

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, September 25, 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
Louis Abrams, Broker/Kauai Commissioner
Annette Aiona, Broker/Hawaii Island Commissioner
Carol Ball, Broker/Maui Commissioner
Frances Gendrano, Broker/Honolulu Commissioner
Walter Harvey, Broker/Honolulu Commissioner
Mark Suiso, Public/Honolulu Commissioner

Neil K. Fujitani, Supervising Executive Officer
Jon Ellis M. Pangilinan, Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Amy Endo, Real Estate Specialist
David J. Grupen, Real Estate Specialist
Cheryl Leong, Condominium Specialist
Benedyne Stone, Condominium Specialist
David A. Webber, Deputy Attorney General
Karyn Takahashi, Secretary

Lei Fukumura, Special Deputy Attorney General
Patrick Kelly, Esq., Regulated Industries Complaints Office
Tao E. Miller
Kevin Sumida, Esq.

Absent: Stanley Kuriyama, Vice Chair, Broker/Honolulu Commissioner
Michele Sunahara Loudermilk, Public/Honolulu Commissioner

Call to Order: The Chair called the meeting to order at 9:04 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.

Commissioners Kuriyama and Loudermilk were excused from the meeting. Prior notification of their non-attendance was received.

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 Commissioner prior to the start of the meeting:

4. Committees and Program of Work
 - a. Laws and Rules Review
 - 1) Program of Work, FY10 – Licensing, Registration, and Certification Administration
 - 2) ARELLO, Other Organizations and Jurisdictions – National Association of Realtors and Other Boards of Realtors – NAR Midyear Meeting Report
6. Licensing – Applications
 - e. Richard P. Norman

Minutes of Previous Meeting

Upon a motion by Commissioner Ball, seconded by Commissioner Gendrano, it was voted on and unanimously carried to accept the minutes of the August 28, 2009, meeting.

Committees and
Program of Work:

Law and Rules Review Committee

Licensing, Registration, and Certification Administration

It was reported that the Division is working on language for a proposed bill regarding limiting the license restoration period to five years—after five years of forfeiture, the licensee will be required to start the licensing process over.

Upon a motion by Commissioner Abrams, seconded by Commissioner Ball, it was voted on and unanimously carried to support proposed legislation to amend section 467-11, Hawaii Revised Statutes, to limit the restoration period of forfeited licenses to five years from the date of forfeiture.

ARELLO, Other Organizations and Jurisdictions – National Association of Realtors and Other Boards of Realtors – NAR Midyear Meeting Report

Chair Nishihara's report on the National Association of Realtors Midyear meeting, held in Washington DC on May 11 – 16, 2009, was distributed to the Commissioners for their information.

Education Review Committee

Annual Report, Quarterly Bulletin, and School Files – Request for Quotations – Edit and Layout of Real estate Bulletin and Condominium Bulletin

As previously requested, copies of clearer samples of previous work and references for the lowest bidder was made available to the Commissioners.

Commissioner Abrams moved to award the edit and layout agreement for the Real Estate Bulletin and Condominium to Itliong Enterprises LLC, the lowest bidder. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Licensing –
Ratification: Upon a motion by Commissioner Abrams, seconded by Commissioner Ball, it was voted on and unanimously carried to ratify the attached list.

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.

Tao E. Miller

Mr. Miller requested to have his request for reconsideration considered in executive session.

Executive Session: Upon a motion by Commissioner Ball, seconded by Commissioner Abrams, 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 Abrams, seconded by Commissioner Aiona, it was voted on and unanimously carried to move out of executive session.

Licensing –
Applications: **Tao E. Miller**

Upon a motion by Commissioner Abrams, seconded by Commissioner Aiona, 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 9:43 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate Licenses of Meridian Properties, Inc., Jerry D. C. Park and Lynne A. Fujita-Chung; REC 2008-206-L

Commissioner Abrams moved to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Commission's Final Order. Commissioner Suiso seconded the motion. The motion was voted on and unanimously carried.

