 - c. Henry W. Quayle
 - d. Edward A. Neizman

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 December 8, 1999 Laws and Rules Review Committee as follows:

1. Minutes of Previous Meetings – Accept minutes of November 10, 1999.
2. Program of Work, FY00 – Licensing Renewals – **Recommend** that the deadline for submitting real estate license renewals be November 30 of the even-numbered year and that REB staff publicize the November 30 deadline.
3. Special Issues – Maui Board of REALTORS Request – **Recommend approval** of the request by the Maui Board of REALTORS that the local boards, through the Hawaii Association of REALTORS, be notified of any disciplinary action or termination of license, pending receipt of a joint memorandum from the local boards and the HAR and subject to

- Administration's approval of the request. HAR will be responsible for disseminating the information to the local boards.
4. Next Meeting: Wednesday, January 12, 2000
9:00 a.m.
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, HI 96813

Education Review Committee

Upon a motion by Commissioner Aki, seconded by Commissioner Imanaka, it was voted on and unanimously carried to accept the amended report of the December 8, 1999 Education Review Committee meeting as follows:

1. Minutes of November 10, 1999 meeting – **Accept.**
2. Continuing Education Administration, Curriculum, Courses, Providers, and Instructors – Administrative Issues
 - a. **Recommend** the HREREC-developed continuing education courses *not* be automatically re-certified for the upcoming 2001-2002 biennium.
 - b. **Recommend** that HREREC-developed continuing education course materials and the Commission's Professional Responsibility course materials be made available to anyone who may wish to update or to otherwise use them in order to submit the revised materials for continuing education certification or recertification as appropriate.
3. Prelicensing Education Administration, Curriculum, Schools, Instructors, and Equivalency – Applications – School – Premier Realty 2000 Inc. – **Recommend approval** of Premier Realty 2000 Inc. to offer the prelicense broker curriculum.
4. Next Meeting: Wednesday, January 12, 2000
10:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, HI 96813

Condominium Review Committee

Upon a motion by Commissioner Evangelista, seconded by Commissioner Aki, it was voted on and unanimously carried to accept the report of the December 8, 1999 Condominium Review Committee meeting as follows:

1. AOA Registrations – **Recommend approval** to ratify effective dates for AOA registrations for 1999 – 2001 Registrations through November 30, 1999.
2. CHO, CMA Registrations – **Recommend approval** that the deadline for submitting Condominium Hotel Operator and Condominium Managing Agent registrations be November 30 of

- the even-numbered year and that REB staff publicize the November 30 deadline.
3. Developer's Public Reports, Extensions Issued – **Recommend approval** to ratify issuance of effective dates for developer's public reports and extensions for the month of November 1999.
 4. Land Use Research Foundation – Proposed Legislation – **Recommend approval** to express general agreement with the thrust of the proposed concept of amending Part VI of Chapter 514A, HRS, relating to the sales of residential condominium to owner occupants, subject to reserving final commitment to any agreement until the Commission is presented with a draft of a proposed bill as to what is contemplated; and further recommend approval to instruct staff and the lead Commissioner to work with the proponents of the proposed legislation.
 5. Next Meeting: Wednesday, January 12, 2000
1:00 p.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, HI 96813

Licensing and
Registration -
Ratification:

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

Executive
Session:

Upon a motion by Commissioner Ohama, 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;".

The Chair recused himself during the discussion of Edward A. Neizman. The Vice Chair presided over the meeting. The Chair later returned to the meeting and resumed presiding over the meeting.

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

Licensing -
Questionable
Applications:

Henry Quayle

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

Edward A. Neizman

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

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

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

EO's Report:

Minutes of Previous Meetings

Upon a motion by Commissioner Evangelista, seconded by Commissioner Aki, it was voted on and unanimously carried to approve the minutes of the November 24, 1999 Real Estate Commission meeting as circulated.

Recess:

The Chair recessed the meeting at 9:45 a.m.

