

REAL ESTATE COMMISSION
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii
www.hawaii.gov/hirec

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, April 24, 2009

Time: 9:00 a.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Present: Trudy Nishihara, Chair, Broker/Honolulu Commissioner
Annette Aiona, Broker/Hawaii Island Commissioner
Carol Ball, Broker/Maui Commissioner
William S. Chee, Broker/Honolulu Commissioner (late arrival)
Frances Gendrano, Broker/Honolulu Commissioner
Stanley Kuriyama, Vice Chair, Broker/Honolulu Commissioner
Mark Suiso, Public/Honolulu Commissioner
Michele Sunahara Loudermilk, Public/Honolulu Commissioner

Neil K. Fujitani, Supervising Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Amy Endo, Real Estate Specialist
David J. Grupen, Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Cheryl Leong, Condominium Specialist
Benedyne Stone, Condominium Specialist
Shari Wong, Deputy Attorney General
Karyn Takahashi, Secretary

Lei Fukumura, Special Deputy Attorney General
Bernard A. Bays, Esq.
Matt Shannon
Nancy Donahue Jones, Hawaii Association of REALTORS®

Absent: Louis Abrams, Broker/Kauai Commissioner

Call to Order: The Chair called the meeting to order at 9:00 a.m., at which time quorum was established.

Chair's Report: The Chair announced that the Commission may move into executive session to consider and evaluate personal information relating to individuals applying for licensure in accordance with Section 92-5(a)(1), HRS, and/or to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities in accordance with Section 92-5(a)(4), HRS.

Commissioner Abrams was excused from the meeting. Prior notification of his non-attendance was received.

No report presented.

Executive Officer's
Report:

The Supervising Executive Officer informed the Commissioners that the original applications with any original associated documents to be considered at the meeting were available for review.

Additional Distribution

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

6. Licensing – Applications
 - b. David R. Hickey

Minutes of Previous Meeting

Upon a motion by Commissioner Suiso, seconded by Commissioner Gendrano, it was voted on and unanimously carried to accept the minutes of the March 27, 2009 meeting.

Committees and
Program of Work:

Condominium Review Committee – Performance Bonds/Irrevocable Letters of Credit – Requests for Release

Deputy AG Wong reported that she researched legislative history going back to 1977 and did not find anything significant that spoke towards performance bonds and statute of limitations on performance bonds.

Senior Specialist Yee stated that she spoke with the Time Share Administrator, it is their practice to accept an architect's statement requiring a mechanic's lien endorsement, and they will release the bond. She noted that time share projects are most closely related to condominium projects.

The Commissioners discussed the statute of limitations, expiration dates of bonds and the fact that each bond is different.

Commissioner Chee arrives.

Absent compelling evidence, it was the Commissioners inclination to not cancel the bonds and releases should be examined on a case-to-case basis.

After discussion, the Commissioners agreed to continue to review any pending and future requests to release Performance Bonds/Irrevocable Letters of Credit on a case-to-case basis. Also, in the rulemaking process, move towards uniformity of Performance Bonds/Irrevocable Letters of Credit and update the Condominium Consultant's checklist.

Licensing –
Ratification:

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

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 9:17 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 Licenses of Phillip G. Kuchler, Inc., dba Kuchler and Company, and Phillip G. Kuchler, REC 2002-116-L and REC 2003-109-L

Commissioner Kuriyama moved to accept the Third Amended Settlement Agreement After Filing of Petition for Disciplinary Action and Commission's Final Order. Commissioner Chee seconded the motion. Commissioners Aiona, Ball, Chee, Gendrano, Kuriyama, Nishihara and Suiso voted aye. Commissioner Loudermilk voted nay. The motion carried.

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 meeting at 9:32 a.m.

Executive Session:

Upon a motion by Commissioner Aiona, seconded by Commissioner Suiso, 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;" and 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 Kuriyama, seconded by Commissioner Chee, it was voted on and unanimously carried to move out of executive session.

Licensing –
Applications:

The Supervising Executive Officer informed the Commissioners that the information provided to the Commissioners is related only to the issue that is before the Commission for consideration. The other materials submitted are available for the Commissioners review should they desire to review it. If the applicants have an issue, which is personal in nature, they have the right to request that their application be considered in executive session.

James G. Horak

After review of the information presented by the applicant, Commissioner Kuriyama moved to approve the real estate salesperson's license of James G. Horak. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

David R. Hickey

After review of the information presented by the applicant, Commissioner Loudermilk moved to approve the real estate salesperson's license of David R. Hickey. Commissioner Chee seconded the motion. The motion was voted on and unanimously carried.

Ellen A. Meier

After review of the information presented by the applicant, Commissioner Kuriyama moved to approve the real estate salesperson's license of Ellen A. Meier. Commissioner Loudermilk seconded the motion. The motion was voted on and unanimously carried.

Committees and
Program of Work:

Condominium Review Committee

Commissioner Suiso reported that on April 29, 2009, the Commission, in partnership with the Community Association Institute, will make their Adopt-A-Library presentation of condominium resource materials at the main branch of the State Library.

Next Meeting:

Friday, May 29, 2009
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Adjournment:

With no further business to discuss, the Chair adjourned the meeting at 9:40 a.m.

