

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, February 25, 2005

Time: 9:00 a.m.

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

Present: John Ohama, Chair, Broker/Honolulu Commissioner (Early Departure)
Mitchell Imanaka, Vice Chair, Broker/Honolulu Commissioner
Louis Abrams, Broker/Kauai Commissioner
Carol Ball, Broker/Maui Commissioner
Kathleen Kagawa, Broker/Honolulu Commissioner
Michele Sunahara Loudermilk, Public/Honolulu Commissioner
Trudy Nishihara, Broker/Honolulu Commissioner (Late Arrival)
Iris Okawa, Public/Honolulu 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
Lei Fukumura, Special Deputy Attorney General
Irene Kotaka, Secretary

Sheryl Nagata, Office of Administrative Hearings
John Hassler, RICO
Diane Corn, RICO
Bruce R. Travis, Americorp International LLC
Paul Sulla, Esq.
Tom Gill, Hawaii Association of REALTORS
Paul Belmudes
Donald W. Dietz, Jr.
Richard Grover, Esq. for Lily Kong
Shawn Fransen
Dennis Fransen
Thomas F. Schmidt
Sherry Broder, Esq.
Nicki Ann Thompson, Hawaii Association of REALTORS

Absent: Vern Yamanaka, Broker/Hawaii Island Commissioner

Call to Order: The Chair called the meeting to order at 9:02 a.m., at which time quorum was established.

Chair's Report: No report was presented.

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

Minutes of Previous Meeting

Upon a motion by Commissioner Abrams, seconded by Commissioner Kagawa, it was voted on and unanimously carried to accept the minutes of the January 28, 2005 Real Estate Commission meeting.

Additional Distribution

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

4. Committee Reports
 - e. Legislation Report and Bills
6. Licensing – Applications
 - b. Tulsi B. Anderson
 - d. Delfin D. L. C. Medina
 - h. James H. Goode, Jr.
 - j. Americorp International LLC
 - k. Donald W. Dietz, Jr.
 - l. Shawn Robert Fransen

Licensing – Applications:

Americorp International LLC

Bruce Travis, an officer of Americorp International LLC was present at the meeting, along with his attorney, Paul Sulla. The parties were asked if they wished to have their application considered in executive session. They declined the offer.

Mr. Sulla stated that a letter outlining the dispute was distributed. Mr. Sulla stated that their February 14, 2005 letter outlines whether or not Mr. Travis is fit to have a real estate broker's license based on his honesty, truthfulness, integrity and fair dealing. Affidavits as to Mr. Travis' truthfulness and reputation were filed. Mr. Sulla stated that they have provided information on the claims and counterclaims. The only issue before the Commission has to do with the Federal tax lien. The letters address what it is about and how it should not be used to judge Mr. Travis since it is only a claim.

Mr. Sulla stated that thirty years ago, one would file a claim for a collection action that was attached to the property. But in 1975, the Supreme Court determined that it was unconstitutional because it did not provide the plaintiff with an opportunity to be heard. Mr. Travis had a claim filed against him by the IRS and he counter-filed one against the IRS. Mr. Travis went through arbitration proceedings and he received an arbitration award.

Mr. Sulla distributed a copy of a sample, unrelated Abstract of Judgment. Mr. Sulla stated that Mr. Travis is entitled to be considered innocent until proven guilty. Mr. Travis will be filing a quiet title action to remove the tax lien.

Mr. Travis filed his tax returns, and then amended it, which resulted in a reduction of his taxes. It went back and forth between Mr. Travis and the IRS. Mr. Sulla stated that the IRS does not have a lien against Mr. Travis. They only filed a claim.

Mr. Sulla stated that Mr. Travis has been a licensed professional in Maui for over 30 years. He has a clean record, and there are no black marks against him. There is nothing outstanding that could be used as a red flag against him. Mr. Sulla asked that the Commission grant the LLC license application of Americorp International LLC so that he can continue his livelihood. Mr. Sulla said that the contested notice should not be elevated to the standard that could deprive Mr. Travis of his livelihood. You cannot attach a summons by the IRS in Federal District Court because an administrative summons does not have the force of law. Mr. Travis has a claim against the IRS challenging that he owes them money. He maintains his reputation and continues to keep it clear. It is cited in the code section, but there is no enforcement section. It is not backed by administrative enforcement.

Mr. Sulla stated that the paper does not prove what it says and it does not establish that Mr. Travis is liable for the taxes. It would have to go to court and go through a hearing. Mr. Sulla asked that the notice not be elevated to taking Mr. Travis' license away.