In the Matter of the Real Estate Salesperson's License of Wilton I. Lombard; REC 2008-132-L

Commissioner Abrams moved to accept the Affidavit of Counsel Regarding Respondent's Non-compliance with Real Estate Commission's Final Order filed June 4, 2009 and suspend the real estate salesperson's license of Wilton I. Lombard. Commissioner Aiona seconded the motion. The motion was voted on and unanimously carried.

In the Matter of the Real Estate Licenses of R & M Management, LLC, a.k.a. R M Management, LLC, a real estate broker; Robert B. Marple, a real estate broker; REC 2007-26-L

Commissioner Abrams moved to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Commission's Final Order. Commissioner Suiso seconded the motion. The motion was voted on and unanimously 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 10:21 a.m.

Licensing –
Applications:

Richard P. Norman

Mr. Norman appeared via telephone conference. Mr. Norman was asked if he wished to have his request considered in executive session. He declined the offer.

Senior Specialist Fujimura reported that Mr. Norman was a real estate broker in Colorado and has experience as a sole proprietor.

Mr. Norman stated that he got his license in the 1990's in Colorado. He was a real estate salesperson for six to seven years, then got his real estate broker license and eventually started his sole proprietorship. He noted that his Colorado license was suspended for 30 days, but that incident stemmed from his ex-wife being vindictive and cruel. The incident occurred six years ago and was going on for a long time, about four years.

He voluntarily gave up his license because he was no longer planning to work in real estate in Colorado. He is currently working for Lorraine Kohn in Kona, but is living on Maui, where he wants to open an office. He wants to be a part-time licensee doing some property management, as he has been approached by many people to manage their property.

Mr. Norman was asked if he is still a pilot. He responded no, he currently works for United Airlines as a service director—works the gate and works with customers, and will retire after 36 years if he is granted a license.

It was brought to Mr. Norman's attention that property management is very time intensive and time consuming. Mr. Norman stated that his wife has a cleaning business and he plans to manage the units that his wife cleans. She will inform him of problems with the units. Mr. Norman added that he enjoys property management and knows that it is a tough job. He has taken a continuing education course and took some online courses, and is a little familiar with the landlord-tenant code.

Mr. Norman added that he was a landlord in Colorado and also has property management experience.

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

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 Suiso, seconded by Commissioner Gendrano, it was voted on and unanimously carried to move out of executive session.

Licensing
Applications:

Tao E. Miller

Commissioner Aiona moved to reconsider the real estate salesperson's application of Tao E. Miller. Commissioner Suiso seconded the motion. Commissioners Nishihara, Abrams, Aiona, Gendrano, Harvey, and Suiso voted aye. Commissioner Ball voted nay. The motion passed.

After review of the information presented by the applicant, Commissioner Abrams moved to approve the real estate salesperson's license of Tao E. Miller. Commissioner Harvey seconded the motion.

At this time, the Commissioners considered issuing Mr. Miller a conditional license.

Commissioner Abrams amended his motion to approve the real estate salesperson's license of Tao E. Miller with the following conditions:

1. That the Applicant shall inform the principal broker or sole proprietor real estate broker (including a broker in charge of a real estate branch office) with whom the Applicant associates that such a conditional real estate salesperson license has been granted and the terms of the conditional license, namely the terms and conditions of the outstanding settlement agreement which resulted from a lawsuit between Vertra, Inc. vs. Tao Miller.
2. That any criminal conviction whether by nolo contendere or otherwise, of a penal crime directly related to the qualifications, functions, or duties of the licensed profession or vocation shall be grounds for revocation of license.
3. That failure to provide written notice within 30 days to the licensing authority of any judgment, award, disciplinary sanctions, order, or other determination, which adjudges or finds that the licensee is civilly, criminally, or otherwise liable for any personal injury, property damage, or loss caused by the licensee's conduct in the practice of the licensee's profession or vocation shall be grounds for revocation.
4. That the Applicant shall at all times be associated with and under the direct supervision of a principal broker for all real estate transactions.
5. That **any** change of association and/or employment by Applicant to another real estate broker shall be submitted in writing to the Commission with the new broker, principal broker or sole proprietor, and if applicable the broker in charge, acknowledging the terms of the Applicant's conditional license within ten (10) days of the change.
6. The Applicant must submit a written request to the Commission if the Applicant desires to have the conditions removed.

