

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, October 26, 2007

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
Michele Sunahara Loudermilk, Public/Honolulu Commissioner
Mark Suiso, Public/Honolulu Commissioner

Lawrence M. Reifurth, Director
Calvin Kimura, Supervising Executive Officer
Neil Fujitani, Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Amy Endo, Real Estate Specialist
Cheryl Leong, Condominium Specialist
Shari Wong, Deputy Attorney General
Irene Kotaka, Secretary

Judy Sykes, Hawaii International Real Estate Council
DJ Star
Justin Bizer
Mark Mazza

Absent: Stanley Kuriyama, Vice Chair, Broker/Honolulu Commissioner
William S. Chee, Broker/Honolulu 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: 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 Chee were excused from the meeting. Prior notification of their non-attendance was received.

The Chair introduced Lawrence M. Reifurth, Director, to those present.

Mr. Reifurth gave an overview of his background with the Department. He served as the Deputy Director for 4-1/2 years and became the Director of the Department at the end of the 2007 Legislative Session. He said that he and the Governor appreciate the work that the Commission does. He also invited the Commissioners to feel free to visit him if they had any concerns that they wanted to discuss with him.

Executive Officer's Report:

The 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 material was distributed prior to the start of the meeting:

4. Committee Reports and Program of Work
 - b. Education Review Committee – Hawaii International Real Estate Council Request – Judy Sykes

7. Chapter 91, Hawaii Revised Statutes, Adjudicatory Matters
 - a. In the Matter of the Real Estate Salesperson's License of Ken Sugihara; REC 2004-262-L

Minutes of Previous Meeting

Upon a motion by Commissioner Abrams, seconded by Commissioner Ball, it was voted on and unanimously carried to accept the minutes of the September 28, 2007 meeting.

Committee Reports and Program of Work:

Laws and Rules Review Committee

RICO Real Estate Advisory Council – Upon a motion by Commissioner Abrams, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to accept the RICO Real Estate Advisory Council listing effective January 1, 2008. Commissioner Abrams will also forward the names of Kauai licensees to RICO for inclusion on the listing.

Education Review Committee

Hawaii International Real Estate Council (“HIREC”) Request – Judy Sykes – Ms. Sykes was present to request that the Commission subsidize \$5,000 for the publishing and printing of the magazine, “Hawaii Real Estate at a Glance” and that the Commission submit articles for the magazine that focus on how real estate is regulated in Hawaii and about condominiums.

HIREC will be participating in the MIPIM Asia Conference and Exhibition, which is scheduled for November 28 to 30, 2007, in Hong Kong. The National

Association of REALTORS® and the U.S. Commercial Services are sponsoring a book at the U.S. Pavilion. HIREC would like to publish a magazine entitled, "Hawaii Real Estate at a Glance," which would be given to those attending the conference. Those attending the conference are international investors and buyers.

Commissioner Suiso raised concerns about spending the trust fund moneys to promote the sales of real estate in Hawaii. He wanted to be assured that the moneys would be used for the purposes intended.

Ms. Sykes informed the Commissioners that the purpose of the publication was to introduce people to resources and to provide them with an understanding of how it is done in Hawaii. The primary objective and thrust of the magazine would be to provide information and education.

Ms. Sykes informed the Commissioners that the \$5,000 they are requesting is the pro-rata cost to the Commission. The original estimate to publish the magazine was approximately \$20,000. However, the costs continue to rise.

HIREC hopes that the magazine will reach international investors. The magazine will be published in English. The majority of the publication will contain educational information and resources that those receiving the information will find useful. The information contained in the magazine will be specific to Hawaii.

Real estate in Japan is not regulated. China has just started regulating real estate. The National Association of REALTORS® realized that business is conducted differently in other countries and thought that this would be a good opportunity to educate foreign investors.

Ms. Sykes assured the Commissioners that the moneys would be used to educate the target audience on purchasing real estate in Hawaii. REB staff will be writing some of the articles for the magazine.

