

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 24, 2000

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
Charles Aki, Member
Michael Ching, Member
Patricia Choi, Member
Alfredo Evangelista, Member
Mitchell Imanaka, 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
Morris Atta, Condominium Specialist
Gina Watumull, Condominium Specialist
Shari Wong, Deputy Attorney General
Jay Paige, Deputy Attorney General
Irene Kotaka, Secretary

Erica Piccolo, Special Deputy Attorney General
Debi S. Tulang-De Silva, RICO Attorney
Ingeborg M. Yoon
Deborah Lesa
Akimi Mallin
Patricia Park, Esq.
Rodney S. Nishida, Esq.
Nicki Ann Thompson, Hawaii Association of REALTORS
Leil Koch, Hawaii Association of REALTORS
Henry Quayle
Bonnie L. Moore, Esq.
Elizabeth R. Quayle
Eugenio P. Wells
John C. Welch

Excused: 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 Chair's report was presented. However, the Chair reported that the agenda items will be taken out of order in consideration of those present.

Executive Officer's Report:

Announcements, Introductions, Correspondence and Additional Distribution

Additions to the Agenda

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

4. Committee Reports
 - c. Condominium Review Committee
 - 1) Request for Condominium Education Fund Subsidy – Community Associations Institute – Hawaii Chapter, Seminar “How to Avoid the Pitfalls of Contracting for Community Associations,” April 29, 2000, 8:30 a.m. to 12 Noon
 - 2) Request for Condominium Education Fund Subsidy – Community Associations Institute – Hawaii Chapter, Seminar “All Most Free Legal Advice,” May 18, 2000, 12 Noon to 1:30 p.m.
6. Licensing – Questionable Applications
 - h. Eugenio P. Wells
 - i. Michael L. Metcalf
 - j. Lenny A. Walence

Additional Distribution

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

4. Committee Reports
 - d. Legislation Report
6. Licensing – Questionable Applications
 - f. Henry W. Quayle
7. Chapter 91, Hawaii Revised Statutes, Adjudicatory Matters
 - c. In the Matter of the Real Estate Broker's License of Paul T. Shiraki, REC 99-53-L, Notice of Oral Argument
 - e. In the Matter of the Application for a Real Estate Salesperson's License of Henry G. Zapata, Jr., Request to Reschedule to May 26, 2000 Real Estate Commission Meeting

An amended listing of the Real Estate Commission's meeting schedule for the year 2000 was distributed to the Commissioners for their information.

Executive Session:

Upon a motion by Commissioner Imanaka, seconded by Commissioner Evangelista, 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;”.

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

Real Estate
Recovery Fund
Report:

**Dean H. Okamoto, et al. v. Dickson Ken Yamamoto dba
DKY Realty, et al., S.P. No. 00-1-0082, Circuit Court of the
First Circuit**

Upon a motion by Commissioner Ching, seconded by Commissioner Aki, it was voted on and unanimously carried that the Commission not oppose the motion for order directing payment out of the recovery fund for \$25,000, to approve payment out of the recovery fund for \$25,000 and that the plaintiff assign the judgment to the Real Estate Commission.

Chapter 91, HRS,
Adjudicatory Matters:

The Chair called for a recess from the meeting at 9:29 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

Deputy Attorney General Wong was excused from the meeting due to a conflict since she was the Special Deputy Attorney General who prepared the Respondent's written exceptions to the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order. Deputy Attorney General Paige advised the Commission in her place.

**In the Matter of the Application for a Real Estate Salesperson's
License of Henry G. Zapata, Jr., REC-LIC-92-9**

Upon a motion by Commissioner Evangelista, seconded by Commissioner Imanaka, it was voted on and unanimously carried to defer decision making on this matter to the May 26, 2000 Real Estate Commission meeting based on the applicant's request.

Deputy Attorney General Wong returned to the meeting.

Following the Commission's review, deliberation and decisions in this matter, pursuant to Chapter 91, HRS, the Chair announced that the Commission was reconvening its scheduled meeting at 9:34 a.m.

Executive Officer's
Report:

Minutes of Previous Meetings

Upon a motion by Commissioner Imanaka, seconded by Commissioner Evangelista, it was voted on and unanimously carried to approve the minutes of the February 25, 2000 Real Estate Commission meeting as circulated.

