

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, July 29, 2005

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
Iris Okawa, Public/Honolulu Commissioner
Louis Abrams, Broker/Kauai 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
Diane Choy Fujimura, Senior Real Estate Specialist
Lorene Kimura, Real Estate Specialist
Ryan Yamashiro, Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
David Grupen, Condominium Specialist
Cheryl Leong, Condominium Specialist
Jay Paige, Deputy Attorney General
Lei Fukumura, Special Deputy Attorney General
Ahlani Quiogue, Executive Officer
Irene Kotaka, Secretary

Myoung Oh, Hawaii Association of REALTORS
William Harrison
Drew Dailey
Stacey Elbert
Scott Hovey
Lani Moore

Absent: Carol Ball, Broker/Maui Commissioner
Kathleen Kagawa, 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: Chair Nishihara thanked Governor Lingle for having the confidence in her to be the Chair of the Real Estate Commission. She also thanked DCCA Director, Mark Recktenwald, and the Licensing Administrator, Noe Noe Tom, for having the faith in her to fulfill her duties and responsibilities to the position.

Chair Nishihara also said that she was honored to represent her dedicated fellow Commissioners in this leadership role and asked for their support during her tenure as Chair to meet the challenges of fulfilling their regulatory enforcement responsibilities to the real estate industry. She is looking forward to the diligent support by the administrative staff lead by the SEO. She also asked for everyone's patience as the Commission and staff forges onward to implement the activities of the Commission.

Chair Nishihara introduced the Real Estate Commission's leadership team:

REC Vice Chair, Iris Okawa
Laws and Rules Review Committee
 Chair, Louis Abrams
 Vice Chair, Kathleen Kagawa
Education Review Committee
 Chair, Vern Yamanaka
 Vice Chair, Carol Ball
Condominium Review Committee
 Chair, Stanley Kuriyama
 Vice Chair, Michele Loudermilk

Chair Nishihara thanked the Commissioners for volunteering to take on their leadership roles and responsibilities which exemplify their strengths on the Committees that is vital to the Commission's program of work.

A copy of the letter from Governor Lingle, dated July 14, 2005, appointing Commissioner Nishihara as Chair of the Commission was distributed to the Commissioners for their information.

Commission Organization

Upon a motion by Commissioner Abrams, seconded by Commissioner Yamanaka, it was voted on and unanimously carried to approve the organization of the Real Estate Commission and Standing Committee policies, dated July 27, 2005.

The Commissioners were reminded that they should review the agendas immediately upon receipt and let staff know if they have any conflicts of interest on issues that require a motion.

The standing committee policy also requires that the Committee decides when the decisions made by the Committee become effective.

Commission Policy

Upon a motion by Commissioner Okawa, seconded by Commissioner Abrams, it was voted on and unanimously carried to approve the Commission's Travel Policy, dated July 27, 2005.

Executive
Officer's Report:

The Executive Officer introduced Ahlani Quiogue, a new Executive Officer in PVL, and Jay Paige, Deputy Attorney General, to the Commissioners.

The Commission meetings for the month of September have been changed as follows:

September 14, 2005 – Lihue, Kauai

Laws and Rules Review Committee Meeting – 9:30 a.m.

Education Review Committee Meeting – Upon adjournment of the Laws and Rules Review Committee Meeting

Condominium Review Committee Meeting – Upon adjournment of the Education Review Committee Meeting

September 23, 2005

Real Estate Commission Meeting – 9 a.m.

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

Additions to the Agenda

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

3. Executive Officer's Report
 - d. Commission Roster
4. Committee Reports and Program of Work
 - d. Program of Work and Budget and Finance
 - 1) Supplemental Budget Request
 - f. Interactive Participation – FIABCI Asia-Pacific Real Estate Congress, September 28 to 30, 2005 – Osaka, Japan

Additional Distribution

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

2. Chair's Report
 - b. Commission Organization
 - c. Commission's Travel Policy
4. Committee Reports and Program of Work
 - d. Program of Work and Budget and Finance (Final)
6. Licensing – Applications
 - j. Lani I. Moore

Minutes of Previous Meetings

Upon a motion by Commissioner Abrams, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to accept the minutes of the June 24, 2005 Real Estate Commission meeting.

