

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 16, 2005

Time: 9:00 a.m.

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

Present: Trudy Nishihara, Chair, Broker/Honolulu Commissioner
Iris Okawa, Vice Chair, Public/Honolulu Commissioner
Louis Abrams, Broker/Kauai Commissioner
Carol Ball, Broker/Maui Commissioner
Kathleen Kagawa, Broker/Honolulu Commissioner
Stanley Kuriyama, Broker/Honolulu Commissioner
Michele Sunahara Loudermilk, Public/Honolulu Commissioner
Vern Yamanaka, Broker/Hawaii Island Commissioner

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

Nicki Ann Thompson, Hawaii Association of REALTORS
Todd Rosen

Absent: None

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 thanked everyone for being present at the meeting and wished everyone a "Merry Christmas and a Happy Holidays!"

Executive Officer's Report: The Executive Officer informed the Commissioners that the applications to be considered at the meeting were available for their review.

Minutes of Previous Meetings

Upon a motion by Commissioner Abrams, seconded by Commissioner Yamanaka, it was voted on and unanimously carried to accept the minutes of the November 23, 2005 Real Estate Commission meeting.

Additional Distribution

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

4. Committee Reports and Program of Work
 - e. Legislation Reports and Bills

Committee Reports and Program of Work:

Laws and Rules Review Committee

Upon a motion by Commissioner Abrams, seconded by Commissioner Kagawa, it was voted on and unanimously carried to accept the amended report of the December 7, 2005 Laws and Rules Review Committee meeting as follows:

1. Minutes of November 9, 2005 – **Accept**
2. Program of Work, FY06 - Neighbor Island Outreach – The next neighbor island outreach will be held on January 11, 2006, on the island of Maui. The Laws and Rules Review Committee meeting will convene at 9:30 a.m., to be followed by the Education Review Committee meeting and the Condominium Review Committee meeting. The meetings will be held at the REALTORS Association of Maui's offices, located at 441 Ala Makani Place, Kahului, Maui. The Real Estate and Condominium Specialists' Office for the Day will be held in conjunction with this event.
3. ARELLO, Other Organizations and Jurisdictions – Pennsylvania Real Estate Commission – Reciprocal Agreement Request – Recommend that staff respond that the law permits license recognition agreements not reciprocal agreements and the Commission continues to study the issues entailed in license recognition agreements and will not be entering to an agreement at this time. Upon resolution of the issues, the Commission will notify all states and offer to negotiate license recognition agreements.
4. Subcommittee on Agency and Other Related Issues – Ad Hoc Committee on Consumer-Broker Relationships – **Add to next meeting agenda**, HAR presentation on a new legislative bill.
5. Next Meeting: Wednesday, January 11, 2006
9:30 a.m.
REALTORS Association of Maui
441 Ala Makani Place
Kahului, Maui

Education Review Committee

Upon a motion by Commissioner Yamanaka, seconded by Commissioner Loudermilk, it was voted on and carried to accept the report of the December 7, 2005 Education Review Committee meeting as follows:

1. Minutes of November 9, 2005 – **Accept**
2. Continuing Education Administration, Curriculum, Courses, Providers, and Instructors – Applications - Course – “Fast Defense for Realtors;” Author/Owner: Scott Provost; Provider: Akahi Real Estate Network, LLC; Course Category: Other; Clock Hours: 3 – **Recommend denial**.
3. Prelicensing Education Administration, Curriculum, Schools, Instructors, and Equivalency – Other – Elizabeth L. Dower, Dower School of Real

Estate, Issue – **Recommend** that, based on Elizabeth Dower's letter and discussion with the ERC at its meeting, the Commission evaluate the teaching of salespersons and brokers at joint classes, pursuant to HAR §16-99-57(b). Although the subject matters in joint classes may pertain to both salespersons and broker, it appears that the manner in which such joint classes are presently being offered lack the depth and content level appropriate to brokers. The Commission is concerned that brokers attending joint classes with salespersons may not receive substantive training and instruction necessary for broker education. Thus, the Commission will examine and research this matter further, including discussion and communication with the prelicensing schools and instructors.