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 8, 2000 Laws and Rules Review Committee meeting as follows:

1. Minutes of Previous Meetings – **Accept** minutes of February 9, 2000.

2. Program of Work, FY00—Neighbor Island Outreach—
Recommend that the next neighbor island outreach be held on the island of Kauai, on May 12, 2000, subject to room availability.
Further recommend that the June Committee meetings be rescheduled from June 14, 2000 to June 7, 2000, subject to room availability.
3. Next Meeting: Wednesday, April 12, 2000
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 Aki, seconded by Commissioner Evangelista, it was voted on and unanimously carried to accept the amended report of the March 8, 2000 Education Review Committee meeting as follows:

1. Minutes of the February 9, 2000 meeting – **Accept.**
2. Continuing Education Administration, Curriculum, Courses, Providers, and Instructors – Applications
 - a. Administrative Issues – Delegation to Staff –
Recommend to delegate to staff to process to approval continuing education course applications where the course shall be offered by a provider approved by the Commission and is a national course delivered by an instructor certified by either; the National Association of REALTORS or its affiliates; the Building Owners and Managers Association; the Community Associations Institute; or any other national organization approved by the Commission.
 - b. Applications – National Course – CI 101 “Financial Analysis for Commercial Investment Real Estate.”
National course taught by a nationally certified instructor certified by the National Association of REALTORS or its affiliates (i.e., the Commercial Investment Real Estate Institute) (Provider: Hawaii Association of REALTORS), Instructor: Jim Baker, CCIM – **Recommend approval** as a continuing education course with two 3-1/3 elective credit hours.
3. Program of Work, FY00 – Broker Curriculum and Resources –
Commissioner Ohama to work with staff on a report to the Committee regarding the status and history of the broker curriculum.
4. ARELLO, REEA and Other Organizations – REEA Annual Meeting, June 15 – 17, 2000 – Due to simultaneous conferences, **recommend approval** for one staff member and two Commissioners to participate at the REEA Annual Meeting, to be held on June 15 – 17, 2000 and for one staff member and two Commissioners to participate at the ARELLO Western District Conference on June 14 – 19, 2000, to be held in Las Vegas, Nevada, subject to REEF budget and DCCA approval.

The Chair of the Real Estate Commission and the Supervising Executive Officer shall determine the attendees.

5. Next Meeting: Wednesday, April 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 Imanaka, it was voted on and unanimously carried to accept the report of the March 8, 2000 Condominium Review Committee meeting as follows:

1. Minutes of February 9, 2000 – **Accept** minutes.
2. Condominium Governance and Management
 - a. AOA Registrations – **Recommend approval** to ratify effective dates for AOA registrations for 1999 – 2001 Registrations through February 29, 2000.
 - b. Condominium Seminars
 - 1) **Recommend approval** of the following seminars for CEF subsidy subject to the terms and conditions of the current contract with CAI Hawaii and the Commission:
 - a) “The New & Improved Act 236 (§514A-97(C)) A new beginning for Hawaii associations...or troubled waters ahead,” March 8, 9 and 10, 2000 (Maui, Kauai, Oahu)
 - b) “Anatomy of a Construction Defect Lawsuit,” June 15, 2000
 - c) “ABC’s, A Basic Course for Association Leaders,” April 8, 2000 **subject to receipt of a written request for CEF funding and delegation to staff** of final approval if the written request satisfies the terms and conditions of the current contract with CAI Hawaii.
 - 2) **Recommend declining CEF participation** in the “Condominium Life” video series – Lois & Harvey Janis, JoAnne Johnson request for CEF subsidy; based on the current availability of resources about the subject matter and the availability of alternative dispute resolutions.
3. Developer’s Public Reports, Extensions Issued
 - a. **Recommend approval** to ratify issuance of effective dates of the developer’s public reports and extensions issued for the month of February 2000.
 - b. Lanikai Place – Registration No. 1871, Cynthia H. Thielen’s Request – **Recommend acceptance of the request to defer.**

4. Program of Work, FY00 – Neighbor Island Outreach – May 12, 2000 Kauai; June CRC meeting rescheduled from June 14, 2000 to June 7, 2000.
5. Condominium Specialists Office for the Day:
Friday, March 10, 2000 Kailua-Kona, Hawaii
Friday, March 17, 2000 Kahului, Maui
6. Next Meeting: Wednesday, April 12, 2000
1:00 p.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Request for Condominium Education Fund Subsidy - Community Associations Institute – Hawaii Chapter Seminars