Upon a motion by Commissioner Abrams, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to approve the Hawaii International Real Estate Council's request of \$5,000 to help in the publishing and printing of the magazine, "Hawaii Real Estate at a Glance," and REB staff will provide articles for the magazine focusing on how real estate is regulated in Hawaii and about condominiums in Hawaii.

Licensing –
Ratification:

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

Licensing –
Applications:

The EO 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.

DJ Star

DJ Star was present to answer any questions relating to her application for a real estate salesperson's license. Ms. Star was asked if she wished to have her application considered in executive session. She declined the offer.

Ms. Star provided more references from her catering business for the Commission's consideration. She could provide more references if needed. The references were from people who had hired them to cater their functions. Ms. Star mentioned that they sold their catering business.

When asked about the conviction, Ms. Star informed the Commissioners that everything stemmed from the one incident. She has satisfied all of the conditions as of 2003.

Ms. Star said that she is currently residing on Kauai and has been in the same home for 15 years. She wants to obtain her real estate salesperson's license so that she can sell time share.

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

Justin V. Bizer

Justin V. Bizer was present to answer any questions regarding his application for a real estate salesperson's license. Mr. Bizer was asked if he wished to have his application considered in executive session. He declined the offer.

Mr. Bizer read the first two pages of his testimony to the Commission.

When asked if he still consumes alcohol, Mr. Bizer answered that he still does. He said that he knew that what he was doing was wrong and it happened when he was around 18 to 20 years of age, when he was in and out of college. He made a series of bad decisions at that time. He has turned his life around since then. He does not have any other convictions in Idaho or Hawaii.

When asked about the convictions, Mr. Bizer said that both charges involved using fake identification cards. One charge occurred in a bar and the other occurred when he was in a car that was pulled over. He completed his restitution when he was 21.

Mr. Bizer explained the circumstances surrounding the disturbing the peace charge. His roommate peeled his tires in front of the house and someone called the police. When the police appeared, he was the only one home. He could have fought it, but he decided to pay the fine and be done with it.

Mr. Bizer was asked to explain what steps he has taken since 2001 to get his drinking under control. Mr. Bizer said that the incidences occurred during his college years when he was living that type of lifestyle. He moved out to Hawaii to escape. He found out that all of his actions prior to that made him unable to get a job. He grew up and realized at that moment that he had to turn his life around.

He worked 60 hours a week for 5-1/2 years straight. He could see that it was not about partying or drinking. Getting his real estate license is something that he really wants to do.

When asked about the pending complaint at RICO, Mr. Bizer informed the Commissioners that the pending complaint was a result of his failure to disclose his criminal conviction on his motor vehicle license renewal application in 2002. He will continue to work with RICO on this.

Mr. Bizer has filed motions to set aside his guilty pleas with the State of Idaho. The State of Idaho does not have any laws expunging convictions. The State decides whether they will oppose or appeal his motion. In his case, the State filed notice that they will not oppose his motion.

Mr. Bizer said that he has had an employment contract with Hilton Grand Vacations since July. They are waiting for a decision on whether or not he will be licensed. He has been looking for alternative employment since then.

In August 2000, Mr. Bizer was convicted of providing false information. The crime was committed in November 1999.

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

Mark M. Mazza

Mark K. Mazza was present to answer any questions regarding his application for a real estate salesperson's license. Mr. Mazza was asked if he wished to have his application considered in executive session. Mr. Mazza declined the offer.

Mr. Mazza said that he had submitted all of the information with his application. The incident happened a long time ago and was an isolated incident. He owns his home on Maui and loves it here. He wants to get on with his life. He is not working now. If he is licensed, he wants to work in time share. His California license is inactive. He sold real estate for three to five years about 30 years ago. He knows the importance of being honest. He tried to put everything up front and is not covering up anything.