Commissioner Imanaka thanked Mr. Sulla and Mr. Travis for appearing before the Commission.

Mr. Travis informed the Commissioners that he would be the principal broker for Americorp International LLC and is a member and manager of the LLC.

Mr. Travis was asked about the "No" answers on the application. Mr. Travis informed the Commissioners that the original application was completed by David Hulbert, the proposed principal broker at that time. The application was withdrawn and a new application was submitted with the correct answers.

Mr. Travis was asked if they had any correspondence with the IRS prior to the notice being filed. Mr. Travis stated that he had filed an appeal in the Appeals Program that was ignored. Copies of the documents were provided to REB staff. He also filed a request for due process that was ignored. There were several meetings with the IRS. The computer reduced some of the taxes and the agent overrode the changes made by the computer.

Mr. Sulla stated that there have been meetings going back and forth before this occurred. Mr. Travis is a responsible person. Mr. Sulla stated that they felt that proceeding with a quiet title claim was the appropriate way to challenge the IRS claim. The IRS has not brought out any action to enforce the claim.

Mr. Travis was asked if he had an appeal number or an administrative case number. He stated that he filed an appeal and all his requests were ignored.

Mr. Travis was asked if the meetings and discussions that occurred were informal in nature. He answered that they were. It was informal until it reached the notice stage.

Mr. Travis and Mr. Sulla were asked if they had provided any information to the Commission on the Western Arbitration Council. Mr. Sulla said that he would not have proceeded to arbitration as he did not think it had a great bearing on the IRS, unless U.S.C. 505 allows the claim to be put on the property without an opportunity to be heard. The courts tend to favor whatever the IRS does. Arbitration is a private proceeding. Mr. Travis filed for arbitration to show on record that there is a challenge.

Mr. Travis and Mr. Sulla were asked to summarize the underlying circumstances surrounding the amount.

Mr. Sulla said that prior to allowing his client to answer the question; he was concerned about where the questions were leading. The parties were informed that the Commission wanted to know how the amounts owed occurred.

Mr. Travis informed the Commissioners that he had filed his tax returns and then later amended it using legal deductions. Mr. Sulla added that the computer made the adjustments to the returns and it was overruled. Mr. Travis was raising two dependents at that time but was not aware of the deductions he would be allowed to claim based on that.

Commissioner Okawa thanked the parties for appearing at the meeting twice. She also explained to them that the Commission has the responsibility to investigate when questions are raised. She appreciated their submittal of information for consideration. She also pointed out that the Commission has a job to do and is trying to do it the best that they can.

Mr. Sulla stated that he appreciates the Commission's role and understands their responsibilities. Mr. Sulla added that if Mr. Travis was not granted a license, he should be entitled to a hearing. The IRS has not had a hearing yet on the matter. Mr. Sulla also added that if Mr. Travis' license was denied, they would like to be provided with the reason for the denial.

Upon a motion by Commissioner Imanaka, seconded by Commissioner Okawa, 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 9:25 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 Thomas F. Schmidt dba Tom Schmidt Realtors, REC 1998-121-L, et al

John Hassler, RICO Attorney, Thomas F. Schmidt, Respondent, Sherry Broder, Mr. Schmidt's attorney, and Sheryl Lee Nagata, Hearings Officer, were present for oral arguments.

Oral arguments were presented by both parties.

Commissioner Nishihara moved to approve the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order. Commissioner Imanaka seconded the motion. Commissioners Imanaka, Ohama, Okawa, Kagawa, and Nishihara voted in favor of the motion. Commissioners Abrams, Ball and Loudermilk voted against the motion. The motion was carried.

In the Matter of the Real Estate Broker's License of Lily L. H. Kong, dba Diamond International Real Estate, REC 2000-128-L

Diane Corn, RICO Attorney, and Richard Grover, Respondent's Attorney, were present.

Mr. Grover was present on Ms. Kong's behalf to request an extension of the deadline to complete the real estate broker's prelicensing course to April 2, 2005.

Commissioner Okawa moved that provided Lily L. H. Kong submits documentation verifying condition of health within a deadline of seven days, i.e., March 4, 2005, the Commission will approve the request for extension of time to successfully complete the real estate broker's prelicensing course to April 2, 2005. Commissioner Abrams seconded the motion. Commissioners Imanaka, Okawa, Abrams, Kagawa, Nishihara, Ball and Loudermilk voted in favor of the motion. Commissioner Ohama voted against the motion. The motion was carried.

In the Matter of the Real Estate Broker's License of Francine D. Sapla, dba Real Isle Properties, REC 2003-318-L

Commissioner Loudermilk recused herself from the meeting.