Upon a motion by Commissioner Evangelista, seconded by Commissioner Imanaka, it was voted on and unanimously carried to approve the Community Associations Institute – Hawaii Chapter's request for approval of a Condominium Education Fund subsidy for the following seminars, in accordance with the terms of the contract:

1. "How to Avoid the Pitfalls of Contracting for Community Associations," to be held on April 29, 2000, from 8:30 a.m. to 12 Noon; and
2. "All Most Free Legal Advice," to be held on May 18, 2000, from 12 Noon to 1:30 p.m.

Legislative Report

The SEO summarized his Legislative Report No. 4, which was distributed to the Commissioners for their information and comment.

Chapter 91, HRS,
Adjudicatory Matters:

The Chair called for a recess from the meeting at 9:40 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS.

In the Matter of the Real Estate Broker's License of Robert H. Middleton dba Kauai Isle Real Estate, REC 97-150-L

Commissioners Ching and Evangelista recused themselves from the meeting.

The Chair noted that Debi Tulang-De Silva, RICO Attorney, was present for the Robert H. Middleton dba Kauai Isle Real Estate matter. Mr. Middleton had filed a Motion for Reconsideration of the October 28, 1999 Commission's Final Order and was scheduled to appear at 9:45 a.m. In consideration of Mr. Middleton, the Commission delayed considering this matter since Mr. Middleton was not present.

Commissioners Ching and Evangelista returned to the meeting.

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

9:45 a.m.

Licensing and
Registration -
Ratification:

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

Licensing –
Questionable
Applications:

Akimi S. Mallin

Akimi Mallin was present, along with her attorney, Patricia Park. Ms. Mallin was requesting that the Commission reconsider its February 25, 2000 decision.

The Commission was informed that the motion was filed within the ten days as provided in HAR, §16-201-23. Commissioner Nomura moved to approve Ms. Mallin's request for reconsideration and to hear the new information. Commissioner Okawa seconded the motion. The motion was voted on and unanimously carried.

Ms. Mallin and her attorney requested that her application be considered in open session.

Commissioner Ching asked Ms. Mallin if her broker's experience certificate was issued in October 1998. Ms. Park answered in the affirmative. Ms. Park was then asked if her client had an opportunity to take the real estate licensing examination. Ms. Park again answered in the affirmative but added that this fact should not matter to the Commission. Ms. Park stated that the law cannot be applied retroactively to her client.

Commissioner Evangelista stated that the law was signed into effect on July 2, 1999. If Ms. Mallin had come before the Commission any time between the months of July and October 1999, prior to the expiration of her certificate, and had requested an extension, it would have been a different situation. Ms. Mallin was issued a broker's experience certificate from the Commission, which expired in October 1999. Ms. Mallin was not instructed that she could not use the certificate between the months of July and October 1999.

Ms. Park stated that she is saying that the law is prospective and can only be applied from July 1999 forward. In July 2002, the Commission can look back and say that you must be licensed three years prior to this date. Ms. Park stated that her client has a right to the experience certificate and it cannot be taken away from her. Ms. Park pointed out that the Supreme Court has ruled that laws cannot be applied retrospectively. Ms. Park stated that Section 1-3, HRS, states, "No law has any retrospective operation, unless otherwise expressed or obviously intended."

Commissioner Ching stated that based on Ms. Park's interpretation of the law, applicants would have to wait for the three years to pass in order to apply for their broker's experience certificate and they should not be allowed to apply now for their broker's experience certificate. Ms. Park stated that if they were following her argument, then that interpretation would be correct.

Ms. Park stated that from a practical position, this is only one case. She does not think that there are other people who are in the same position as her client. If there are other people in the same position, they should be treated like her client.

Real Estate Specialist Cole asked Ms. Park if the law could not be applied until July 2002. Ms. Park replied that it would only apply for her. The Legislature did not think about situations such as these, nor did they think about the retrospective prohibition. Every time the Commission goes to the Legislature, they must consider the retrospectivity issue.