Amended 2005 Real Estate Commission Meeting Schedule

A copy of the amended 2005 Real Estate Commission meeting schedule was distributed to the Commissioners for their information.

Commission Roster

A copy of the Commission roster was distributed to the Commissioners for their information.

Chapter 91, HRS, Adjudicatory Matters:

The Chair called for a recess from the meeting at 9:13 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 Sean K. H. Nakamoto, REC 2005-26-L

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

In the Matter of the Real Estate Broker's and Salesperson's Licenses of Asset Property Management, Inc., Deanna K. Hough, and James Stephen Morgan; REC 2003-320-L

Upon a motion by Commissioner Abrams, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to accept the Settlement Agreement After Filing of Petition for Disciplinary Action and Commission's Final Order. Respondent Morgan is to submit his request for approval of the course to the ERC Chair and the ERC Chair will determine when the course needs to be completed by.

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 9:35 a.m.

Committee Reports:

Laws and Rules Review Committee

Upon a motion by Commissioner Abrams, seconded by Commissioner Yamanaka, it was voted on and unanimously carried to accept the report of the July 13, 2005 Laws and Rules Review Committee meeting as follows:

1. Minutes of June 14, 2005 – **Accept**
2. Next Meeting: Wednesday, August 10, 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 Abrams, it was voted on and carried to accept the amended report of the July 13, 2005 Education Review Committee meeting as follows:

1. Minutes of June 14, 2005 – **Accept**
2. Continuing Education Administration, Curriculum, Courses, Providers, and Instructors
 - a. Applications
 1. Course – “Working with TICs (Tenant in Common Ownership Interests);” Author/Owner: Eugene Trowbridge, J.D., CCIM; Provider: Hawaii CCIM Chapter; Course Categories: Investment and Other (real estate securities, IRS 1031 Exchanges); Clock Hours: 3
Recommend approval
 2. Course – “The Art of Real Estate Negotiation/Working Towards a Win-Win Agreement;” Author/Owner: Philip Hale Wilia; Provider: Dower School of Real Estate; Course Category: Dispute Resolution; Clock Hours: 3
Recommend approval
 3. Course – “Establishing and Operating Homeowners’ Associations: Understanding the Legal Issues;” Author/Owner: Lorman Business Center, Inc.; Provider: Lorman Business Center, Inc.; Course Categories: Contracts, Real Estate Law; Clock Hours: 6
Recommend approval
 4. Course – “Converting Technology into CASH!;” Author/Owner: Verl Workman; Provider: Pending; Course Category: Other (Sales); Clock Hours: 3
Recommend approval
 - b. 2005-2006 Continuing Education Providers and Courses Ratification List – **Recommend approval** of attached list.
3. Continuing Education Core Course – Final draft of 2005-2006 mandatory core course, “Real Estate Law Review and Update/2005-2006,” first draft of Instructor’s Manual, Instructor’s Development Workshops – Train the Trainer: Tuesday, August 2, 2005, REALTORS’ Association of Maui, Inc. (RAM), and Thursday, August 4, 2005, King Kalakaua Building, Queen Liliuokalani Conference Room, 9:00 a.m. – 4:00 p.m., RAM will record the IDW session and provide copies of the recording to the boards of REALTORS. Instructors unable to attend the scheduled IDW sessions, may view the recording of the IDW, receive IDW credit, and may teach the live version of the course. **Recommend approval**
4. Salesperson’s Curriculum – Final draft for the revision and updating of the salesperson’s curriculum, pending completion of the six (6) handouts that will accompany the curriculum: Ethics (situations, anecdotal accounts, case studies), Settlement Statements (What to look for, mistakes), Condo Project Documents (Anatomy of, and red flags to look for), DROA (item by item explanations), FIRPTA/HARPTA (filing process, responsibility of parties and impact on sales involving foreign clients), and Opportunities* (info on specialized courses, designations, organizations; within context of promoting enhanced education) –
*completed. DROA handout to include the counter-offer form.

Settlement Statements handout to address conveyance tax changes.

