

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, December 17, 2004

Time: 9:00 a.m.

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

Present: Mitchell Imanaka, Vice Chair, Broker/Honolulu Commissioner
Carol Ball, Broker/Maui Commissioner
Kathleen Kagawa, Broker/Honolulu Commissioner
Michele Sunahara Loudermilk, Public/Honolulu Commissioner
Trudy Nishihara, Broker/Honolulu Commissioner
Iris Okawa, Public/Honolulu Commissioner
Vern Yamanaka, Broker/Hawaii Island Commissioner

Calvin Kimura, Supervising Executive Officer
Neil Fujitani, Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Lorene Kimura, Real Estate Specialist
Ryan Yamashiro, Real Estate Specialist
Cheryl Leong, Condominium Specialist
David Grupen, Condominium Specialist
Shari Wong, Deputy Attorney General
Irene Kotaka, Secretary

Lei Fukumura, Special Deputy Attorney General
Nicki Ann Thompson, Hawaii Association of REALTORS®
Scott Sherley, Hawaii Association of REALTORS®

Absent: John Ohama, Chair, Broker/Honolulu Commissioner
Louis Abrams, Broker/Kauai Commissioner

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

Chair's Report: Vice Chair Imanaka wished everyone a "Happy Holidays!" He thanked those in attendance for attending the meeting at this busy time of year.

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

Minutes of Previous Meeting

Upon a motion by Commissioner Yamanaka, seconded by Commissioner Kagawa, it was voted on and unanimously carried to accept the minutes of the November 24, 2004 Real Estate Commission meeting.

Announcements

The EO reminded the Commissioners to turn in their non-availability schedules for January to June 2005 to REB staff before the end of the year.

Real Estate Specialist Kimura reported on the status of the real estate license renewals. The statistics, as of December 14, 2004, are as follows:

Total number of real estate renewals received (including completely processed and pending renewals) – Brokers 4,755 & Salespersons 8,916. Total renewals received – 13,671.

Approximately 18,000 renewal notices were sent out in October 2004. Approximately 1800 real estate brokers and 3900 real estate salespersons renewed online.

Commissioner Ball asked if real estate branch offices could renew online. She was informed that currently real estate branch offices cannot renew online. However, this may be an option in the future.

The EO also reported that a link has been added to the Commission's website which allows the public to view and print out copies of the public reports online.

Additional Distribution

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

6. Licensing – Applications
 - a. Royann Robins-Joseph
 - b. George R. Iskander

Committee Reports:

Laws and Rules Review Committee

Upon a motion by Commissioner Okawa, seconded by Commissioner Kagawa, it was voted on and unanimously carried to accept the report of the December 8, 2004 Laws and Rules Review Committee meeting as follows:

1. Minutes of November 10, 2004 – **Accept**
2. Program of Work, FY05
Subcommittee on Agency – **Recommend** continuation of discussion at the January 12, 2005 Laws and Rules Review Committee meeting.
3. Next Meeting: Wednesday, January 12, 2005
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Education Review Committee

Upon a motion by Commissioner Yamanaka, seconded by Commissioner Nishihara, it was voted on and carried to accept the report of the December 8, 2004 Education Review Committee meeting as follows:

1. Minutes of November 10, 2004 – **Accept.**
2. Continuing Education Administration, Curriculum, Courses, Providers, and Instructors
 - a. Applications
 - 1) Course – “Landlord and Tenant Law in Hawaii;”
Author/Owner/Provider: Lorman Business Center, Inc.;
Course Category: Other (Landlord/Tenant); Clock Hours: 6.5
– **Defer**
 - 2) Course – “Advanced Zoning and Land Use in Hawaii;”
Author/Owner/Provider: Lorman Business Center, Inc.;
Course Category: Real Estate Law; Clock Hours: 6 –
Recommend approval
 - b. Request for credit IDW – Michael Yesk – **Recommend denial**
3. Prelicensing Education Administration, Curriculum, Schools, Instructors, and Equivalency
 - a. Applications
 - 1) Independent Study Course – Abe Lee Seminars, Abe Lee –
Principal, Salesperson’s Curriculum – **Recommend approval**
 - 2) Independent Study Course Instructor – Abe Lee, Abe Lee
Seminars – **Recommend approval**
 - 3) Substitute Instructor – Judy M. Lee, Dower School of Real
Estate, Elizabeth Dower – Principal – **Recommend approval**
 - 4) Guest Lecturer – Scott Alan Bly, J.D., Dower School of Real
Estate, Elizabeth Dower – Principal – **Recommend approval**
 - b. Salesperson’s Curriculum – Proposals – **Recommend acceptance** of
proposal submitted by Hawaii Academy of Real Estate. Proposal
submitted by Dower School of Real Estate Windward was received
after deadline of November 30, 2004, and not considered for
acceptance. Proposal submitted by Hawaii Institute of Real Estate
was considered but not accepted.
 - c. Other – **Recommend** that all prelicense schools and instructors be
informed that mineral rights are not always reserved to the State by
statute, and license exam questions regarding mineral rights should
be reviewed for accuracy.
4. Next meeting: Wednesday, January 12, 2005
Upon adjournment of the Laws and Rules Review Committee
Meeting, that convenes at 9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii

Condominium Review Committee

Upon a motion by Commissioner Imanaka, seconded by Commissioner Yamanaka, it was voted on and unanimously carried to accept the amended report of the December 8, 2004 Condominium Review Committee meeting as follows:

1. Minutes of the November 10, 2004 Meeting – **Accept.**
2. Condominium Governance and Management
 - a. AOA Registrations – 2003-2005 Biennium Registration – **Recommend approval** to ratify effective dates for the AOA 2003-2005 biennium registrations received through November 30, 2004.
 - b. Condominium Seminars and Symposium – CAI Hawaii Chapter – Request for Approval of Additional Expenses for Larry Pothast – “One Hour Board Meeting” - **Recommend approval** to amend the existing contract with CAI Hawaii to compensate CAI Hawaii for the additional expenses not to exceed \$1,600, it anticipates incurring in bringing in a nationally-noted speaker for the approved CMEF seminar.
3. CPR Registration, Developer’s Public Reports
 - a. November 2004 – **Recommend approval** to ratify issuance of effective dates of the developer’s public reports and extensions issued for the month of November 2004.
 - b. Ko Olina Kai Golf Estates and Villas #5284, Nikki Senter, Esq. – (Deferred from the October 13, 2004, November 10, 2004 CRC Meetings) – Pursuant to §26-9(q) and §514A-40(a)(5), HRS, **recommend denial** of the proposed “corporate/completion guarantee”; the required bond having been secured and the proposed “corporate/completion guarantee” is not substantially equivalent or similar to the required performance bond providing for the same type of security as the required performance bond or bond substitute of §16-107-9, HAR (irrevocable letter of credit).
4. Program of Work FY05 – Recodification of Chapter 514A – Request for Federal Trade Commission Comment on Section – 149, Act 164, SLH 2004 – **Recommend approval** to send the proposed letter dated December 17, 2004.
5. Next Meeting: Wednesday, January 12, 2005
Upon adjournment of the Education Review Committee Meeting, which is upon adjournment of the Laws and Rules Review Committee meeting, which convenes at 9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Commissioner Imanaka recused himself from voting on item 3.b. of the report.

Licensing and
Registration –
Ratification:

Upon a motion by Commissioner Okawa, seconded by Commissioner Yamanaka, it was voted on and unanimously carried to approve the ratification of the attached list.

Chair’s Report:

Vice Chair Imanaka asked those present in the audience if they wished to address the Commission.

Ms. Thompson wished everyone present “Happy Holidays!” She also thanked the Commissioners and staff for the phenomenal accomplishments this year, citing the landlord training program, the EETF Committee meetings, and the condominium recodification project as a few of the major accomplishments. They are looking forward to 2005.

On the behalf of the Commission, Vice Chair Imanaka extended his thanks to the real estate community and to HAR for their continued involvement in real estate.

Mr. Sherley stated that it has been a pleasure working with the Commission and staff this year. He regrets that he was not able to attend as many meetings as he had planned. He added that the Commission has a wonderful staff and thanked the Commission for all of its help.

Chapter 91, HRS,
Adjudicatory Matters:

The Vice Chair called for a recess from the meeting at 9:08 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 Rosemary D. Kane and Sugar Kane Realty, Inc., REC 2003-313-L

Upon a motion by Commissioner Okawa, seconded by Commissioner Nishihara, it was voted on and unanimously carried to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Commission's Final Order.

Following the Commission's review, deliberation and decisions in these matters, pursuant to Chapter 91, HRS, the Vice Chair announced that the Commission was reconvening its scheduled Commission meeting at 9:10 a.m.

Executive
Session:

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

Licensing –
Applications:

Royann M. Robins-Joseph

After a review of the information submitted by the applicant, Commissioner Yamanaka moved to approve the real estate salesperson's license of Royann M. Robins-Joseph. Commissioner Kagawa seconded the motion. The motion was voted on and unanimously carried.