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

Commissioner Loudermilk returned to the meeting.

In the Matter of the Real Estate Broker's License of Marlene Iwalani Lindsey, REC 2003-211-L

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

In the Matter of the Application for a Real Estate Salesperson's License of David W. Dominici, REC-LIC-2004-3

Upon a motion by Commissioner Imanaka, seconded by Commissioner Nishihara, it was voted on and unanimously carried to approve the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order Granting Respondent's Motion to Dismiss.

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 10:38 a.m.

Executive
Session:

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

Licensing –
Applications:

Americorp International LLC

After a review of the information presented by the applicant, Commissioner Abrams moved to approve the real estate limited liability company application of Americorp International LLC. Commissioner Imanaka seconded the motion. The motion was voted on and unanimously carried.

Committee Reports:

Laws and Rules Review Committee

Upon a motion by Commissioner Okawa, seconded by Commissioner Abrams, it was voted on and unanimously carried to accept the report of the February 9, 2005 Laws and Rules Review Committee meeting as follows:

1. Minutes of January 12, 2005 – **Accept**
2. Program of Work, FY05
Subcommittee on Agency – **Recommend** that the Commission continue discussion on this important topic and its efforts to protect the consumers.
3. ARELLO, Other Organizations and Jurisdictions – ARELLO Midyear and District IV Meetings – **Recommend approval** for up to three Commissioners/staff to attend the ARELLO Midyear and District IV meetings, to be held in Monterey, California, on March 31 to April 2, 2005, subject to the Governor's fiscal policy and budgetary approval. Also **recommend approval** for a Commissioner/staff to meet with representatives from the California Department of Real Estate in their offices either prior to or following the Midyear and District IV meetings, subject to the Governor's fiscal policy and budgetary approval.
4. Next meeting: Wednesday, March 9, 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 Nishihara, seconded by Commissioner Kagawa, it was voted on and carried to accept the report of the February 9, 2005 Education Review Committee meeting as follows:

1. Minutes of January 12, 2005 – **Accept.**
2. Continuing Education Administration, Curriculum, Courses, Providers, and Instructors – Applications
 - a) 2005-2006 Continuing Education Providers and Courses Ratification List – **Recommend approval** of attached list.
 - b) Course – “Construction Defect Claims in Hawaii;”
Author/Owner/Provider: Lorman Business Center, Inc.; Course Category: Contracts and Dispute Resolution; Clock Hours: 6 – **Recommend approval.**
3. Prelicensing Education Administration, Curriculum, Schools, Instructors, and Equivalency – Applications – Instructor – J. Robert Lightbourn, Hawaii Institute of Real Estate, Yuki Kajiwaru, Principal, Salesperson and Broker Curricula – **Recommend approval.**
4. ARELLO, REEA and Other Organizations – REEA Annual Conference June 19-22, 2005 – **Recommend approval** for three attendees, and a fourth attendee if budget allows, to participate at the REEA 2005 Annual Conference, to be held on June 19 – 22, 2005, at Myrtle Beach, South Carolina, subject to REEF budget and DCCA approval. The Chair of the Real Estate Commission and the Supervising Executive Officer shall determine the attendees.
5. Next meeting: Wednesday, March 9, 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, HI 96813

Condominium Review Committee

Upon a motion by Commissioner Imanaka, seconded by Commissioner Abrams, it was voted on and unanimously carried to accept the amended report of the February 9, 2005 Condominium Review Committee meeting as follows:

1. Minutes of the January 12, 2005 meeting – **Accept.**
2. Condominium Governance and Management – AOA Ratifications – 2003-2005 Biennium Registration – **Recommend approval** to ratify effective dates for the AOA 2003-2005 biennium registrations received through January 31, 2005.
3. CPR Registration, Developer’s Public Reports
 - a. January 2005 – **Recommend approval** to ratify issuance of effective dates of the developer’s public reports and extensions issued for the month of December 2004.
 - b. Owner – Occupant No Action Request – Tricia Malanka – Based on her letter of January 13, 2005 including the attachment of a letter from the State of California, Office of Adjunct General dated 15 September 2004 ordering Mark G. Malanka to active duty as a member of his Reserve Component reporting to Fort Lewis, WA 98433 for deployment ISO Opn Enduring Freedom not to exceed 545 days from October 10, 2004; **recommend approval** to issue an informal, non-binding opinion that the circumstances described by Tricia Malanka in her letter appears to fall within §514A-107(b)(2), “Unforeseeable job or military

transfer," **and further recommend approval** to issue a no action letter.