Commissioner Evangelista asked Ms. Park if it was her understanding that once a person is issued a broker's experience certificate, they have a property right. There are other conditions, which her client must also comply with. Ms. Park agreed that there were other conditions, which must be met in order to obtain a broker's license. Her client must be able to pass the exam. Her client has the right to take the exam. Ms. Park stated that there is a profundity there when you look at the past law in which the applicant had to submit ten transactions and now they are currently only required to stick around for three years.

Commissioner Evangelista asked if Ms. Mallin had used her experience certificate at any time between October 1998 and October 1999. Ms. Park stated that Ms. Mallin had taken the examination.

Commissioner Ching stated that under the old law, if the certificate expired, the applicant would have to reapply for a new certificate. Ms. Mallin's right ended in October 1999. The certificate is not automatically renewable. Ms. Park agreed that it was correct.

Staff would have to look at the applicant's qualifications and determine whether or not an applicant met the qualifications. Ms. Park stated that the Commission is in the retroactive arena.

Ms. Park stated that the Court stated the following in the Clark v. Cassidy case:

It is an established rule that "[n]o law has any retrospective operation, unless otherwise expressed or obviously intended [citations omitted]. The rule is particularly applicable where the statute or amendment involves substantive rights. Substantive rights are generally defined as rights "which 'take away or impair vested rights acquired under existing laws, or create a new obligation, impose a new duty, or attach a new disability in respect to transactions or consideration already past,'" as distinguished from remedies or procedural laws which merely prescribe methods of enforcing or giving effect to existing rights.

Ms. Park stated that her client had a vested right by virtue of the ten transactions. Since the laws were amended, they fall squarely in the definition of the Cassidy case.

Commissioner Evangelista stated that it would be correct if on July 1, 1999, all of the certificates were revoked. The Commission is not saying that. Ms. Mallin's certificate expired and the Commission is saying that we have a new statute with different requirements.

Ms. Park stated that she understood what Commissioner Evangelista was saying, but it is different in the rejection of the experience certificate.

Commissioner Evangelista asked Ms. Park when her client applied for her broker's experience certificate. Ms. Park stated that she had applied in January 2000.

Commissioner Evangelista asked Ms. Park if she is saying that the Commission should grant an experience certificate to anyone coming before them with the three years experience. Ms. Park said that if someone came in today and said that they met the amended requirements, then yes, the Commission should issue a broker's experience certificate. If someone like her client came in before the Commission, the Commission would have to grant her certificate. When asked if her client would have a vested right, Ms. Park stated that she would and that is the heart of the Cassidy case.

Ms. Park stated that the Legislature has to say that the law is retroactive.

Commissioner Evangelista stated that Section 13 of Act 240 states, "This Act shall take effect upon its approval."

Ms. Park stated that the Supreme Court says it must be prospective. It is something that must be addressed. It applies to every legislative act that comes to the Commission thereafter.

Commissioner Aki asked Ms. Park if anyone who qualifies for the broker's experience certificate prior to the passing of the new law would be eligible under that provision to have an experience certificate. Ms. Park stated that was correct. Ms. Park stated that if the applicant appeared before the Commission today and was qualified under the old law, they must grant the broker's experience certificate. It is a form of grandfathering.

Commissioner Evangelista asked Ms. Park when the pending applications would end. Ms. Park replied, "2002."

Commissioner Evangelista informed Ms. Park that there is nothing in the statutes that say that it could apply to pending claims. There is nothing in the statutes to reactivate it after that time.

Ms. Park states that it goes back to whether or not Ms. Mallin had a forfeited right. Ms. Park stated that it was not like her client was getting approval to be a broker. She must still go through the hurdles.

Commissioner Ching stated that Ms. Mallin had a right until October 1999 to pass the real estate exam. If the Commission had taken away her certificate from July 1999, then they may have taken away her right.

Real Estate Specialist Cole asked if Ms. Mallin had taken the exam after July 2, 1999. Ms. Mallin answered that she had. Ms. Park was asked if there was a reason for her client not obtaining her broker's license within the specified time due to hardship. Ms. Park stated that it was a hardship for her client that the Commission was requiring her to wait

another nineteen months to obtain another broker's experience certificate. Ms. Park stated that it would mean that her client would have to give up on the income that she would make if she decided to go out on her own. Her client has the experience. Her client would meet the requirements under the old law and also under the new laws, with the exception of her six weeks of inactivity.

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

John C. Welch

John C. Welch was asked if he wished to have his application considered in executive session. Mr. Welch accepted the offer.