4. Program of Work, FY06 – Neighbor Island Outreach and Real Estate Specialists' Office for the Day – The next neighbor island outreach will be held on January 11, 2006, on the island of Maui. The Laws and Rules Review Committee meeting will convene at 9:30 a.m., to be followed by the Education Review Committee meeting and the Condominium Review Committee meeting. The Real Estate Specialists' Office for the Day will be held in conjunction with this event also.
5. Next meeting: Wednesday, January 11, 2006
Upon adjournment of the Laws and Rules Review Committee Meeting, which convenes at 9:30 a.m.
REALTORS Association of Maui
441 Ala Makani Place
Kahului, Maui

Condominium Review Committee

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Kagawa, it was voted on and carried to accept the report of the December 7, 2005 Condominium Review Committee meeting as follows:

1. Minutes of November 9, 2005 Meeting – **Accept.**
2. Condominium Governance and Management – Condominium Seminars and Symposium – **Recommend approval** to co-sponsor with the Hawaii State Bar Association, Real Property Section, a seminar on the new recodified condominium property Act in FY2006; co-sponsorship excludes any funding.
3. Program of Work, FY06 – Recodification of Chapter 514A and Education – Letter from George Chatani, November 4, 2005 – **Recommend approval** directing staff to provide a response to Mr. Chatani as outlined in the draft response dated December 16, 2005 to Mr. Chatani.
4. Neighbor Island Outreach – Maui, January 11, 2006, REALTORS Association of Maui.
5. Next Meeting: Wednesday, January 11, 2006
Upon adjournment of the Education Review Committee meeting which follows the Laws and Rules Review Committee meeting scheduled to begin at 9:30 a.m.
REALTORS Association of Maui
441 Ala Makani Place
Kahului, Maui

Legislation Report and Bills

Discussion on this matter was deferred to later in the meeting.

Licensing – Applications:

Todd M. Rosen

Todd M. Rosen was present and was asked if he wished to have his application considered in executive session. He declined the offer.

Mr. Rosen said that he had a drug problem and was going through a divorce. It was the roughest two years of his life. He explained that his wife had planned to be present at the meeting today, but was unable to attend. She runs a deli and someone quit on Wednesday. She could not come to the meeting because of that. Also, this is the busiest time of year for her business.

Mr. Rosen said that this was the third time that he has applied for a license. He has had a lot of expenses because of this, but he thinks that it was worth it. He said that he has never been in trouble except for the year and a half that he was going through his separation. He has prayed for his license. The bad part of his life is over. He has found a church and God. He wants to move forward.

Mr. Rosen said that he was issued a real estate salesperson's license in Utah on December 8, 2004, to sell time share. His motor vehicle salesperson's license in Utah was issued to him on October 21, 2003. His California real estate salesperson's license was issued to him on September 13, 2005, after three months of review. Mr. Rosen said that he would be willing to take drug tests at his own expense if the Commission required it.

Mr. Rosen read a letter from his wife, Carol St. John, since she was not able to be present at the meeting. Mr. Rosen also read a thank you card that he had received from a 13-year old girl that he had befriended at church.

Mr. Rosen said that he takes everything very seriously. He wants to work in Hawaii and will not mess it up.

Mr. Rosen was asked about his California real estate license. Mr. Rosen informed the Commissioners that when he applied for his California real estate license, he said that he would not be working in real estate because he did not have an employer. After he submitted his license application, he became licensed with Trendwest.

It was noted that Mr. Rosen has a strong support group in California, but concerns were raised as to whether or not he would have a strong support group in Hawaii. Mr. Rosen answered that his best friend lives in Maui and is a worship leader in Maui. Mr. Rosen said that he would continue to be a worship leader and there is a Narcotics Anonymous in Hawaii also.

When asked to explain why his California real estate license was issued with conditions, Mr. Rosen explained that all licenses are issued with the condition that the licensee complete 40 hours of classroom instruction by a prescribed period of time. He needs to complete the 40 hours by September 12, 2009.

Mr. Rosen thanked Specialist Yamashiro for his assistance through the application process.