George R. Iskander

After a review of the information submitted by the applicant, Commissioner Okawa moved to approve the real estate broker's license of George R. Iskander and to also approve the real estate sole proprietor application of George R. Iskander. Commissioner Nishihara seconded the motion. The motion was voted on and unanimously carried.

Dynamic Property Management, Inc.

After a review of the information submitted by the applicant, Commissioner Okawa moved to approve an extension of the temporary principal broker to January 28, 2005, to request further information, and to request the appearance of Gerald Kim, at the January 28, 2005 Real Estate Commission meeting. Commissioner Yamanaka seconded the motion. The motion was voted on and unanimously carried.

In the Matter of
the Petition of
Thomas Berg for
Declaratory Relief:

The Commission reviewed and discussed issues pertaining to the Commission's powers, duties, and privileges as they apply to the Petition for Declaratory Relief. In consultation with the Deputy Attorney General, Commissioner Okawa moved to deny Mr. Berg's Petition for Declaratory Relief, pursuant to HAR §16-201-50(1)(A) and (F). Commissioner Nishihara seconded the motion. The motion was voted on and unanimously carried.

Real Estate
Recovery Fund
Report:

No report was presented.

Next Meeting:

Friday, January 28, 2005
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 9:29 a.m.

Reviewed and approved by:

/s/ Neil Fujitani
Neil Fujitani
Executive Officer

January 28, 2005
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON DECEMBER 17, 2004

<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Paradise International Realty Inc. Rory Keith, PB	11/10/04
Action Team Realty, Inc. Todd E. Hart, PB	11/23/04
Maui Homes and Loans, Ltd. Elizabeth L. Fox, PB	11/24/04
RSM, Inc. Richard Henderson, II, PB	11/29/04
Cambridge Management, Inc. William O. Slansky, PB	12/03/04

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
The Primary Group, LLC Patrick T. Kubota, PB	11/03/04
Vineyard Investment Realty, LLC Patrick W. D. Low, PB	11/24/04
Novus Real Estate Services LLC Simone Swanson, PB	12/06/04

<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Wilmer C. Morris	11/18/04
Frederick W. Gregg, Jr.	01/01/05
Bruce S. Ames	11/08/04
Thomas C. Salt	11/10/04
Elroy T. L. Osorio	12/01/04
Elizabeth A. Herszage	11/26/04
Jonathan A. Kim	11/29/04
Elfriede Corderoy	11/29/04

<u>Trade Name</u>	<u>Effective Date</u>
Kelly K. Kauwe, Help-U-Sell Pacific Isle Realty	11/17/04

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Kathleen Ann Spano	11/16/06
Sandra Robin Slonim	11/17/06
Donald Hutson Gay, Jr.	11/17/06
Steven James Simonetti	11/19/06
David John Hartness	11/19/06
Stanley J. Kenney	11/19/06
Maria Denice Rivera	11/23/06
Julia Marie Kelly	11/23/06

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Carol Louise Skon	11/30/06
David Ryan Jones	12/01/06
Sabine Barbara Steck	12/01/06
Ben G. Cardamone	12/02/06
Mary F. Hinckley	12/02/06
Michael L. Blaz	12/02/06
Alice Elaine Allan	12/02/06
Georgia Lee Murphy	12/02/06
Winston Marshall Churchill	12/03/06
Letitia E. Richard	12/06/06
Rudolph Manuel Martins	12/06/06
Tram Do Slayton	12/06/06
Carrie Bethany Wildenboer	12/06/06
Gerald W. Scatena	12/08/06

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Kathleen Ann Spano	11/16/06
Sandra Robin Slonim	11/17/06
Donald Hutson Gay, Jr.	11/17/06
Steven James Simonetti	11/19/06
David John Hartness	11/19/06
Stanley J. Kenney	11/19/06
Maria Denice Rivera	11/23/06
Carol Louise Skon	11/30/06
David Ryan Jones	12/01/06
Sabine Barbara Steck	12/01/06
Ben G. Cardamone	12/02/06
Mary F. Hinckley	12/02/06
Michael L. Blaz	12/02/06
Alice Elaine Allan	12/02/06
Georgia Lee Murphy	12/02/06
Darrin W. Neal	12/02/06
Judy Pui Yee Dempsey	12/02/06
Winston Marshall Churchill	12/03/06
Blaise Kanani Bissen	12/03/06
Letitia E. Richard	12/06/06
Rudolph Manuel Martins	12/06/06
Tram Do Slayton	12/06/06
Carrie Bethany Wildenboer	12/06/06
Guy Wesley Tomlinson	12/07/06
Gerald W. Scatena	12/08/06
James Joseph Fagan, II	12/08/06
Gregory Kerner	12/08/06