4. Interactive Participation with Organizations – CAI National Conference – **Recommend approval** to send three participants or such other approved numbers to CAI's 54th National Conference and Exposition, May 19-21, 2005, Tucson, Arizona, subject to the budgetary constraints and availability of funds, and further subject to receipt of the required approvals. The Chair and the SEO shall decide on who the participants will be.
5. Next Meeting: Wednesday, March 9, 2005
Upon adjournment of the Education Review Committee meeting which follows the Laws and Rules Review Committee meeting scheduled to convene at 9 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Licensing and
Registration –
Ratification:

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

Licensing –
Applications:

Paul A. Belmudes

Paul A. Belmudes was present to answer any questions regarding his application for a real estate broker's license. Mr. Belmudes was asked if he wished to have his application considered in executive session. He declined the offer.

Mr. Belmudes stated that he had a conviction 19 years 9 months ago in Texas. If he had waited three months longer, he would not be before the Commission. Mr. Belmudes stated that he has been a real estate broker in California since 1995 and has been a salesperson since 1992. Mr. Belmudes stated that he had obtained his college degree since the conviction. He moved to Hawaii eight months ago. He had to tell his wife about what happened to him. Mr. Belmudes stated that he wants to practice real estate on the Big Island. He has listed everything and provided the required information. Mr. Belmudes stated that he has managed the books, been in compliance with HUD requirements and audits. He has managed trust accounts and has not had any problems in California.

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

Randall R. Scharnhorst

Randall R. Scharnhorst was present to request that the conditions against his license be removed. Mr. Scharnhorst was asked if he wished to have this matter considered in executive session. He declined the offer.

Mr. Scharnhorst thanked the Commission for granting him his conditional real estate broker's license. He was on supervised release at that time. The U.S. District Court has since terminated his supervised release term. Mr. Scharnhorst stated that he had downloaded the minutes from his last appearance and said that he did not explain himself well at that time. He said that he worked in time

share at that time. That was how he first got involved in real estate. During the past four years, he has been doing real estate and has been under the supervision of a principal broker, doing general real estate. He also stated that he was asked if he was aware of the responsibilities of the principal broker. He stated that he is very aware of the ethical responsibilities towards the public and what is required. Mr. Scharnhorst recognizes that it is a learning process that will not be over until the day he dies. He admitted that he does not know everything and it is a learning process. Mr. Scharnhorst informed the Commissioners that he does have a real estate attorney working for him for the past two years. He and his friend would be able to hire a separate attorney to handle everything so that there would be no conflict of interest. His real estate attorney is Tom Welch and Karen Templeton represents the LLC.

Mr. Scharnhorst stated that the crime happened over 19 years ago. He is a more mature person than he was 19 years ago. He was on a supervised release program with the Federal Court system. He did well. Judge Kay released him without conditions.

Mr. Scharnhorst informed the Commissioners that he has never had any problems since he first appeared before the Commission in 1995. He would like to continue with his career. He is in real estate development and landscaping. He wants an opportunity to continue with his career in real estate and obtaining his real estate broker's license is part of that goal.

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

Donald W. Dietz, Jr.

Commissioner Okawa recused herself from the meeting.

Donald W. Dietz, Jr., was present to request approval of his experience as meeting the requirements for a real estate broker's experience certificate. Mr. Dietz was asked if he wished to have his application considered in executive session. He declined the offer.

Mr. Dietz thanked the Commission for allowing him the opportunity to appear. He understands the full-time experience requirements for broker candidates and that the purpose is to assure that the candidate has adequate experience and knowledge of Hawaii contracts and Hawaii real estate ethics. He would like the Commission to look at his qualifying experience above and beyond the five year requirement. Mr. Dietz passed out copies of his resume. Mr. Dietz stated that he was informed that there was a question about his inactive status of two years and four months. Mr. Dietz stated that he is working for T-Mobile and is the property manager of over 200 antennae sites. It did not require an active real estate license because he is working for only one landlord. Mr. Dietz said that he would like the Commission to look at his whole picture instead of just four months that he doesn't qualify.

Mr. Dietz was informed that §467-9.5, HRS, requires that the candidate possess three out of five years of full-time real estate experience in Hawaii.

Mr. Dietz stated that he was hoping to hear that the Commission has the authority to consider anything outside of the three out of five years. He questioned the purpose of the law.

Mr. Dietz was informed that the law does not provide the Commission any discretion. The law that was passed by the Legislature requires that a broker candidate be a full-time real estate salesperson three out of the last five years.

Mr. Dietz stated that he was under the understanding that the Commission had the power to consider these things.