Reviewed and approved by:

/s/ Neil K. Fujitani
Neil K. Fujitani
Supervising Executive Officer

April 29, 2009
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
 REAL ESTATE COMMISSION MEETING ON APRIL 24, 2009

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Homeowners Realty, LLC Hall W. Ho, PB	03/20/09
Huakai Investing LLC, Huakai Properties Donald Leighton Garwood, PB	03/20/09
Elite Property Management Services, LLC Jay J. Spadinger, PB	03/23/09
The Land Office LLC Patti Barry, PB	03/24/09
Maui Properties LLC Stan Dunn, PB	03/27/09
Taba Realty & Development, LLC Matthew Taba, PB	03/27/09
CK Island Properties LLC, CK Island Properties Charlene Kaneshiro, PB	03/30/09
 <u>Brokers – Corporations and Partnerships</u>	 <u>Effective Date</u>
Housing and Land Enterprise of Maui, Na HALE O Maui John M. Anderson, PB	04/08/09
 <u>Brokers – Sole Proprietor</u>	 <u>Effective Date</u>
John R. Capron	03/13/09
David M. Lu, United States Realty	03/17/09
Tony Mangsan	03/17/09
Theodore J. Hofmann	03/18/09
Nancy M. Moore	03/20/09
Dana Singleton	03/30/09
Annie K. Moenahela, Realty Advantage Hawaii	03/30/09
Bill Lauer, Maui Green Realty	04/02/09
 <u>Limited Liability Company Name</u>	 <u>Effective Date</u>
Maui Condo and Home, LLC (fka ResortQuest Real Estate of Hawaii, LLC)	04/08/09
 <u>Trade Name</u>	 <u>Effective Date</u>
Anchor Properties Hawaii LLC, Ali'i Beach Rentals	03/23/09
Marchment Realty.com LLC, Kona Property Management	03/31/09
 <u>Equivalency to Uniform Section of Examination Certificate</u>	 <u>Expiration Date</u>
Richard Dale Hastie	03/19/11
Roy Hartman Keene	03/23/11
Kathleen Macolly	03/31/11
Richard Craig Beedle	03/31/11
Andre Sebastian Bernard	04/03/11
Meg Malani Stewart	04/03/11
Paul Vernon Coffman, III	04/06/11
Anthony J. Cadiz	04/06/11
Gregory Scott Raap	04/06/11
Julie Kyoung Kang	04/06/11

Equivalency to Uniform Section of Examination Certificate

Salvatore C. Salamone	04/06/11
Junichi Nishihara	04/07/11
Cheri Elizabeth Matthews	04/07/11
Linda Jean Briske	04/07/11
Lane Pierce Sontheimer	04/13/11
Gary Lee Gonder	04/13/11
Angel B. Praseuth	04/13/11

Expiration Date

Educational Equivalency Certificate

Richard Dale Hastie	03/19/11
Roy Hartman Keene	03/23/11
Kathleen Macolly	03/31/11
Salvatore C. Salamone	03/31/11
Andre Sebastian Bernard	04/03/11
Aubrey F. Wood	04/03/11
Meg Malani Stewart	04/03/11
Anthony J. Cadiz	04/06/11
Paul Vernon Coffman, III	04/06/11
Linda Elaine Foster Lach	04/06/11
Jennifer Anoi Suiso Ishii	04/06/11
Gregory Scott Raap	04/06/11
Julie Kyoung Kang	04/06/11
Junichi Nishihara	04/07/11
Cheri Elizabeth Matthews	04/07/11
Linda Jean Briske	04/07/11
Lane Pierce Sontheimer	04/13/11
Gary Lee Gonder	04/13/11
Angel B. Praseuth	04/13/11

Expiration Date

Real Estate Broker Experience Certificate

Marifrances Krstic	03/31/11
James Joseph Meuer	03/31/11
Andre Sebastian Bernard	04/03/11
Edgar A. Lamug	04/03/11
Paul DuFour Chicoine	04/03/11
Paul Vernon Coffman, III	04/06/11
Gregory Scott Raap	04/06/11
Julie Kyoung Kang	04/06/11
Thomas L. Holloman	04/07/11
Lane Pierce Sontheimer	04/13/11
Gary Lee Gonder	04/13/11
Jaelyn Rae Rockman	04/13/11
Harry C. Nakamura	04/14/11

Expiration Date

Real Estate Broker (upgrade)

Mitchell Craig Chapman	03/18/09
Paul D. Dullea	03/18/09
Neal Fineman	03/25/09
Evelyn N. de Gracia	03/20/09
James A. Scanlon	03/23/09
Nicole L.K. Vincent	03/24/09
David Baquiran	03/25/09
Scott Erik Garmon	03/25/09

Effective Date

Real Estate Broker (upgrade)

Linda Fogarty
Janet D. Carlin
Allyson Stebbins
Clark M. Miyazaki
Mae Kimie Murakami
Misty L. Kjallman
Dana Singleton
Lynn M. Wilkinson

Effective Date

03/25/09
03/27/09
03/27/09
03/27/09
03/30/09
03/30/09
03/30/09
04/06/09

Reinstatement – Real Estate Broker

Robert H. Middleton
Lynn M. Wilkinson

Effective Date

03/17/09
04/06/09