Commissioner Harvey seconded the amendment. The motion was voted on and unanimously carried.

Ricky W. Hoo

After review of the information presented by the applicant, Commissioner Harvey moved to approve the real estate salesperson's license of Ricky W. Hoo. Commissioner Suiso seconded the motion. The motion was voted on and unanimously carried.

Michael A. Cavallo

After review of the information presented by the applicant, Commissioner Harvey moved to most likely approve the real estate salesperson's license of Michael A. Cavallo. Commissioner Abrams seconded the motion. The motion was voted on and unanimously carried.

John Douglas Steelman

After review of the information presented by the applicant, Commissioner Abrams moved to most likely deny the real estate salesperson's license of John Douglas Steelman. Commissioner Gendrano seconded the motion. Commissioners Nishihara, Abrams, Aiona, Ball, Gendrano, and Harvey voted aye. Commissioner Suiso voted nay. The motion was carried.

Richard P. Norman

After review of the information presented by the applicant, Commissioner Abrams moved to remove the conditions placed on the real estate broker's license of Richard P. Norman. Commissioner Suiso seconded the motion. Commissioners Nishihara, Abrams, Ball, Gendrano, Harvey, and Suiso voted aye. Commissioner Aiona voted nay. The motion was carried.

Betsy Jacobsen, Inc., Maui Real Estate Professionals

After review of the information presented by the applicant, Commissioner Aiona moved to approve the assignment of Mr. Al Chiarella as the temporary principal broker of Betsy Jacobsen, Inc. dba Maui Real Estate Professionals for the period of September 24, 2009 through January 24, 2010. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Next Meeting: Friday, October 30, 2009
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Real Estate Commission
Minutes of the September 25, 2009 Meeting
Page 7

Adjournment: With no further business to discuss, the Chair adjourned the meeting at
11:23 a.m.

Reviewed and approved by:

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

October 12, 2009
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
 REAL ESTATE COMMISSION MEETING ON SEPTEMBER 25, 2009

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Somerset Realty LLC	08/19/09
Marcus Baricuatro, PB	
King Realty Hawaii LLC	08/25/09
Kingston J. T. Liao, PB	
Ali'i Executive Management Services, LLC	08/27/09
Joanie Traynor, PB	
Vacation Realty Hawaii LLC	08/31/09
Meredith Stuart Murphy, PB	
Rental Solutions Management LLC, Rental Solutions	09/04/09
Ryan Phillips, PB	
 <u>Brokers – Corporations and Partnerships</u>	 <u>Effective Date</u>
Barbie Y. Hee International, Inc.	08/18/09
Barbie Y. Hee, PB	
Inside Hanalei Inc.	08/19/09
Lauren B. Angulo, PB	
Dean Gilpin & Associates, Inc.	09/03/09
Dean R. Gilpin, PB	
 <u>Brokers – Sole Proprietor</u>	 <u>Effective Date</u>
Lin Poling	08/06/09
Ronald F. Larsen	08/13/09
Eddie Noesser	08/18/09
T. Paul Okamoto	08/24/09
Tanya Lynn Bridges, Integrity Real Estate	08/31/09
Kenneth L. Kleid, Maui Estate Properties	09/04/09
Francine D. Sapla, aia Realty Hawaii	09/10/09
 <u>Branch Office</u>	 <u>Effective Date</u>
Home Buyers Marketing II Inc.	08/10/09
Stephen J. Haythorne, PB	
 <u>Trade Name</u>	 <u>Effective Date</u>
Brookfield Homes Hawaii Inc., Island Paradise Properties	08/28/09
John Bansemer construction, Inc., Aina Le'a Realty	08/31/09
 <u>Equivalency to Uniform Section of Examination Certificate</u>	 <u>Expiration Date</u>
Sumie Hattori	08/20/11
Jason Mark Franchetti	08/24/11
Cynthia Stowe McGee	08/25/11
Richard Lee Sklena	08/26/11
Stephan Ivan Robinson	08/26/11
Douglas E. Lloyd	08/26/11
Herbert Allen Grabell	08/27/11
Clara Trinidad De Leon	09/01/11
Edward Thomas Beaulieu	09/02/11
Lisa Michelle Turner	09/02/11
Robert Dean Bryan	09/03/11
Charles Coburn Barbata	09/03/11
Dean Abramowicz	09/03/11