Recommend approval

5. Program of Work, FY05
 - a. Instructor's Development Workshop – Real Estate Commission to sponsor an IDW in conjunction with the unveiling of the Commission's mandatory core course, "Real Estate Law Review and Update/2005-2006." See item 4 above. **Recommend approval**
6. ARELLO, REEA and Other Organizations – National Association of REALTORS Conference & Expo, October 28-31, 2005, San Francisco, CA – send a minimum of two but not more than four Commissioners/Staff to conference subject to the Governor's fiscal policy and budgetary approval – **Recommend approval**
7. Next meeting: Wednesday, August 10, 2005
Upon adjournment of the Laws and Rules Review Committee Meeting, which convenes at 9:00 a.m.
Queen Lili'uokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Condominium Review Committee

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Abrams, it was voted on and unanimously carried to accept the amended report of the July 13, 2005 Condominium Review Committee meeting as follows:

1. Minutes of the June 14, 2005 meeting – **Accept**
2. Condominium Governance and Management
 - a. Mediation & Arbitration – Pursuant to the existing Agreements with the listed mediation Contractors, and having not received the required administrative approvals to renew the Agreements of the listed mediation service contractors, **recommend approval** to request that the Procurement Officer for DCCA, in the interest of the State, pursuant to paragraph 14 of the General Conditions of the existing Agreements, terminate the following respective Agreements for the Convenience of the State, effective thirty (30) business days from the date this recommendation is approved by the Real Estate Commission. Further **recommend approval** that the Commission initiate procedures to procure for such services in accordance with the State's Procurement Code. The existing Agreements recommended for termination are as follows:
 - 1) The Mediation Center of the Pacific, Inc.
 - 2) Mediation Services of Maui, Inc.
 - 3) Kauai Economic Opportunity, Inc.
 - 4) Big Island Mediation, Inc., dba West Hawaii Mediation Services
 - 5) The Island of Hawaii – YMCA – Ku'ikahi Mediation Center
 - b. The Mediation Center of the Pacific, Inc. – **Recommend approval** to have staff prepare a response to MCP's letter dated

- June 16, 2005 to include comments emphasizing the need to continue having mediators that are specifically trained for mediating condominium disputes.
- c. AOA Registrations – 2005-2007 Biennium Registration – **Recommend approval** to ratify effective dates for the AOA 2005-2007 biennium registrations received through June 30, 2005.
 - d. Condominium Seminars and Symposium – Pursuant to the existing Agreements with the listed seminar Contractors, and having not received the required administrative approvals to renew the Agreements of the listed seminar/education service contractors **recommend approval** to request that the Procurement Officer for DCCA, in the Agreements, terminate the following respective Agreements for the Convenience of the State, effective thirty (30) business days from the date this recommendation is approved by the Real Estate Commission. Further **recommend approval** that the Commission initiate procedures to procure for such services in accordance with the State's Procurement Code. The existing Agreements recommended for termination are as follows:
 - 1) Community Associations Institute – Hawaii Chapter
 - 2) Hawaii Association of Realtors
 - e. Request for Non-Binding Opinion Concerning Deposit of Funds of Hawaii Association of Apartment Owners §514A-97(c), HRS – First National Bank of Arizona; Douglas Smith, Esq., Todd Y. Hirai attorneys – Deferred from June 24, 2005 REC meeting – **Recommend approval** to issue an informal non binding interpretation that based on the facts as presented and outlined in his letter of April 26, 2005, that First National Bank of Arizona (FNBA) is not a financial institution located in the State as required by §514A-97(c)(1), HRS.
3. CPR Registration, Developer's Public Reports
- a. CPR Registration, Developer's Public Reports June 2005 – **Recommend approval** to ratify issuance of effective dates of the developer's public reports and extensions issued for the month of June 2005.
 - b. Clarification of §514A, Hawaii Revised Statutes – “association property” and “solar panel agreements” – Request by Carl T. Watanabe, Registrar of Conveyances, State of Hawaii – Deferred from June 14, 2005 CRC meeting – **Recommend** that the Registrar review Act 157 (SLH 2005) for applicability to its request.

Commissioner Kuriyama recused himself from the meeting.