Reconvene:

The Chair reconvened the meeting at 9:51 a.m.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 9:51 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 Thomas E. Caprio, REC 98-122-L

Upon a motion by Commissioner Ching, seconded by Commissioner Evangelista, it was voted on and unanimously carried to reject 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 Steven H. Burke, REC 98-16-L

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

The Commissioners asked the Special Deputy Attorney General to convey to RICO its recommendation that standard language be included in the settlement agreements that if the Respondent is a real estate salesperson or a broker/salesperson, they must notify their principal broker of the disciplinary action and if the Respondent is a principal broker, they must notify the licensees under their direction of the disciplinary action.

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 10:10 a.m.

Executive Session:

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

Licensing -
Questionable
Applications:

Edward A. Neizman

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 Evangelista moved to defer decision making and to direct the applicant to appear at the January 28, 2000 Real Estate Commission meeting. Commissioner Ohama seconded the motion. The motion was voted on and carried.

The Chair returned to the meeting and resumed presiding over the meeting. The Vice Chair was excused from the meeting.

Richard M. Shively

After a review of the information submitted by the applicant, Commissioner Ching moved that the Commission would most likely not approve Richard M. Shively's application for a real estate salesperson's license. Commissioner Imanaka seconded the motion. The motion was voted on and unanimously carried.

Malia L. Jackson

After a review of the information submitted by the applicant, Commissioner Ohama moved to approve the real estate salesperson's license of Malia L. Jackson. Commissioner Evangelista seconded the motion. The motion was voted on and unanimously carried.

Henry W. Quayle

After a review of the information presented by the applicant, Commissioner Ching moved to deny Henry W. Quayle's application for a real estate salesperson's license, based on §467-8(3), HRS and §436B-19(1), (8), (12), and (14), HRS. The Commission determined that the criminal conviction is directly related to the qualifications, functions and duties of the license profession, and that the nature of real estate activity is such that real estate licensees frequently have access to persons, residences, personal and private information, and are frequently alone with clients and members of the general public. Further, the Commission determined that Mr. Quayle had not provided sufficient evidence of rehabilitation to warrant the public trust, as provided for in §831-3.1, HRS. Commissioner Ohama seconded the motion. The motion was voted on and unanimously carried.

Jean C. Lewis

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the real estate salesperson's license application of Jean C. Lewis. Commissioner Evangelista seconded the motion. The motion was voted on and unanimously carried.

Next Meeting:

Friday, January 28, 2000
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Adjournment:

With no further business to discuss, the Chair adjourned the meeting at 10:37 a.m.

Reviewed and approved by:

Christine Rutkowski
Executive Secretary

Date

[] Approved as circulated.

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON DECEMBER 9, 1999

<u>Brokers - Sole Proprietor</u>	<u>Effective Date</u>
Steven B. Dixon	11/01/99
Melvyn S. C. Ho	11/09/99
Thomas W. Wilson	11/08/99
Russell L. Todd, Maui Todd Rentals	11/12/99
Eve L. Shere	11/16/99
Masako Higa	11/18/99

<u>Tradenname</u>	<u>Effective Date</u>
Abraham W. H. Lee, Abe Lee Realty	11/22/99

<u>Education Waiver Certificate</u>	<u>Expiration Date</u>
Susan Marie Gierga	11/18/00
Robert Lee Foster	11/22/00
Sherry Lee Foster	11/22/00
Norman Paul Curd, II	11/23/00

<u>Real Estate Broker Experience Certificate</u>	<u>Expiration Date</u>
Buff M. Toulon	11/17/00
Mark A. Marchello	11/18/00
Karen A. Kunihiro	11/24/00
James I. Fernandez Jr.	11/29/00
Stephen P. Chin	11/29/00

<u>Restoration of Forfeited Broker's License</u>	<u>Date</u>
Eve L. Shere	11/16/99

<u>Restoration of Forfeited Salesperson's License</u>	<u>Date</u>
Douglas L. MacArthur	11/08/99

<u>Condominium Managing Agent</u>	<u>Effective Date</u>
Shell Management Hawaii, Inc.	11/03/99