Equivalency to Uniform Section of Examination Certificate

Elisha Laine Hanson	09/04/11
Jeff Ray Lafrance	09/04/11
Komendi Kosasih	09/04/11
Kyle Dana Kazan	09/04/11
Anthony Edmond Brown	09/04/11
Chad G. Holcomb	09/04/11
Shelley Nance Hudson	09/04/11
Brandi Leanne Small	09/09/11
Martin Elliot Lee	09/10/11
Camille Amelia O'Brien	09/10/11
E. Greg Cimino	09/10/11
Calvin C. Mar	09/10/11
Tiffany Ann deRuosi-Gosselin	09/10/11
Todd Jeffrey Johnson	09/14/11
Theodore Arden Ray	09/14/11
Anthony Joseph Farace	09/14/11
Rick Aldon Page	09/14/11
David Albert Dyck	09/15/11

Expiration Date

Educational Equivalency Certificate

Sumie Hattori	08/20/11
Jason Mark Franchetti	08/24/11
Cynthia Stowe McGee	08/25/11
Karen Briget Ferrara	08/25/11
Richard Lee Sklena	08/26/11
Stephan Ivan Robinson	08/26/11
Douglas E. Lloyd	08/26/11
Sean Inyeop Chu	08/27/11
Herbert Allen Grabell	08/27/11
Douglas Kai	08/27/11
Lisa Mei Ling Lerud	08/27/11
Clara Trinidad De Leon	09/01/11
Kay Miyuki Harada	09/01/11
Edward Thomas Beaulieu	09/02/11
Lisa Michelle Turner	09/02/11
Robert Dean Bryan	09/03/11
Charles Coburn Barbata	09/03/11
Dean Abramowicz	09/03/11
Elisha Laine Hanson	09/04/11
Jeff Ray Lafrance	09/04/11
Komendi Kosasih	09/04/11
Kyle Dana Kazan	09/04/11
Anthony Edmond Brown	09/04/11
Chad G. Holcomb	09/04/11
Ervin Gong	09/04/11
Brandi Leanne Small	09/09/11
Martin Elliot Lee	09/10/11
Camille Amelia O'Brien	09/10/11
E. Greg Cimino	09/10/11
Calvin C. Mar	09/10/11
Tiffany Ann deRuosi-Gosselin	09/10/11
Todd Jeffrey Johnson	09/14/11
Theodore Arden Ray	09/14/11
Anthony Joseph Farace	09/14/11

Expiration Date

Educational Equivalency Certificate

Rick Aldon Page
David Albert Dyck

Expiration Date

09/14/11
09/15/11

Real Estate Broker Experience Certificate

Lacey Kazama Shimabukuro
Stephan Ivan Robinson
John W. Somerville
Walter Lee Maza
Charles Coburn Barbata
Jeff Ray Lafrance
Kyle Dana Kazan
Anthony Edmond Brown
James Davis Mayfield
Martin Elliot Lee
Camille Amelia O'Brien
Calvin C. Mar
Tiffany Ann deRuosi-Gosselin
Susan P. Jackson
Theodore Arden Ray
David Albert Dyck

Expiration Date

08/26/11
08/26/11
09/01/11
09/01/11
09/03/11
09/04/11
09/04/11
09/04/11
09/09/11
09/10/11
09/10/11
09/10/11
09/10/11
09/10/11
09/14/11
09/14/11
09/15/11

Real Estate Broker (upgrade)

Edie Noesser
Rowena-Mae Wong
Barbara K. Jelks
Sharol D. Hines
Glennon T. Gingo
Christina M. Castro
Griffith D. Frost
Paul Adams
Zachary A. Knysh

Effective Date

08/18/09
08/18/09
08/19/09
08/24/09
08/27/09
08/27/09
09/01/09
09/02/09
09/02/09