Recommend approval to issue an informal non binding interpretation based on the facts presented that the voluntary agreements of annexation do not affect the common elements or common expenses of the condominium project, that §514A-4, HRS, allows an apartment owner to encumber its own apartment.

Commissioner Kuriyama returned to the meeting.

- c. Request for Exemption of Owner-Occupant Law – Kenneth Hughes – **Recommend approval** to issue a “no action” letter subject to the receipt of verification from his employer, Columbus Educational or the Hawaii State Department of Education, of his unforeseeable job termination.
4. Program of Work & Budget, FY06
 - a. Hawaii Condominium Bulletin – Pursuant to the existing contract with the listed printing Contractor, and having not received the required administrative approval to renew the Agreement of the listed printing service contractor, **recommend approval** to request that the Procurement Officer for DCCA, in the interest of the State, pursuant to paragraph 14 of the General Conditions of the existing Agreement, terminate the following respective Agreement for the Convenience of the State, effective thirty (30) business days from the date this recommendation is approved by the Real Estate Commission. Further **recommend approval** that the Commission initiates procedures to procure for such services in accordance with the State’s Procurement Code. The existing Agreement recommended for termination is as follows: Pioneer Ventures, Inc. dba Fisher & Pioneer Printers.
 - b. Interactive Participation with Organizations – CAI’s Community Leadership Forum, October 20-22, 2005, Atlanta, Georgia – **Recommend approval** to send a minimum of two but not more than four Commissioners/staff to the conference subject to the Governor’s fiscal policy and budgetary approval.
5. Next meeting: Wednesday, August 10, 2005
Upon adjournment of the Education Review Committee meeting which follows the Laws and Rules Review Committee meeting scheduled to convene at 9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Program of Work and Budget and Finance

A copy of the final, approved Program of Work and Budget, FY06 was distributed to the Commissioners.

Upon a motion by Commissioner Abrams, seconded by Commissioner Okawa, it was voted on and unanimously carried to accept the final version of the Program of Work and Budget for Fiscal Year 2006.

Copies of the Program of Work will be sent out to HAR and CAI.

Supplemental Budget Request - The Commissioners were asked if they wished to submit a supplemental budget request for FY07. The deadline to submit the supplemental budget request is August 10, 2005.

Upon a motion by Commissioner Abrams, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to approve the submission of a supplemental budget increase to the Condominium Management Education Fund of \$70,000 for FY2007 for recodification education and to the Real Estate

Education Fund of \$250,000 for FY2007 for education on consumer relationships and agency, subject to the revenue forecasts and other budgetary issues.

Licensing –
Applications:

Stacey L. Elbert

Stacey L. Elbert was asked if she wished to have her application for a real estate salesperson's license considered in executive session. She declined the offer.

Ms. Elbert informed the Commissioners that her life has completely changed and she would like the opportunity to sell real estate so that she can do something good with her life. She said that there would not be any future problems with her regarding drugs or illegal activities.

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

Ms. Elbert asked if the Commission had a copy of her judgment which states that the conviction cannot be used to prejudice her on her real estate application. Ms. Elbert was informed that the Commissioners have a copy of the judgment.

Scott E. Hovey

Scott E. Hovey was asked if he wished to have his application for a real estate salesperson's license considered in executive session. He declined the offer.

Mr. Hovey thanked the Commission for the opportunity to be present before them. Mr. Hovey stated that, as a former licensee, he understands that it is a privilege to have a license, not a right. Mr. Hovey said that no one showed up for an auction on a 10,000 square foot lot in 1998. Only the lender submitted a bid and received the property. He was impacted by the economy which was being affected by the Japanese economy. Mr. Hovey stated that he has been in Hawaii since 1972 and has been doing business for over 30 years. Mr. Hovey said that he has five children and a wife. In 1997, he was homeless. He had tried to settle the judgments but said that it was difficult if you did not settle the judgments in full. Mr. Hovey said that he had submitted documents in an attempt to settle the judgments. He could not arrive at the proper figure in time to close escrow.