<u>Real Estate Broker Experience Certificate</u>	<u>Expiration Date</u>
Kathleen Ann Spano	11/16/06
Matthew Slak	11/16/06
Maria Hsu	11/16/06
Tonia M. Johnson	11/17/06
Barbara Joan Abe	11/19/06
Ray Ken Ichino	11/19/06
James Stuart Farmer	11/19/06
Steven James Simonetti	11/19/06
David John Hartness	11/19/06
Paul Edward Pacuilla	11/19/06
Ligaya Leialoha Rasmussen	11/19/06
Phillip Dale Fudge	11/19/06
Mary Tess Francisco Edu	11/22/06
Gayle T. Hirai	11/22/06
Margaret A. Apao	11/22/06
Amparo Cabico	11/23/06
David Lewis Moyer	11/23/06
Tammi June Sweeney	11/23/06
John Patrick Ivey	11/23/06
Russell Allan Kemp	11/26/06
Sunny K. Jakovac	11/26/06
Primrose K. Leong-Nakamoto	11/26/06
Joel T. Corba	11/30/06
Sandra Dale Thompson	11/30/06
Jean V. Devich	12/01/06
Catherine S. Ostrem	12/01/06
Jodi A. Hogin	12/01/06
Joseph A. Hogin	12/01/06
David Ryan Jones	12/01/06
Olivia C. Acoba	12/01/06
Deborah A. Davis	12/02/06
Ben G. Cardamone	12/02/06
Mary F. Hinckley	12/02/06
Michael L. Blaz	12/02/06
Trace P. Keasler	12/02/06
Joy Kamakea Daly	12/03/06
Maria Ota	12/03/06
Greg M. Tatsuguchi	12/03/06
Karen A. Kunde	12/03/06
Jerry Bangerter	12/03/06
Fred C. Cruz	12/03/06
Monta Reagan Koch	12/03/06
Linda L. Swanson	12/03/06
Cindy Lynn D. Rasmussen	12/03/06
Scott Sung Hoon Choi	12/06/06

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Karin Virginia Moody	12/06/06
David S. Silverman	12/06/06
Toni Marie Bryant	12/06/06
Robert E. Harper	12/06/06
Kimberly J. Lowe	12/06/06
Martin Mark Ohan	12/06/06
Edward Howard Stout	12/06/06
Carrie Bethany Wildenboer	12/06/06
Christopher B. Singleton	12/07/06
Brad Koichi Hironaka	12/07/06
Gerald W. Scatena	12/08/06
Kellie E. Casper	12/08/06
Daniel Macalutas	12/08/06
Ada Sui Ling Mark	12/08/06

Continuing Education Equivalency

	<u>Effective Date</u>
Franklyn E. De Foe	11/23/04
Hideko Kathleen Sato	11/23/04
Gerald Francis Shanahan	12/03/04
Mark Edward Isenmann	12/08/04

Real Estate Broker (upgrade)

	<u>Effective Date</u>
William O. Slansky	12/03/14
Ross M. Brown	01/01/05
Stephen C. W. Lin	01/01/05
Meghan E. O'Brien	01/01/05
Marty Kimball	01/01/05
Tanya C. Tanoue	01/01/05
Terisita F. Kaluahine	01/01/05
Frederick W. Gregg, Jr.	01/01/05
Gary Mooers	01/01/05
Ernest Lanaris	01/01/05
Linda Mensching	01/01/05
Anne Ferguson	01/01/05
Joe Novit	01/01/05
Noe Tom	01/01/05
Lorena Goya	01/01/05
Joline C. Chang	01/01/05
Sherrill L. Goode	01/01/05
Charlotte Barefoot	01/01/05
Nancy Reagan Adair	01/01/05
John Baessler	01/01/05
Christi L. Mallicoat	01/01/05
Stacy L. Sumile	01/01/05
Dennis K. W. Eng	01/01/05

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Judy S. J. Wu	01/01/05
Amie Yuk Ngor Staman	01/01/05
Faith E. Naluai	01/01/05
Dolores A. Kole	01/01/05
Mark C. Sandvold	01/01/05
Dixie Daniel	01/01/05
Sharon D. Kessner	01/01/05

Restoration – Real Estate Broker

	<u>Effective Date</u>
Bruce S. Ames	11/08/04
Carl P. Worthy	11/24/04

Restoration – Real Estate Salesperson

	<u>Effective Date</u>
Josephine V. Reinhardt	11/10/04
Theron J. Chun	11/15/04
Charles L. Chow	11/23/04
Sylvia Pope-Young	11/29/04