Executive Session:

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

Deborah C. Lesa

Deborah C. Lesa was asked if she wished to have her application considered in executive session. Ms. Lesa accepted the offer. Ms. Lesa was also asked if she wished Ms. Yoon to remain during executive session. Ms. Lesa answered in the affirmative.

Executive Session:

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

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

Henry W. Quayle

Henry W. Quayle was asked if he wished to have his application considered in executive session. Mr. Quayle accepted the offer. Mr. Quayle was asked if he wished to have his attorney and his sister,

Elizabeth Quayle present during executive session. Mr. Quayle answered in the affirmative.

Executive
Session:

Upon a motion by Commissioner Nomura, 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;".

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

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

Commissioners Ching and Evangelista recused themselves from the meeting.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 10:41a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate Broker's License of Robert H. Middleton dba Kauai Isle Real Estate, REC 97-150-L, Request for Reconsideration of the Commission's Final Order, dated October 28, 1999

The Chair apologized to Ms. Tulang-De Silva for the delay.

The Executive Officer explained to the Commission that Mr. Middleton was not here but Ms. Tulang-De Silva was present to represent RICO.

A letter was sent to both parties informing them that the Commission would be reviewing the matter at approximately 9:45 a.m. at this meeting. Both parties did receive the letters.

The Deputy Attorney General stated that the Commission could accept RICO's submissions and either allow Mr. Middleton to have an opportunity to testify or the Commission could render a decision based on the information before them.

Commissioner Aki stated that he would prefer to defer decision making and request that Mr. Middleton provide an explanation for his non-appearance.

Upon a motion by Commissioner Aki, seconded by Commissioner Imanaka, it was voted on and unanimously carried to delay consideration of this matter to the April 28, 2000 meeting, to direct staff to instruct Mr. Middleton to appear at the April 28, 2000 meeting and also to invite RICO to appear.

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 10:58 a.m.

Commissioners Ching and Evangelista returned to the meeting.

Licensing – Questionable Applications:

Eugenio P. Wells

Eugenio Wells was asked if he wished to have his application considered in executive session. Mr. Wells accepted the offer.

Executive Session:

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

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

Chapter 91, HRS, Adjudicatory Matters:

The Chair called for a recess from the meeting at 11:00 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate Brokers' Licenses of Peter B. Savio, Savio Realty, Ltd. Better Homes and Gardens, Dana G. Kenny and Allan B. Kroll, REC 1998-101-L

Upon a motion by Commissioner Ching, seconded by Commissioner Nomura, 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 Brokers' Licenses of Mid-Pacific Property Management, Ltd. and Thomas R. Pellegrine, REC 98-82-L

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

In the Matter of the Real Estate Broker's License of Paul T. Shiraki, REC 99-53-L

This matter was deferred to the April 28, 2000 Real Estate Commission meeting, in that it was discovered that notice as required by law concerning the Petitioner's Exceptions to the Hearings Officer's Recommended Order and Request for Oral Argument had not been provided.

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 11:08 a.m.

Recess: The Chair recessed the meeting at 11:08 a.m.

Reconvene: The Chair reconvened the meeting at 11:22 a.m.

Executive Session: Upon a motion by Commissioner Imanaka, 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.

Licensing – Questionable Applications:

Robert V. Wagley

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the real estate salesperson's application of Robert V. Wagley. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Steven Abrams

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

Hank Correa Realty, LLC

After a review of the information submitted by the applicant, Commissioner Nomura moved to approve the real estate broker's license application of Hank Correa Realty, LLC. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

John C. Welch

After a review of the information presented by the applicant, Commissioner Ching moved to approve the real estate broker's experience certificate of John C. Welch. Commissioner Okawa seconded the motion. The motion was voted on and unanimously carried.

Deborah C. Lesa

After a review of the information presented by the applicant, Commissioner Aki moved to approve Deborah C. Lesa's request for reconsideration despite its untimely filing and to approve her real estate salesperson's license and delegate to staff to continue processing the

application. Commissioner Ching 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 approve Henry W. Quayle's request for reconsideration despite its untimely filing and to approve his real estate salesperson's license and delegate to staff to continue processing the application. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Akimi S. Mallin

After a review of the information presented by the applicant, Commissioner Nomura moved to reaffirm the Commission's previous decision, dated February 25, 2000. No further request for reconsideration will be accepted. Commissioner Okawa seconded the motion. The motion was voted on and unanimously carried.