Mr. Hovey informed the Commissioners that he went back to college and obtained his degree. He said that it is difficult to obtain employment when you are 50 years old. He was given an opportunity to join the brokerage industry in time share. He was asked to come on board to handle the sales and marketing for all of the properties they are handling in Waikiki. The opportunity was given to him and it may not last. Mr. Hovey added that in the last three months, the office had closed enough properties that if he was there he could have paid the moneys owed. Mr. Hovey said that he will be paying the Department of Taxation \$200 a month beginning on August 15, 2005. Mr. Hovey said that three judgments and one tax lien are not an indication that he lacks financial integrity.

Mr. Hovey informed the Commissioners that he did not have any problems when he was licensed earlier. He worked with J. M. Urner. Mr. Hovey requested that the Commission approve his application for a real estate salesperson's license.

Commissioner Abrams thanked Mr. Hovey for submitting the documents to the Commission. He understands what he had to go through to obtain the documents and appreciates his efforts.

Mr. Hovey was asked to explain the April 15, 2005 email to Pete Lee in which Mr. Hovey said that he needed the information requested in order to make a decision on his offer. Mr. Lee responded that he would accept the offer if payment was received in five days. Mr. Hovey stated that he was given an opportunity to purchase the condo that he was living in. Mr. Hovey informed the Commissioners that he was involved in a private sale between the landlord and himself. He was going to purchase the condo that he was living in at a very low price. He tried to get everything together. He worked to get everything squared away and was going to use the equity in the property to pay off the debt. He had to get everything together by the time the DROA expired. The judgment was reduced to \$20,000, but he was not able to close escrow before the deadline and he did not make the \$1500 payment.

Mr. Hovey was asked if the reason why he was not able to pay the \$1,500 settlement on the \$5,000 debt was because he was trying to buy the condo. Mr. Hovey answered, "Yes."

Mr. Hovey was asked if the moneys owed to GECC was reduced. Mr. Hovey stated that it was not because under Rule 408 of the rules of evidence no reduction was allowed when you submit an offer.

Mr. Hovey explained that he had two judgments filed against him by Medcah in 1993 and 1998 but stated the 1993 judgment is no longer valid since it is past 10 years. Mr. Hovey said that he had a very ill son who was sick for 12 years with diabetes. He looked at the Bureau of Conveyances and District Court but time is no longer an issue. No extension was filed on the judgment. There were only three outstanding judgments in ten years. Mr. Hovey said that he currently has a small rental business in Waikiki that has been in operation for 2-1/2 years. He was a full-time student until December 2004.

Commissioner Okawa moved to take this matter under advisement. Commissioner Abrams seconded the motion.

Mr. Hovey was asked when he negotiated the arrangement with the State Department of Taxation. Mr. Hovey responded, "Yesterday morning." He also mentioned that it was an informal payment plan which will take effect on August 15, 2005.

The motion was voted on and unanimously carried.

Andrew C. Dailey

Andrew C. Dailey was asked if he wished to have his application for a real estate salesperson's license considered in executive session. He declined the offer.

Mr. Dailey stated that he was arrested in February 2001 due to a tip obtained from a disgruntled employee. He was charged with possession and conspiracy to possess. His wife also had some diet pills and he was charged with possession of a controlled substance and maintaining a common nuisance. Most

of the charges against him were dropped. He was told by his attorney that if there were enough charges against him, one of them would be bound to stick. He pled guilty because in Indiana his driver's license would have been suspended and he did not want to subject himself to the additional insurance and trial costs.

Mr. Dailey said that before, during and after his conviction, he was a master locksmith. He started his business in June 1993. He was the owner of the business at the time of his conviction. He has been continuously employed and productive during this ordeal. At no time did his business suffer. He sold his business on May 2005. He is still a consultant and on the board of directors of the business. He had submitted letters of reference from some of his clients.

Mr. Dailey was asked if he had any other convictions. He responded that he has not had any other incidents since then. Mr. Dailey added that he is an Eagle Scout and served in combat with the 82nd Airborne.

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

Lani I. Moore

Lani I. Moore was asked if she wished to have her application for a real estate salesperson's license considered in executive session. She accepted the offer.

