

REAL ESTATE COMMISSION
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii
www.state.hi.us/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, February 22, 2002

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, Vice Chair
Charles Aki, Member
Casey Choi, Member
Patricia Choi, Member
Alfredo Evangelista, Member
Iris Okawa, Member
Peter Rice, Member

Calvin Kimura, Supervising Executive Officer
Alan Taniguchi, Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Lorene Arata, Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Gina Watumull, Condominium Specialist
Cheryl Leong, Condominium Specialist
Shari Wong, Deputy Attorney General
Irene Kotaka, Secretary

Lawrence Kamakawiwo'ole, Special Deputy Attorney General

Excused: Mitchell Imanaka, Member

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

Chair's Report: No Chair's report was presented.

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

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

7. Chapter 91, Hawaii Revised Statutes, Adjudicatory Matters
 - a. In the Matter of the Application for a Real Estate Salesperson's License of Richard M. Shively, REC-LIC-2001-3; Respondent's Exceptions to Hearings Officer's

Findings of Fact, Conclusions of Law and
Recommended Order; Certificate of Service

Additions to the Agenda

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

6. Licensing – Questionable Applications
 - a. Schuler Realty/Oahu, Inc.

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 January 25, 2002 Real Estate Commission meeting as circulated.

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 February 13, 2002 Laws and Rules Review Committee meeting as follows:

1. Minutes of Previous Meetings – **Accept** the minutes of the January 4, 2002 meeting.
2. April Committee Meetings:
Tuesday, April 9, 2002
 - 9:00 a.m. - Laws and Rules Review Committee
 - 10:00 a.m. - Education Review Committee
 - 11:00 a.m. - Condominium Review CommitteeKapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii
3. Special Issues
Website and Internet Advertising – **Recommend** that Commissioner Ching, members of the subcommittee and REB staff draft proposed rules on websites and internet advertising for discussion at the March 13, 2002 Laws and Rules Review Committee meeting. Chair Ohama will communicate this information to Commissioner Ching.
4. ARELLO, Other Organizations and Jurisdictions
Referral Fee Policy – **Recommend** that Commissioners P. Choi and Okawa co-chair a subcommittee to look into adopting ARELLO's Referral Fee Policy.
5. Next Meeting: Wednesday, March 13, 2002
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 P. Choi, it was voted on and unanimously carried to accept the report of the February 13, 2002 Education Review Committee meeting as follows:

1. Minutes of January 4, 2002 – **Accept**
2. Continuing Education Administration, Curriculum, Courses, Providers, and Instructors – Applications
 - a) Course – “Advanced Property Management,”
Author/Owner: Duplanty School of Real Estate and Paul Dold, Esq., Provider: Duplanty School of Real Estate, Course Category: Property Management, Course Clock Hours: 3 – **Recommend approval.**
 - b) Course – “Residential Property Management,”
Author/Owner: Duplanty School of Real Estate, Provider: Duplanty School of Real Estate, Course Category: Property Management and Real Estate Law, Course Clock Hours: 3 – **Recommend approval** subject to submission of clarification regarding topic #4 of outline, “Fair housing federal & state laws, how to select tenants and not violate federal and state law...” Commission recommended rewording this to reflect learning fair housing laws in relation to dealing with prospective tenants. Commission also recommended inclusion of cautionary notice to applicant that instructor should not engage in unauthorized practice of law. If legal questions arise during the course, the students should be advised to seek legal counsel.
 - c) Course – “Understanding the Hawaii Foreclosure System,” Author/Owner: Richard Daggett, Provider: Richard Daggett, Course Category: Real Estate Law, Course Clock Hours: 3 – **Defer** to next ERC meeting on March 13, 2002 and request appearance of Mr. Daggett.
 - d) Provider – Coldwell Banker Pacific Properties Real Estate School (Administrator: Barbara Dew) – **Recommend approval**
3. Program of Work, FY02 – Instructor’s Development Workshop – request by Eddie Flores - **Recommend approval** of proposed Instructor’s Development Workshop and recommend that IDW guidelines be updated and revised after review of 1993 guidelines through the ERC Chair and Vice Chair.
4. Next Meeting: Wednesday, March 13, 2002
10:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
Honolulu Hawaii

Condominium Review Committee

Upon a motion by Commissioner Rice, seconded by Commissioner Okawa, it was voted on and unanimously carried to accept the report of the February 13, 2002 Condominium Review Committee meeting as follows:

1. Minutes of January 4, 2002 – **Accept.**
2. Condominium Governance and Management
AOAO Registrations, 2001 – 2003 Biennium Registration,
January 2002 – **Recommend approval** to ratify effective dates
for AOAO registrations received for the 2001-2003 biennium
through January 31, 2002.
3. CPR Registration, Developer's Public Reports
January 2002 – **Recommend approval** to ratify issuance of
effective dates of the developer's public reports and extensions
issued for the month of January 2002.
4. Neighbor Island Outreach – Kauai, June 14, 2002, subject to
room availability and Commissioner Ching.
5. Next Meeting: **Wednesday**, March 13, 2002
11:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Legislative Bills and SWAT

The SEO reported that Nicki Thompson of the Hawaii Association of REALTORS sent her regrets for not being able to attend the meeting today due to legislative hearings.

The SEO provided an oral update of the bills affecting the Commission.

The SEO also reported that the purchase of the old Federal Building may impact the trust funds.

