

**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, October 26, 2000

Time: 9:00 a.m.

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

Present: John Ohama, Chair  
Michael Ching, Member  
Charles Aki, Member  
Alfredo Evangelista, Member  
Mitchell Imanaka, Member  
Iris Okawa, Member

Calvin Kimura, Supervising Executive Officer  
June Kamioka, Executive Officer  
Pamela Garrison, Senior Real Estate Specialist  
Lorene Arata, Condominium Specialist  
Gina Watumull, Condominium Specialist  
Shari Wong, Deputy Attorney General  
Erica Piccolo, Special Deputy Attorney General  
Irene Kotaka, Secretary

Richard Towle  
Lawrence Redden  
James Stone, Esq.  
Dee Marumoto  
Wallace Klein  
James Wodehouse  
James H. Marovich  
Margaret Powell  
Ronald P. Thames  
Leona Soto  
Marcie Thames

Excused: Casey Choi, Member  
Patricia Choi, Member  
Peter Rice, Member

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

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

#### **Additions to the Agenda**

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

4. Committee Reports
  - a. Laws and Rules Review Committee -Delegation to Staff

#### **Additional Distribution**

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

4. Committee Reports
  - b. Condominium Review Committee
    - 2) Condominium Seminars
6. Licensing – Questionable Application
  - a. Barbara J. Bradley
  - b. David S. Elber
  - d. Richard Towle
  - e. James H. Marovish

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

Upon a motion by Commissioner Evangelista, seconded by Commissioner Imanaka, it was voted on and unanimously carried to approve the minutes of the September 29, 2000 Real Estate Commission meeting as circulated.

#### Chair's Report:

No report was presented.

#### Committee Reports:

#### **Laws and Rules Review Committee**

Upon a motion by Commissioner Evangelista, seconded by Commissioner Okawa, it was voted on and unanimously carried to accept the report of the October 11, 2000 Laws and Rules Review Committee meeting as follows:

1. Minutes of Previous Meetings – **Accept** of minutes of the September 13, 2000 meeting.
2. Program of Work – Licensing, Registration and Certification Administration
  - a. 1999-2000 Continuing Education Providers and Courses Ratification List – **Recommend approval.**
  - b. Provider – Brian R. Thomas dba EdVenture (Administrator: Brian R. Thomas) – **Recommend approval subject to receipt of surety bond.**
  - c. Course – “Reading TMK Maps,” Author/Owner: Leslie W. Brown and Brian R. Thomas, (Provider: Brian R.

- Thomas dba EdVenture), Course Category: Other: General Brokerage, Course Clock Hours: 3 – **Recommend approval.**
- d. Course – “Coping With AOAOs and Associations,” Author/Owner: Abraham Lee, (Provider: Abe Lee Seminars), Course Category: Dispute Resolution Seminars – **Recommend approval.**
- e. AOAO Registrations – **Recommend approval** to ratify effective dates for AOAO registrations for 1999 – 2001 registrations through September 30, 2000.
- f. Developer’s Public Reports – September 2000 – **Recommend approval** to ratify issuance of effective dates of the developer’s public reports and extensions issued for the month of September 2000.
3. Next Meeting: Wednesday, November 15, 2000  
9:00 a.m.  
Kapuaiwa Room  
HRH Princess Victoria Kamamalu Building  
1010 Richards Street, Second Floor  
Honolulu, Hawaii

#### Questionable Renewal Applications – Clarification of Delegation to Staff

Upon a motion by Commissioner Aki, seconded by Commissioner Ching, it was voted on and unanimously carried to adopt the clarifications to the Commission’s delegation to staff, approved effective July 26, 1996 as follows:

- 1) “In the past 2 years has your license ever been formally disciplined by way of a suspension, restriction, or revocation?”  
If answered “yes”, and explanation occurs within the record:
- ◆ If applicant has successfully reinstated suspended license, staff to approve.
  - ◆ If applicant has successfully complied with terms of disciplinary action (fine, course, etc.) that does not include a suspension, staff to approve.
  - ◆ If applicant has time left to comply with terms of disciplinary action (fine, course, etc.) that does not include a suspension, staff to approve.
  - ◆ If answered “Yes” incorrectly, applicant’s response concerns a disciplinary action more than two years ago, and the applicant’s case was previously addressed by either of the first two aforementioned situations, staff to approve.
- 2) “Are there any disciplinary actions pending against you?”  
If answered “yes”, and explanation concurs with the record, staff to approve.  
If answered “no” incorrectly and provides a written clarification that corrects the response, staff to approve.