Mr. Dietz was informed that the Commission would like to consider experience outside of the five years, however, the law is specific and the Commission is not able to consider the outside experience. When the law was changed, it took away the Commission's discretion. The industry wanted the broker candidates to possess more practical experience.

Mr. Dietz stated that he was being penalized for the four months.

It was brought out that people who have breaks in employment will be affected by the law. The law was meant for licensees who intend to practice real estate as a full-time profession.

If Mr. Dietz applied for his real estate broker's experience certificate in May 2005, staff would look back five years to May 2000. Mr. Dietz would still be short five months of experience.

Mr. Dietz was informed that there have been broker candidates in the past who have been inactive only one day and it affected their meeting the experience requirement.

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

Commissioner Okawa returned to the meeting.

Shawn Robert Fransen

Shawn Robert Fransen was present to discuss his application for a continuing education equivalency. Mr. Fransen was asked if he wished to have his application considered in executive session. He accepted the offer.

Executive Session:

Upon a motion by Commissioner Imanaka, 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".

Chair Ohama was excused from the meeting. Vice Chair Imanaka presided over the meeting.

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

Licensing –
Applications:

Chason T. Ishii

Tom Gill, Mr. Ishii's principal broker, was present at the meeting. Mr. Gill informed the Commissioners that Mr. Ishii was present earlier but had to leave due to a prior engagement.

Vice Chair Imanaka disclosed that he was a friend of the applicant, but he did not feel that it would impede his ability to render a fair and impartial decision on the application.

Mr. Gill stated that there is a pending complaint that was filed with RICO. He is fully aware of the circumstances of the complaint and supports Mr. Ishii being granted a real estate broker's license.

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

Executive
Session:

Upon a motion by Commissioner Okawa, 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".

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

Licensing –
Applications:

Leigh J. Walters

After a review of the information submitted by the applicant, Commissioner Abrams moved to approve the real estate salesperson's license of Leigh J. Walters. Commissioner Nishihara seconded the motion. The motion was voted on and unanimously carried.

Tulsi B. Anderson

After a review of the information submitted by the applicant, Commissioner Okawa moved to approve the conditional real estate salesperson's license of Tulsi B. Anderson. Commissioner Abrams seconded the motion. The motion was voted on and unanimously carried.

Ashley O. Smith

After a review of the information submitted by the applicant, Commissioner Abrams moved to deny Ashley O. Smith's application for a real estate salesperson's license pursuant to §467-8(3) and §436B-19(1) (8) (12), HRS. Commissioner Nishihara seconded the motion. The motion was voted on and unanimously carried.

Delfin D. L. C. Medina

After a review of the information submitted by the applicant, Commissioner Nishihara moved to approve the real estate broker's license application of Delfin D. L. C. Medina. Commissioner Kagawa seconded the motion. The motion was voted on and unanimously carried.

Paul A. Belmudes

After a review of the information presented by the applicant, Commissioner Kagawa moved to approve the real estate broker's license application of Paul A. Belmudes. Commissioner Nishihara seconded the motion. The motion was voted on and unanimously carried.

Edward M. Bernardino

After a review of the information submitted by the applicant, Commissioner Kagawa moved to approve the real estate broker's license application of Edward M. Bernardino. Commissioner Abrams seconded the motion. The motion was voted on and unanimously carried.

Chason T. Ishii

After a review of the information submitted by the applicant, Commissioner Abrams moved to approve the real estate broker's license of Chason T. Ishii. Commissioner Kagawa seconded the motion. The motion was voted on and unanimously carried.

James H. Goode, Jr.

After a review of the information submitted by the applicant, Commissioner Abrams moved to approve the real estate broker's license and sole proprietor license of James H. Goode, Jr. Commissioner Nishihara seconded the motion. The motion was voted on and unanimously carried.

Randall R. Scharnhorst

After a review of the information presented by the applicant, Commissioner Okawa moved to approve Randall R. Scharnhorst's request to remove the conditions from his real estate broker's license. Commissioner Kagawa seconded the motion. The motion was voted on and unanimously carried.

Donald W. Dietz, Jr.

Commissioner Okawa recused herself from the meeting.

After a review of the information presented by the applicant, Commissioner Abrams moved to deny the real estate broker experience certification application of Donald W. Dietz, Jr., pursuant to §467-9.5(a)(2)(B)(iii), HRS. Commissioner Kagawa seconded the motion. The motion was voted on and carried.

Commissioner Okawa returned to the meeting.