Licensing and Registration - Ratification:

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

Licensing - Questionable Applications:

Schuler Realty/Oahu, Inc.

After a review of the information submitted by the applicant, Commissioner Ching moved to approve Schuler Realty/Oahu, Inc.'s request to change the name of the corporation to Schuler Realty Hawaii, Inc. Commissioner Evangelista seconded the motion. The motion was voted on and unanimously carried.

Chapter 91, HRS, Adjudicatory Matters:

The Chair called for a recess from the meeting at 9:16 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 Ruth F. McKay, REC 1999-121-L

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

Recess: The Chair recessed the meeting at 9:35 a.m.

Reconvene: The Chair reconvened the meeting at 9:58 a.m.

In the Matter of the Application for a Real Estate Salesperson's License of Richard M. Shively, REC-LIC-2001-3

Upon a motion by Commissioner Rice, seconded by Commissioner Evangelista, it was voted on and unanimously carried to not accept the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order and the Commission to issue its Commission's Final Order.

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 10:29 a.m.

Next Meeting: Friday, March 22, 2002
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 10:56 a.m.

Reviewed and approved by:

/s/ Alan Taniguchi
Alan Taniguchi
Executive Officer

March 22, 2002
Date

[X] Approved as circulated.

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

APPROVED APPLICATIONS FOR REAL ESTATE
 REAL ESTATE COMMISSION MEETING ON FEBRUARY 22, 2002

<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
South Shore Realty, Inc. Diane Sagucio, PB	01/11/02
Ferrari Pacific Realty Robert A. Ferrari, PB	01/28/02
E.R. Sales Inc. Edward Reinhart, PB	02/04/02

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Shih Realty, LLC Larry T. Y. Shih, PB	01/22/02
Paulin Group, LLC William T. Tanaka, PB	01/25/02
PHP Management, LLC Chris K. Inouye, PB	02/12/02

<u>Brokers - Sole Proprietor</u>	<u>Effective Date</u>
Gerald N. Wright, Aloha USA Realty	01/10/02
Ramona Biho	12/30/01
Nora W. Chen	01/04/02
Donald G. Binning	01/11/02
Joseph M. Przygodzinski	01/22/02
Judy Taong	02/04/02
Victory Queyquep De Guzman, Vic De Guzman Realty	01/24/02

<u>Branch Office</u>	<u>Effective Date</u>
Metropolitan Management Inc. James E. Kolonick, PB Ginger Allen Kolonic, BIC	01/02/02

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Joanne Lynn Foxxe	01/17/04
Alfonso H. Morales	01/23/04
Richard R. Dawson, Jr.	01/23/04
Tara Lyn Conklin	01/28/04
William R. Dodge	01/28/04
Dina Jean Pardon	01/30/04
Jeffrey Edward Fickinger	01/30/04
Alex W. Dorst	02/01/04
Joni Lynn Sloan	02/01/04
Stephen Lee Johnson	02/06/04
Michael Ervin Horvath	02/06/04
Bryan Stanley Richardson	02/06/04
Alice Tarail	02/06/04
Jay J. Gerlings	02/08/04
Kirk Drake	02/11/04
Scotty Coyote	02/12/04
Peter J. Agoney	02/12/04

Educational Equivalency Certificate

	<u>Expiration Date</u>
Alfonso H. Morales	01/23/04
Richard R. Dawson, Jr.	01/23/04
Tara Lyn Conklin	01/28/04
Dina Jean Pardon	01/30/04
Jeffrey Edward Fickinger	01/30/04
Joanne Foxxe	02/01/04
Alex W. Dorst	02/01/04
Joni Lynn Sloan	02/01/04
Jason Michael Derr	02/04/04
Stephen Lee Johnson	02/06/04
Nolan Y. Kido	02/06/04
Michael Ervin Horvath	02/06/04
Bryan Stanley Richardson	02/06/04
Alice Tarail	02/06/04
Wendy Zane Pang	02/06/04
Laura Elizabeth Scaramella	02/07/04
Daniel Roy Chandler	02/07/04
Jay J. Gerlings	02/08/04
Kirk Drake	02/11/04
Scotty Coyote	02/12/04

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Ralph N. Ahles	01/22/04
Norman K. L. Kong	01/23/04
Jonalee L. Yuen	01/23/04
Megan K. Gelman	01/29/04
David R. Bautista	01/31/04
Jeffrey G. Manson	02/06/04
Lurline R. Johnson	02/08/04
Miki Blackstad	02/08/04
Masanao Murai	02/12/04

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Roy W. Gillette	01/08/02
Win Bui	01/09/02
Laurene H. Young	01/09/02
Julie M. Cecil	01/04/02
Cynthia R. Rees-Ouchi	01/17/02
Mary M. Reed	01/16/02
Paula D. Klingman	01/23/02
Margo M. Brower	01/22/02
Donna E. Rice	01/29/02
Rebecca A. Supon	02/06/02
Judy Taong	02/04/02
Meredith S. Murphy	02/05/02

Restoration – Real Estate Broker

	<u>Effective Date</u>
Joan Gilbert	01/28/02

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Restoration – Real Estate Salesperson

Neill P. Ryan
Valerie Ann A. Valverde

Effective Date

01/09/02
01/18/02

Condominium Managing Agent

Ron Lando-Brown, MauiLodging.com
Paulin Group, LLC

Effective Date

01/11/2002
01/25/2002