- 3) "In the past 2 years have you been convicted of a crime?"
- ◆ If answered "yes", explanation concurs with the record, and the applicant's case is pending with RICO or the applicant's case was previously addressed by the REC, staff to approve.
  - ◆ If answered "yes" incorrectly, response concerns a criminal conviction more than two years ago, and the applicant's case is pending with RICO or was previously addressed by the REC or RICO, staff to approve.
- If answered "no" incorrectly and provides a written clarification that corrects the response, staff to approve.

### **Education Review Committee**

Upon a motion by Commissioner Aki, seconded by Commissioner Evangelista, it was voted on and unanimously carried to accept the report of the October 11, 2000 Education Review Committee meeting as follows:

1. Minutes of September 13, 2000 – **Accept.**
2. Next Meeting: Wednesday, November 15, 2000  
10:00 a.m.  
Kapuaiwa Room  
HRH Princess Victoria Kamamalu Building  
1010 Richards Street, Second Floor  
Honolulu, Hawaii

### **Condominium Review Committee**

Upon a motion by Commissioner Imanaka, seconded by Commissioner Evangelista, it was voted on and unanimously carried to accept the report of the October 11, 2000 Condominium Review Committee meeting as follows:

1. Minutes of September 13, 2000 – **Accept** minutes.
2. Next Meeting: Wednesday, November 15, 2000  
11:00 a.m.  
Kapuaiwa Room  
HRH Princess Victoria Kamamalu Building  
1010 Richards Street, Second Floor  
Honolulu, Hawaii

Condominium Seminars – Upon a motion by Commissioner Imanaka, seconded by Commissioner Ching, it was voted on and unanimously carried to approve CAI – Hawaii Chapter's "Almost Free Legal Advice" seminar, to be held on November 11, 2000, from 8:30 a.m. to 12 Noon,

for CEF subsidy subject to the terms and conditions of the current contract with CAI Hawaii and the Commission.

Licensing and  
Registration -  
Ratification:

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

Licensing –  
Questionable  
Applications:

**Barbara J. Bradley**

Barbara J. Bradley was represented by her attorney, James Stone, and her principal broker, Dee Marumoto. Ms. Bradley was not present. Mr. Stone was asked if he wished to have his client's application for a real estate broker application considered in executive session. Mr. Stone accepted the offer.

Executive  
Session:

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

Licensing –  
Questionable  
Applications:

**Barbara J. Bradley**

Upon a motion by Commissioner Ching, seconded by Commissioner Okawa, it was voted on and unanimously carried to grant Barbara J. Bradley's request for reconsideration.

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.

Licensing -  
Questionable  
Applications:

**Barbara J. Bradley**

Upon a motion by Commissioner Ching, seconded by Commissioner Evangelista, 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 10:03 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 Suzanne Jackson dba Main Street Realtors, REC 98-23-L, 99-26-L and 99-37-L**

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

Commissioner Ching requested that in egregious cases RICO look at the sanctions more seriously.

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 10:12 a.m.

Recess:

The Chair called a recess at 10:12 a.m.

Reconvene:

The Chair reconvened the meeting at 10:21 a.m.

Licensing –  
Questionable  
Applications:

**Kahala Investments, Inc. dba Burgess and Associates**

Margaret Powell, Secretary, and Lawrence Redden, principal broker for Kahala Investments, Inc. were asked if they wished to have the real estate broker application of Kahala Investments, Inc. dba Burgess and Associates considered in executive session. They declined the offer.

Ms. Powell stated that the corporation trade name is renewed every ten years. When the firm forms a corporation, the corporation must renew their rights to a tradename six months before it expires. Susan Burgess died in 1997 and the registration became due in late 1999 or early 2000. No one knew about it until the expiration date. They thought they had the matter all corrected in May 2000 and went through all of the steps to reinstate the corporation. It was a surprise to them. They had to go back to square one to get everything back up to date.

Mr. Redden stated that in January 1997, Susan Burgess died. Prior to her death, he met with her and she decided that she had wanted him to run the firm, which he did. In December 1999, the corporation and the tradename were approved. He would like to continue being able to operate and will be up for renewal in the next six months for the ten-year period.

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

**Richard H. Towle**

Richard H. Towle was asked if he wished to have his application for a real estate salesperson's license considered in executive session. Mr. Towle accepted the 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 Aki, seconded by Commissioner Ching, it was voted on and unanimously carried to move out of executive session.

Licensing -  
Questionable  
Application:

**Richard H. Towle**

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

**James H. Marovish**

James H. Marovish was asked if he wished to have his application for a real estate salesperson's license considered in executive session. Mr. Marovish accepted the offer.