Shawn Robert Fransen

After a review of the information presented by the applicant, Commissioner Abrams moved to deny the Continuing Education Equivalency application of Shawn Robert Fransen, pursuant to §§467-11.5(d), -14(8)(20), -20, HRS, and §16-99-17,19,25, HAR, and §436B-19, HRS, and to refer the matter to RICO. Commissioner Nishihara seconded the motion. The motion was voted on and unanimously carried.

Committee Reports:

Legislation Report and Bills

A copy of Legislative Report No. 2 was distributed to the Commissioners for their information. The SEO reported on the status of the bills affecting the Commission.

The SEO reported that the ILWU has been invited to attend the March 9, 2005 Education Review Committee to discuss their concerns relating to Senate Bill No. 1777.

Real Estate Recovery Fund Report:

No report was presented.

Next Meeting:

Monday, March 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 11:45 a.m.

Reviewed and approved by:

/s/ Neil Fujitani
Neil Fujitani
Executive Officer

March 28, 2005
Date

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

**2005-2006 CONTINUING EDUCATION PROVIDERS AND COURSES
RATIFICATION LIST
EDUCATION REVIEW COMMITTEE
February 9, 2005**

<u>Registration/Certification</u>	<u>Effective Date</u>
Provider(s) Dower School of Real Estate Windward (Administrator: David L.S. Catanzaro)	January 1, 2005
Course(s) “Group Ownership of Commercial and Investment Real Estate” (Author/Owner: Eugene Trowbridge/Hawaii CCIM Chapter)	January 1, 2005
“Ethics and Real Estate” (Author/Owner: Dearborn Real Estate Education/Dower School of Real Estate Windward)	January 1, 2005
“Fair Housing” (Author/Owner: Dearborn Real Estate Education/Dower School of Real Estate Windward)	January 1, 2005
“Property Management and Managing Risk” (Author/Owner: Dearborn Real Estate Education/Dower School of Real Estate Windward)	January 1, 2005
“Understanding 1031 Tax-Free Exchanges” (Author/Owner: Dearborn Real Estate Education/Dower School of Real Estate Windward)	January 1, 2005
“Environmental Issue in Your Real Estate Practice” (ARELLO Certified Course/Abe Lee Seminars)	January 6, 2005
“Real Estate Finance Today” (ARELLO Certified Course/Abe Lee Seminars)	January 6, 2005
“Red Flags Property Inspection Guide” (ARELLO Certified Course/Abe Lee Seminars)	January 6, 2005
“Diversity and Doing Business” (ARELLO Certified Course/Seiler School of Real Estate)	January 1, 2005

<u>Registration/Certification</u>	<u>Effective Date</u>
Course(s) “Environmental Issue in Your Real Estate Practice” (ARELLO Certified Course/Seiler School of Real Estate)	January 1, 2005
“Fair Housing” (ARELLO Certified Course/Seiler School of Real Estate)	January 1, 2005
“Red Flags Property Inspection Guide” (ARELLO Certified Course/Seiler School of Real Estate)	January 1, 2005
“Title Insurance and Title Report Red Flags” (Suzette Nasser/Kona Board of REALTORS)	January 28, 2005

**APPROVED APPLICATIONS FOR REAL ESTATE
 REAL ESTATE COMMISSION MEETING ON FEBRUARY 25, 2005**

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Sunrise Realty, LLC Sylvia A. Thompson, PB	01/19/05
Jared Yamamoto, Realtor LLC Jared Yamamoto, PB	01/31/05
Traditions Hawaii Properties, LLC Valerie J. Ventura, PB	01/18/05
Island Paradise Realty, LLC Heather K. L. Conahan, PB	01/27/05
Harry Z. Kiyabu Realty, LLC Eleanor C. Kakazu, PB	02/07/05

<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Michael Burnstein Corporation, Assist-2-Sell Buyers and Sellers Real Estate Michael Burnstein, PB	01/06/05

<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Jerald Y. Nakasone, THINC Real Estate	01/11/05
Robert K. Brooks, Bobby Brooks Realty	01/21/05
David Roy Martins, Martins & Martins Realty	01/24/05
Carl Shin	01/25/05
Marty Smith	01/27/05
Richard A. Spranzo	01/27/05
Arthur G. Crabtree, Blue Pacific Realty	02/04/05
Barbara Roark	02/04/05
Kathleen A. Redding	01/04/05

<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Marc Zaremba	01/03/05
Joan Rachlin	01/03/05
Maria D. Barnes	01/05/05
Joseph M. Stimbroski	01/05/05
Kenneth H. Sakanishi	01/06/05
Scott E. O'Brien	01/07/05
John Keoni Welch	01/07/05
Ronald F. Larsen	01/10/05
Marc S. Etherton	01/12/05
Patrick W. O'neill	01/20/05
E. Ann Fritch	01/21/05
Alyce E. Ostler	01/25/05
Terry P. Kamen	01/27/05
William H. Kelley	01/31/05
Marcia N. Johnson, Ka'u Country Properties	02/04/05
Josephine L. Arieta	02/07/05
Stan Searcy, Your Right-hand Man Real Estate	02/07/05