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

Committee Reports
and Program of Work:

Interactive Participation with Organizations

Upon a motion by Commissioner Ball, seconded by Commissioner Yamanaka, it was voted on and unanimously carried to approve the following travel and participants for the remainder of the fiscal year, subject to the Governor's fiscal policy and budgetary approval:

- Association of Real Estate License Law Officials (ARELLO) Midyear and District IV Meetings, 4 Commissioners/Staff
- Real Estate Educators Association (REEA) Annual Conference – 4 Commissioners/staff
- National Association of REALTORS (NAR) Midyear Meetings – 3 Commissioners/staff
- Community Associations Institute (CAI) National Conference – 4 Commissioners/staff

Participants to be determined by the REC Chair and the SEO.

Chair's
Report:

The Chair invited Ms. Thompson to present her comments.

Ms. Thompson wished everyone "Happy Holidays!" She said that they are awaiting the final draft of the proposed legislation and hope to distribute it to the Commission prior to the January 11, 2006 meetings so the Commission can discuss it at that time. Ms. Thompson informed the Commissioners that she would be at the Committee meetings in Maui.

Licensing and
Registration –
Ratification:

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

Licensing –
Applications:

Anthony W. Bunkowske

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

Real Estate
Recovery Fund
Report:

No report was presented.

Chapter 91, HRS.

No adjudicatory matters were presented.

Adjudicatory Matters:

Committee Reports
and Program of Work:

Legislation Report and Bills

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Okawa, it was voted on and unanimously carried to respond to the Legislative Auditor that the Commission reviewed the preliminary report and its recommendations; has no additional comments to offer at this time; acknowledges the complexities of community living and condominium governance; and will address some of these issues in its program of work.

Licensing –
Applications:

Anthony W. Bunkowske

After a review of the information submitted by the applicant, Commissioner Okawa moved to approve the real estate salesperson's license application of Anthony W. Bunkowske. Commissioner Loudermilk seconded the motion. The motion was voted on and unanimously carried.

Glenn A. Pressel

After a review of the information submitted by the applicant, Commissioner Loudermilk moved to approve the real estate salesperson's license application of Glenn A. Pressel. Commissioner Abrams seconded the motion. The motion was voted on and unanimously carried.

Todd M. Rosen

After a review of the information presented by the applicant, Commissioner Kuriyama moved to approve the conditional real estate salesperson's license of Todd M. Rosen. Commissioner Abrams seconded the motion. The motion was voted on and unanimously carried.

John W. Wyatt

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

Licensing and
Registration –
Ratification:

After a discussion with the Deputy Attorney General, the Commission will continue with the practice of ratifying the list of approved licensing and registration applications.

Next Meeting:

Friday, January 27, 2006
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 10:36 a.m.

Reviewed and approved by:

/s/ Neil Fujitani
Neil Fujitani
Executive Officer

January 27, 2006
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON DECEMBER 16, 2005

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Action Realty, LLC, Action Realty Naomi Iha Suto, PB	01/01/06
Rorie Urban Real Estate LLC Rorie Alos Urban, PB	11/08/05
Chris Brillhante LLC Chris Brillhante, PB	11/16/05
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Niu Pia Land Company, Ltd. David W. Pratt, PB	11/18/05
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Yelena Tkach	11/16/05
Richard S. Shipp	11/1/05
Sita Marie Lee	11/16/05
Ernest Lanaris	11/23/05
<u>Trade Name</u>	<u>Effective Date</u>
Martha Sundara, Axis One Realty	11/02/05
Kenneth R. Sikes, Cornerstone Realty	11/10/05
<u>Branch Office</u>	<u>Effective Date</u>
Realty in Paradise LLC, RE/MAX in Paradise Eileen K. Hirono, PB	11/2/05
Meridian Properties Inc. Jerry D. C. Park, PB	11/29/05
<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Kimberly Marya Wallis	11/18/07
Susan A. Johnson	11/18/07
Carol Ann Van Wagoner	11/21/07
Dirk Paul Huffman	11/22/07
Dennis M. Wilson	11/23/07
Garret Marvin Carlson	11/23/07
Anh T. Phan	11/25/07
Debra Veronica Monarez	11/25/07
Mark Worthen	11/25/07
John R. Leonard	11/28/07
Cindy A. Leonard	11/28/07
Patricia Bonelli	11/28/07