Executive Session:

Upon a motion by Commissioner Okawa, 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:

**James H. Marovish**

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

**Ronald P. Thames**

Ronald P. Thames was asked if he wished to have his request for a preliminary decision considered in executive session. Mr. Thames accepted the offer. He also requested that the following people be allowed to remain in the room:

Leona Soto, Proposed Principal Broker  
Marcie Thames, Wife  
Paul Thames, Father

Executive Session:

Upon a motion by Commissioner Aki, seconded by Commissioner Okawa, 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:

**Ronald P. Thames**

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

**James H. Wodehouse**

James H. Wodehouse was asked if he wished to have his request for a preliminary decision considered in executive session. Mr. Wodehouse declined the offer.

Mr. Wodehouse provided a copy of a letter that he had written to Mr. Thompson.

Mr. Wodehouse stated that he had made a verbal proposal to pay ten percent of his future commissions to Mr. Thompson. He provided testimony and a letter of support from Wallace Klein, his proposed principal broker. Mr. Wodehouse stated that he had contacted Mr. Thompson and told him that he was trying to get relicensed. It became clear to Mr. Thompson that if he wanted to be paid back, he needed to support his application for a real estate salesperson's license. Mr. Thompson informed him that he prefers that the payment be handled through the Commission, RICO or DCCA.

Mr. Wodehouse stated that he had drafted the letter to Mr. Thompson and had read it to him over the phone the night before. Mr. Wodehouse stated that Mr. Thompson agreed 100% to the contents of the letter. Mr. Wodehouse informed the Commissioners that he had completed the real estate salesperson's course and has taken and passed the real estate licensing examination. He is also prepared to file his application for licensure. Mr. Wodehouse apologized for this matter coming before the Commission.

The SEO reported that he had received a call from Mr. Thompson yesterday. He informed Mr. Thompson that Mr. Wodehouse's application would be discussed at the REC meeting today.

Commissioner Ching informed Mr. Wodehouse that the issue before the Commission is Mr. Wodehouse's request for a preliminary decision with regards to his application for a real estate salesperson's license, which is considered a non-binding decision. Should Mr. Wodehouse desire to pursue the submission of his application for a real estate salesperson's license, he may do so.



Mr. Klein asked if the Commissioners had any questions on how the repayment would be enforced. He stated that he would take responsibility for seeing that it is enforced. He has set up an account with escrow for the moneys to be taken out of escrow. He would agree to whatever the Commission decided needed to be done and would be happy to monitor the payments.

Commissioner Ching asked if the judgment ordered restitution and if the restitution were discharged in the bankruptcy proceedings. Mr. Wodehouse stated that the fine was not discharged.

Mr. Wodehouse was asked why he hasn't paid the fine. Mr. Wodehouse stated that he has no moneys in escrow to pay the fine.

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

Executive Session:

Upon a motion by Commissioner Aki, seconded by Commissioner Okawa, 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.

Licensing –  
Questionable  
Applications:

**Barbara J. Bradley**

After a review of the information presented by the applicant, Commissioner Imanaka moved to approve a conditional three-year real estate broker's license. Commissioner Aki seconded the motion. Commissioner Okawa, Aki, Imanaka voted in favor of the motion. Commissioners Ohama, Ching and Evangelista opposed the motion. No decision was made due to the lack of five votes in favor or in opposition. Therefore, the decision of the June 30, 2000 Real Estate Commission meeting remains the decision of record.

**David S. Elber**

After a review of the application, Commissioner Evangelista moved to deny David S. Elber's application for a real estate sole proprietor license. Commissioner Okawa seconded the motion. The motion was voted on and unanimously carried.

**Kahala Investments Inc. dba Burgess and Associates**

After a review of the information presented by the applicant, Commissioner Ching moved to approve the real estate corporation license and the tradename registration of Kahala Investments Inc. dba

Burgess and Associates. Commissioner Evangelista seconded the motion. The motion was voted on and unanimously carried.

**Richard H. Towle**

After a review of the information presented by the applicant, Commissioner Imanaka moved to deny unless within 60 days he submits a letter from a CPA or an attorney specializing in taxation laws, which confirms that his position with the IRS and the statute of limitations would be prejudiced if he were to approach the IRS for a payment plan. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

**James H. Marovich**

After a review of the information presented by the applicant, Commissioner Evangelista moved to most likely approve the real estate salesperson's application of James H. Marovich. Commissioner Imanaka seconded the motion. Commissioners Aki, Ohama, Evangelista and Imanaka voted in favor of the motion. Commissioners Ching and Okawa voted against the motion. No decision was made due to the lack of five votes in favor or in opposition.