<u>Limited Liability Companies and Partnerships Name</u>	<u>Effective Date</u>
Hawaii By The Sea Realty, LLC	01/20/05

<u>Trade Name</u>	<u>Effective Date</u>
Sunbelt Business Brokers of Hawaii, L.L.C., Sunbelt Business Advisors of Hawaii	01/14/05
Benjamin K. Wong, LanikaiRealtyandPropertyManagement.com	01/07/05
The Prestige Group LLC, Prestige World Properties	02/01/05

<u>Branch Office</u>	<u>Effective Date</u>
All Islands Inc. dba Century 21 All Islands James W. Wright, PB	01/03/05

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Patricia Ann Stillwell	01/19/07
Patrick Fred Enos	01/19/07
Jeffrey Sal Bellez	01/19/07
John Joseph Petrella	01/19/07
Martha Ogram	01/20/07
Betty Starr	01/20/07
Nicholas Cheatham Starks	01/24/07
Sylvia Annette Manning	01/26/07
Louis Zolo Fishman	01/28/07
Wayne L. Harlan	01/31/07
Aurelio O. Lee	01/31/07

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Jessica Berlin Hall	01/31/07
Philip H. Carrillo	02/01/07
Mirabai K. K. James	02/01/07
Linda Susan Ramirez	02/01/07
Sandra Conrad	02/01/07
Eileen M. Yates	02/01/07
Lance A. Haring	02/01/07
Mayra Ivelisse Ramirez	02/01/07
James E. Merrick	02/01/07
Richard Alan Schor	02/02/07
James W. Amenta	02/02/07
William Douglas Dalton	02/04/07
Jolene Kehualani Machado	02/07/07
Kenneth Clarence Miller	02/07/07
Arlan Jay Murry	02/11/07
John Veth	02/11/07
Eric Lawrence Swenson	02/11/07
Matthew L. Page	02/11/07
Joseph Arcaro, Jr.	02/15/07
Richard K. Saul	02/15/07
David Franklin	02/15/07
Carolee Cross	02/15/07
Yolanda Cachola Severyn	02/15/07
Mark Ken Kumamoto	02/16/07

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Patricia Ann Stillwell	01/19/07
Patrick Fred Enos	01/19/07
Jeffrey Sal Bellez	01/19/07
Charles K. Miller	01/20/07
Martha Ogram	01/20/07
Betty Starr	01/20/07
Lynn Marie Aylward-Bingman	01/21/07
Nicholas Cheatham Starks	01/24/07
Sylvia Annette Manning	01/26/07
Lee Jay Leslie	01/26/07
Brandon Toshio Ito	01/27/07
Hugh Charles O'Reilly	01/27/07
Ignacio R. Diago	01/27/07
Louis Zolo Fishman	01/28/07
Wayne L. Harlan	01/31/07
Phanoumath Sirivattha	01/31/07
Aurelio O. Lee	01/31/07

Educational Equivalency Certificate

	<u>Expiration Date</u>
Jessica Berlin Hall	01/31/07
Marko Miljkovic	02/01/07
Geoffrey Robert Bailey	02/01/07
Milissa Liana Ceria	02/01/07
Philip H. Carrillo	02/01/07
Mirabai K. K. James	02/01/07
Linda Susan Ramirez	02/01/07
Lance A. Haring	02/01/07
Rhonda Marie Devane	02/01/07
Joe Peter Neilson	02/01/07
Richard Alan Schor	02/02/07
James W. Amenta	02/02/07
Melody Witsman	02/03/05
Kelly Anne Hess	02/03/05
Jolene Kehualani Machado	02/07/07
Kenneth Clarence Miller	02/07/07
Greg Satomu Kawakami	02/08/07
Walter A. Berhalter	02/09/07
Arlan Jay Murry	02/11/07
Eileen M. Yates	02/11/07
John Veth	02/11/07
Eric Lawrence Swenson	02/11/07
Matthew L. Page	02/11/07
Denise Kay Fogel	02/11/07
Tony Lee Pinkert	02/15/07
Joseph Arcaro, Jr.	02/15/07
Richard K. Saul	02/15/07
Tomoko Jean Miller	02/15/07
David Franklin	02/15/07
Carolee Cross	02/15/07
Yolanda Cachola Severyn	02/15/07
Mark Ken Kumamoto	02/16/07