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

Executive Session:

Upon a motion by Commissioner Suiso, 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;" and Section 92-5(a)(4), HRS."

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

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 10:05 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate Salesperson's License of Ken Sugihara, REC 2004-262-L

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Abrams, it was voted on and unanimously carried to approve the Hearings Officer's Findings of Fact and Conclusions of Law and to issue the Commission's Proposed Final Order.

In the Matter of the Real Estate Salesperson's License of Ray C. Levans; REC 2006-139-L

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Abrams, it was voted on and unanimously carried to approve the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended 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 meeting at 10:10 a.m.

Licensing –
Applications:

DJ Star

After a review of the information presented by the applicant, Commissioner Abrams moved to approve the real estate salesperson's license of DJ Star. Commissioner Suiso seconded the motion. The motion was voted on and unanimously carried.

Lance W. LaMie

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

Justin V. Bizer

After a review of the information presented by the applicant, Commissioner Aiona moved to approve the real estate salesperson's license application of Justin V. Bizer. Commissioner Loudermilk seconded the motion. The motion was voted on and unanimously carried.

Mark M. Mazza

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

Adam Brian Manville

After a review of the information submitted by the applicant, Commissioner Suiso moved to most likely not approve Adam Brian Manville's application for licensure unless he submits further information on the string of incidents that occurred and regarding his restricted license. Commissioner Abrams seconded the motion. The motion was voted on and unanimously carried.

Recovery Fund Report: No report was presented.

Next Meeting: Friday, November 30, 2007
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, Chair Nishihara adjourned the meeting at 10:12 a.m.

Reviewed and approved by:

/s/ Neil Fujitani
Neil Fujitani, Executive Officer

November 5, 2007
Date

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

NKF:isk
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APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON OCTOBER 26, 2007

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Empress Realty LLC	09/07/07
Ruth M. F. Lin, PB	
Takanishi Real Estate LLC	09/14/07
Darrell M. Takanishi, PB	
Big Island Premier Properties, LLC	09/18/07
Donald M. Evans, PB	
HRA Referrals, LLC	09/26/07
Michael Walter Chow, PB	
Manage Hawaii, LLC	10/02/07
Simpson Tsang, PB	
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Congress Realty, Inc., Congress Realty	09/24/07
Donald L. Plunkett, Jr., PB	
M&M Real Estate, LLC	10/12/07
Faye N. Masuda, PB	
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Sandra Parmley	09/25/07
Valerie Jean Ventura, Properties in Paradise	09/28/07
Hideo Simon	10/05/07
Dennis P. Simoncelli, Simoncelli Group	10/05/07
<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Gloria Dinfotan	09/18/09
Janette Lizbeth Luna	09/20/09
Martin Thomas Pozgay	09/20/09
Thomas Chester Poplawski	09/20/09
Marian Hutira Krochka	09/20/09
Nobuyuki Matsumoto	09/24/09
Donald J. Weiss	09/24/09
Cari Joy Darcus	09/24/09
Bienvenido Cainglet Alesna	09/25/09
Andrea Rose Haigh	09/27/09
Phillip Jess Pitts	09/27/09
Nathaniel Jacob Preheim	10/02/09
Jeffrey Michael Pierce	10/04/09
Sherri Anne Chesnutt	10/04/09
Nayna Patel	10/04/09
Charles Louis Albartus Barker	10/04/09
Henrik Lester Wilcox	10/08/09
Alen Aivazian	10/09/09
Marya Irene Poore	10/09/09
Karen Baes	10/10/09
Peter William Rice	10/10/09
Zarine Dorabji	10/10/09
John Miller	10/11/09
Chad Ray England	10/11/09

Equivalency to Uniform Section of Examination Certificate

Lorraine B. Packer	10/11/09
Roy Ho Yoo	10/11/09
Asad Mohyuddin	10/11/09
Sheila Marie Long	10/16/09
Marcella Elizabeth Castellanos	10/17/09
Stuart Jay Hartman	10/17/09
Richard Charles Allen Warren	10/17/09
Daniel Carver Moore	10/18/09