**Ronald P. Thames**

After a review of the information presented by the applicant, Commissioner Evangelista moved to most likely approve the real estate salesperson's application of Ronald P. Thames. Commissioner Imanaka seconded the motion. Commissioners Aki, Imanaka, Evangelista, and Ohama voted in favor of the motion. Commissioners Ching and Okawa voted against the motion. No decision was made due to the lack of five votes in favor or in opposition.

**Zoe' Minyer Bras Nabarrete fka Sue E. Nabarrete**

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

**Colin E. Stillwagen**

Pursuant to the applicant's request, decision making on this application has been deferred.

**James Hay Wodehouse, Jr.**

After a review of the information presented by the applicant, Commissioner Imanaka moved that the Commission would most likely approve the real estate salesperson's application of James Hay Wodehouse, Jr. Commissioner Aki seconded the motion.

Commissioners Aki and Imanaka voted in favor of the motion. Commissioners Ching, Okawa, Ohama and Evangelista voted against the motion. No decision was made due to the lack of five votes in favor or in opposition.

**David E. Carlson**

After a review of the information submitted by the applicant, Commissioner Ching moved to deny David E. Carlson's application for a broker experience certificate, pursuant to §467-9.5(3)(C), HRS. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Next Meeting:

Thursday, November 30, 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 11:23 a.m.

Reviewed and approved by:

\_\_\_\_\_  
Calvin Kimura  
Supervising Executive Officer

\_\_\_\_\_  
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE  
REAL ESTATE COMMISSION MEETING ON OCTOBER 26, 2000

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Teney Takahashi LLC Teney K. Takahashi, PB	09/05/00
Beppu Realty, LLC Drucilla U. Gilroy, PB	09/27/00
H B Realty, LLC Ronald H. B. Kim, PB	10/03/00

<u>Brokers – Corporation</u>	<u>Effective Date</u>
EWA International, Inc. Robert C. Miller, PB	09/28/00
Resort Management International, Inc. Roger Y. Shigaki, PB	09/13/00

<u>Brokers - Sole Proprietor</u>	<u>Effective Date</u>
Joseph M. Przygodzinski	09/11/00
Donald K. Hall	09/26/00

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Ofer Ahuvia	09/21/01
Allison C. Cooper	09/22/01
Sheila Marie Braget	09/26/01
William Russell LaBeau	09/26/01
Robert E. Buckley, Jr.	10/03/01
Stephanie Howard	10/06/01
Steven A. Wylie	10/10/01
Maria W. Sousie	10/12/01
Kristina Rae Vaughn-Hazard	10/13/01
Fernando E. Po	10/17/01

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Ofer Ahuvia	09/21/01
Koichi Yamamoto	09/22/01
William P. Kenoi	09/22/01
Robert Philip Aponte	09/22/01
Diego Lopez	09/26/01
Alan Rugendorf	09/26/01
Sheila Marie Braget	09/26/01
William Russell LaBeau	09/26/01
Jack Kenyon Pricer	10/04/01
Steven A. Wylie	10/04/01
Violeta Abaya Cumti	10/06/01
Emily A. Gardner	10/11/01
Conradina M. Knupp	10/12/01

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Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
John Dotten	09/20/01
Robert P. Keane	09/25/01
E. Ann Fritch	10/03/01
Jonathon A. Olson	10/03/01
Evelyn Y. Cummings	10/10/01
Robert P. Merkle	10/12/01
Richard B. Dole	10/12/01
Maria R. Handl	10/12/01
Peter V. Herndon	10/12/01
Wendell M. Wong	10/13/01
Jacinto M. Legal	10/13/01
Trudy E. Vella	10/16/01
Linda G. Tamanaha	10/16/01
Jeannine F. Carr	10/16/01
Joannie Tam	10/18/01

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Rosa C. H. Chiang	09/01/00
Todd A. Hedrick	09/05/00
Christine A. Nakashima-Heise	09/13/00
Bernadette R. Briones	09/13/00
Margaret M. Alderman	09/20/00
Cynthia L. Nash	09/14/00
D. Kimiko White	09/29/00
Merrilen Nalani G. Finsand	10/02/00

Restoration – Real Estate Salesperson

	<u>Effective Date</u>
Teresa Shurtleff	09/01/00
Edison C. Robinson	09/27/00
Louis Contreras	09/28/00
Song H. Chun	10/03/00