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Patricia Ann Stillwell	01/19/07
Patrick Fred Enos	01/19/07
John Joseph Petrella	01/19/07
Amy Y. F. Leong	01/19/07
Terry Jean Lovvorn	01/19/07
Martha Ogram	01/20/07
Julie Ann Martin	01/21/07
Dann George Urasaki	01/21/07
Ronald Joseph Silva II	01/21/07

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Cindy S. E. Busser	01/21/07
Lawrence Phillip Carnicelli	01/21/07
Elaine L. Peterson	01/24/07
Curtiss Stow Bacon	01/25/07
Sylvia Annette Manning	01/26/07
Charlotte Doreen Chang	01/26/07
Anastacia Aragon Chatfield	01/27/07
Margaret J. Faunce	01/27/07
Wendell Walter Grace, Jr.	01/27/07
Ignacio R. Diago	01/27/07
Victorino Dadiz	01/27/07
Elizabeth Peterson Randol	01/27/07
Frank M. Wanca	01/28/07
Louis Zolo Fishman	01/28/07
Cecilia D. Manungas	01/28/07
Wayne L. Harlan	01/31/07
Aurelio O. Lee	01/31/07
Jessica Berlin Hall	01/31/07
Tracy DeeAnn Davidson	01/31/07
Debra Jean Tompkins	02/01/07
Ramona M. Cannon	02/01/07
Richard Alan Schor	02/02/07
James W. Amenta	02/02/07
Bill Collamer	02/07/05
Josephine L. Arieta	02/07/05
Anthony Levoy, III	02/09/07
John Veth	02/11/07
Carolee Cross	02/15/07
Sunmin Shin	02/15/07
Christine Camp Friedman	02/15/07

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Russell A. Kemp	01/01/05
Reg Lawson	01/03/05
Carole A. Manuwa	01/11/05
John Patrick Ivey	01/11/05
George Krischke	01/18/05
David Hite	01/18/05
Jay T. Smith	01/18/05
Catherine B. "Casey" Nonaka	01/19/05
George C. Haydel	01/20/05
William D. Kraushaar	01/20/05
Thomas D. Carrington	01/20/05

<u>Real Estate Broker (upgrade)</u>	<u>Effective Date</u>
Paul Pacuilla	01/20/05
Toni M. Bryant	01/21/05
Robert P. Keane	01/24/05
Paulette A. Gose	01/24/05
Bud Kilmer	01/24/05
Layne Owen	01/25/05
Cecilia M. Christenson	01/25/05
Kristi Chapman	01/25/05
Carl Shin	01/25/05
Jolanta Frazier	01/26/05
Robin C. McCann	01/26/05
Joy K. Yonemura	01/26/05
Kim F. Scoggins	01/27/05
Rick Salyer	01/27/05
Marty Smith	01/27/05
Richard A. Spranzo	01/27/05
Milagros C. Sylvester	01/27/05
Scott S. H. Choi	01/28/05
Donald S. Fern	01/28/05
Kent Richards	01/28/05
Sunny Kim Jakovac	01/28/05
Mary M. Beddow	01/28/05
David Ng	01/28/05
Jennifer Richardson	01/28/05
Daryl W. Flem	01/28/05
Arthur G. Crabtree	02/04/05
Steven J. Simonetti	01/31/05
Wayne E. Ross	01/31/05
Richard E. Alberts	01/31/05
Holly G. Crouse	01/31/05
Jack Larson	01/31/05
Ray Ichino	01/31/05
Pamela J. Deery	01/31/05
Rodney T. Nakagawa	01/31/05
Richard M. Geddes	02/01/05
Diana J. Woods	02/01/05
Kristilee K. Correa	02/01/05
Mikell Wingard	02/02/05
Kalena Kunde	02/03/05
Ada Sui Ling Mark	02/03/05
Lisa R. Arin	02/04/05
Olivia C. Acoba	02/04/05
Tisha A. Ramsey	02/04/05

Real Estate Broker (upgrade)

John Gravener

Barbara Roark

David B. Oliva

Jordon W. Y. Wong, Jr.

Mary A. Fox

Ron Silva

Geri A. P. Tongson

Effective Date

02/04/05

02/04/05

02/07/05

02/08/05

02/08/05

02/08/05

02/10/05

Restoration – Real Estate Salesperson

Christopher P. Ordonez

Kate B. Bridges

Yvienne M. Peterson

Patricia S. Oliver

Effective Date

01/12/05

01/18/05

01/25/05

01/27/05