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Janiece Bryan	11/28/07
Cindy Mitsuko Gilmore	11/28/07
Anthony Thomas Muscio	12/01/07
Kit Magat Kohler	12/01/07
John K. Herkenrath	12/01/07
Nancie J. Read	12/01/07
Charles Leonard Hill	12/01/07
Arthur Edward Richardson	12/01/07
Joie Ma Houli	12/05/07
David Albert Wheeler	12/05/07
William Clare Monson	12/05/07
Stefanie Marie Barela	12/05/07
Todd Louis Granato	12/05/07
Catherine Elizabeth Barbieto	12/05/07
Laura Jean Sasaki	12/05/07
Hugh Colgate Damon	12/06/07

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Marta E. Mooney	11/16/07
Kimberly Marya Wallis	11/18/07
Susan A. Johnson	11/18/07
John James Bendon	11/21/07
Carol Ann Van Wagoner	11/21/07
Dirk Paul Huffman	11/22/07
Roy Masao Yoshino	11/22/07
Robert Eugene Jacobsen	11/23/07
Dennis M. Wilson	11/23/07
Garret Marvin Carlson	11/23/07
Anh T. Phan	11/25/07
Debra Veronica Monarez	11/25/07
Mark Worthen	11/25/07
David Richard Jurbala, Sr.	11/28/07
John R. Leonard	11/28/07
Cindy A. Leonard	11/28/07
Patricia Bonelli	11/28/07
Janiece Bryan	11/28/07
Cindy Mitsuko Gilmore	11/28/07
Guy Vance Kidder	11/30/07
Martin John Quigley, Jr.	11/30/07
Anthony Thomas Muscio	12/01/07
Kit Magat Kohler	12/01/07
John K. Herkenrath	12/01/07
Nancie J. Read	12/01/07
Daniel Jeffrey McPherson	12/01/07

Educational Equivalency Certificate

	<u>Expiration Date</u>
Charles Leonard Hill	12/01/07
Dianne M. Toledo	12/01/07
Stephen W. Fischer	12/01/07
Arthur Edward Richardson	12/01/07
David K. Weis	12/01/07
Daryl Joe Bouchie	12/01/07
Joie Ma Houli	12/05/07
Stefanie Marie Barela	12/05/07
Todd Louis Granato	12/05/07
Catherine Elizabeth Barbieto	12/05/07
Hugh Colgate Damon	12/06/07

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Kimberly Marya Wallis	11/18/07
Lette M.L.K. Kanaka'ole	11/21/07
Melanie Long	11/22/07
Helen Sterling MacNeil	11/22/07
Garret Marvin Carlson	11/23/07
Nina Pfaffenback	11/25/07
Anh T. Phan	11/25/07
Junko Uno	11/25/07
Mark Worthen	11/25/07
David Richard Jurbala, Sr.	11/28/07
Isabella T. Forster	11/28/07
John R. Leonard	11/28/07
Cindy A. Leonard	11/28/07
Guy Vance Kidder	11/30/07
Martin John Quigley, Jr.	11/30/07
Anthony Thomas Muscio	12/01/07
Charles Leonard Hill	12/01/07
Brian Kennett Delaney	12/01/07
Joie Ma Houli	12/05/07

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Mark A. Babin	11/10/05
Steven J. Myers	11/08/05
Catherine M. Hawkins	11/15/05
Yelena Tkach	11/16/05
Raymond Brian Boltz	11/16/05
James R. Maze	11/18/05

Restoration – Real Estate Salesperson

Glenn W. Hada

Gay Colleen Yasuhara

Melinda Benson

L. Danease Beck

Effective Date

08/31/05

08/26/05

09/07/05

10/31/05

Restoration – Real Estate Broker

Sterling M. Nii

Christopher M. Nahnsen

Gary L. Hooser

Effective Date

09/14/05

10/11/05

10/31/05

Condominium Hotel Operators

HCR Associates, LLC

Effective Date

11/09/05