Eugenio P. Wells

After a review of the information presented by the applicant, Commissioner Ching moved to approve the real estate salesperson's application of Eugenio P. Wells. Commissioner Okawa seconded the motion. The motion was voted on and unanimously carried.

Michael L. Metcalf

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the real estate salesperson's application of Michael L. Metcalf. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Lenny A. Walence

After a review of the information submitted by the applicant, Commissioner Aki moved to approve the real estate salesperson's application of Lenny A. Walence. Commissioner Evangelista seconded the motion. The motion was voted on and unanimously carried.

Next Meeting:

Friday, April 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 12:04 p.m.

Reviewed and approved by:

/s/ Christine Rutkowski
Christine Rutkowski
Executive Secretary

April 28, 2000
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON MARCH 24, 2000

<u>Brokers - Corporations and Partnerships</u>	<u>Effective Date</u>
Aloha Kona Realty Inc. James L. Louis, PB	01/27/00
Hawaii Realty, Inc. Chris A. Handlir, PB	03/01/00
<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Richard Ball Realty LLC Richard L. Ball, PB	02/15/00
GRJ Realty, LLC, GRJ Realty Gracelyn J. Devega, PB	03/02/00
<u>Brokers - Sole Proprietor</u>	<u>Effective Date</u>
Paige B. Vitousek	02/07/00
Roy Y. Yamada	02/10/00
Joseph M. Stimbroski	02/14/00
James L. K. Dahlberg	02/15/00
Ricky H. Taniguchi	02/15/00
<u>Trade Name</u>	<u>Effective Date</u>
Landmark Hawaii, Inc., Buyer's Realty	03/03/00
<u>Corporation Name</u>	<u>Effective Date</u>
Biz Buy Sell Globally, Inc. (fka Business Brokers Hawaii #10, Inc.)	02/28/00
<u>Branch Office</u>	<u>Effective Date</u>
Charlene Kaneshiro, CK Island Properties Charlene Kaneshiro, PB Charles Joseph Belbot, BIC	02/03/00
<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Magdalena Harper	02/17/01
Jo Anne Emi Goya	02/18/01
Mehrdad Elie	02/22/01
Bradford Charles Jackman	03/06/01
Michael Robert Raab	03/09/01
<u>Education Waiver Certificate</u>	<u>Expiration Date</u>
Ted Suekawa	02/17/01
Jeanne O'Brien	02/23/01
Lilia Y. Quan	03/02/01
Holly Cristine Zebari	03/02/01
Leonard Barry Smith	03/02/01
Minor L. Carlson	03/06/01
Michael Robert Raab	03/09/01
Karen J. Brown	03/10/01
<u>Real Estate Broker Experience Certificate</u>	<u>Expiration Date</u>
Kevin K. Agena	02/17/01
Kingston J.T. Liao	02/17/01
Philip A. Wilson	02/17/01
David Taylor	02/18/01

Real Estate Broker Experience Certificate (cont.)

	<u>Expiration Date</u>
Salvador A. Fasi	02/18/01
Jeffrey P. Smith	02/18/01
Dianne M. Tremain	02/18/01
Alice Nalani Theodore	02/18/01
Clement H. K. Ching	02/23/01
Rachel K. H. Le	02/24/01
Lee T. Funai	02/24/01
Darlene A. Higa	02/24/01
Harrington K. Hayakawa	02/24/01
Sharon I. Moffatt	02/28/01
Kendall K. Suga	02/24/01
Lianne H. Buenconsejo	03/01/01
Pamela S. Parker	03/01/01
Steven M. Rogers	03/03/01
Ronald A. Hedemark	03/03/01
James R. Turner	03/06/01
Lynn B. Uyenco	03/06/01
Stephanie M. S. Bullock	03/10/01
Tonya L. Bush	03/31/01
Lisa M. Kloess	03/13/01

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Glenn W. J. Sato	01/31/00
Lynn S. Yuasa	02/15/00
Francis Paul Cofran	02/28/00

Condominium Hotel Operator

	<u>Effective Date</u>
All Islands, Inc., Century 21 All Islands	02/04/2000
Hometrend, Ltd.	03/06/2000