Expiration Date

Educational Equivalency Certificate

Gloria Dinfotan	09/18/09
Janette Lizbeth Luna	09/20/09
Martin Thomas Pozgay	09/20/09
Thomas Chester Poplawski	09/20/09
Marian Hutira Krochka	09/20/09
Nobuyuki Matsumoto	09/24/09
Donald J. Weiss	09/24/09
Cari Joy Darcus	09/24/09
Norman A. Joyalle	09/24/09
Bienvenido Cainglet Alesna	09/25/09
Andrea Rose Haigh	09/27/09
Phillip Jess Pitts	09/27/09
Nathaniel Jacob Preheim	10/02/09
Jeffrey Michael Pierce	10/04/09
Sherri Anne Chesnutt	10/04/09
Nayna Patel	10/04/09
Charles Louis Albartus Barker	10/04/09
Henrik Lester Wilcox	10/08/09
Alen Aivazian	10/09/09
James Christopher Plaisted	10/09/09
Thomas Allen Pepe	10/09/09
Marya Irene Poore	10/09/09
Karen Baes	10/10/09
Peter William Rice	10/10/09
Zarine Dorabji	10/10/09
John Miller	10/11/09
Chad Ray England	10/11/09
Roy Ho Yoo	10/11/09
Asad Mohyuddin	10/11/09
Sheila Marie Long	10/16/09
Marcella Elizabeth Castellanos	10/17/09
Stuart Jay Hartman	10/17/09
Richard Charles Allen Warren	10/17/09

Expiration Date

Real Estate Broker Experience Certificate

Karin Sandra Carlson	09/18/09
Jill McGowan	09/20/09
Harvey M. Nakamoto	09/21/09
Martin Thomas Pozgay	09/20/09
Thomas Chester Poplawski	09/20/09
Hollen Fuller	09/20/09

Expiration Date

<u>Real Estate Broker Experience Certificate</u>	<u>Expiration Date</u>
Alana Jo Dela Cruz	09/24/09
Nobuyuki Matsumoto	09/24/09
Donald J. Weiss	09/24/09
Martha C. Hinz	09/24/09
Andrea Rose Haigh	09/27/09
Leasa Sue Ionescu	09/27/09
Phillip Jess Pitts	09/27/09
Nathaniel Jacob Preheim	10/02/09
Takeshi Kodaira	10/04/09
Marlene Nalani	10/04/09
Larry D. Tadlock	10/04/09
Alen Aivazian	10/09/09
Donna Charmaine McAlister	10/09/09
Josh Jerman	10/09/09
Noelani Lynn Jones	10/09/09
Carol Mildred Paris	10/10/09
John Miller	10/11/09
Patrick John Core	10/11/09
Yok Yee Yap	10/11/09
Shawn Kaniela Kahawai	10/11/09
Roy Ho Yoo	10/11/09
Heather Singleton	10/12/09
Melvin D. Simpson	10/16/09
Stuart Jay Hartman	10/17/09
Richard W. Ornellas	10/17/09
Powell Whiter Berger	10/18/09

<u>Real Estate Broker (upgrade)</u>	<u>Effective Date</u>
John Stephen Deffner	09/14/07
Donald M. Evans	09/18/07
Keanu Koprowski	09/24/07
Donald L. Plunkett, Jr.	09/24/07
Nathaniel Jacob Preheim	10/02/09
Sandra Parmley	09/25/07
Kevin Li	09/26/07
Russell B. Thorstenberg	09/28/07
Mark Schultz	09/28/07
Ron E. H. Atkinson	10/01/07
Jeremy I. Hunter	10/01/07
Edgar Patricia	10/03/07
Harvey M. Nakamoto	10/03/07
Hideo Simon	10/05/07