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

Licensing –
Applications:

Lani I. Moore

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

Marion L. Lindsey

Marion L. Lindsey was not present but was represented by her attorney, William Harrison, Esq. Mr. Harrison was asked if he wished to have Ms. Lindsey's application for the restoration of her real estate salesperson's license considered in executive session. Mr. Harrison declined the offer.

Mr. Harrison informed the Commissioners that he had requested a letter from the State of Nevada but they have not received it as yet. Mr. Harrison requested an additional extension of time to provide the information requested by the Commission.

Ms. Lindsey has requested that her probation be transferred to Hawaii, but it has not been approved as yet. Mr. Harrison said that he had most of the documents requested except for the letter. He was hoping to submit all of the documents at one time.

Commissioner Okawa moved to approve Mr. Harrison's request for an extension to the September 23, 2005 Real Estate Commission meeting. Commissioner Abrams seconded the motion.

Mr. Harrison informed the Commission that Ms. Lindsey cannot leave the State of Nevada without the permission of their parole board. If the probation gets transferred to the State of Hawaii, Ms. Lindsey will be able to appear before the Commission. However, it is difficult to estimate when the transfer request will be approved.

Mr. Harrison informed the Commissioners that the case was transferred to Nevada because of the request made by her attorneys. All of the legal proceedings took place in Nevada. The sentencing took place in Nevada and it requires a six-month period of supervision in Nevada until she would be allowed to transfer it to Hawaii. Mr. Harrison was not sure if Ms. Lindsey would be able to appear before the Commission at their September 23, 2005 meeting.

Commissioner Okawa withdrew her motion. Commissioner Abrams withdrew his second.

Upon a motion by Commissioner Okawa, seconded by Commissioner Abrams, 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)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities and liabilities."

Chair Nishihara was excused from the meeting. Vice Chair Okawa presided over the meeting.

Chair Nishihara returned to the meeting and resumed presiding 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 and
Registration –
Ratification:

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

Licensing –
Applications:

Stacey L. Elbert

After a review of the information presented by the applicant, Commissioner Okawa moved to defer decision making pending further research and discussion with the Deputy Attorney General. Commissioner Yamanaka seconded the motion. The motion was voted on and unanimously carried.

Christopher R. Papero

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

Jason P. Roumain

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

Scott E. Hovey

After a review of the information presented by the applicant, Commissioner Yamanaka moved to deny the real estate salesperson's license application of Scott E. Hovey, pursuant to §§ 467-8(a)(3) and 436B-19(1)(8)(12), HRS. Commissioner Loudermilk seconded the motion. Commissioners Okawa, Yamanaka, Loudermilk, Kuriyama, and Nishihara voted in favor of the motion. Commissioner Abrams voted against the motion. The motion was carried.

Nicole E. Vance

After a review of the information submitted by the applicant, Commissioner Abrams moved to deny the real estate salesperson's license application of Nicole E. Vance, pursuant to §§ 467-8(a)(3) and 436B-19(1)(8)(12)(14), HRS. Commissioner Yamanaka seconded the motion. The motion was voted on and unanimously carried.

Andrew C. Dailey

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

Gary O. Gaines

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

Tadahiro Iwamoto

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

Yukiko Iwamoto

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

Lani I. Moore

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

Cathleen Possedi

Commissioner Abrams moved to remove the conditions placed upon Cathleen Possedi's real estate salesperson's license. Commissioner Yamanaka seconded the motion. Commissioners Okawa, Abrams, Yamanaka, Kuriyama and Nishihara voted in favor of the motion. Commissioner Loudermilk voted against the motion. The motion was carried.

Marion L. Lindsey

Commissioner Okawa moved to approve William Harrison's request on behalf of his client, Marion L. Lindsey, to grant an extension to the September 23, 2005 Commission meeting with the request that Mr. Harrison immediately submit the documents in his possession. The Commission also withdraws its request for Marion L. Lindsey's appearance before them. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Thomas D. Bovensiep

After a review of the information submitted by the applicant, Commissioner Okawa moved to approve the real estate broker's license application of Thomas D. Bovensiep. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Daniel S. Kaneshiro

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

Louis Zolo Fishman

After a review of the information submitted by the applicant, Commissioner Abrams moved to approve the real estate broker's license application and the sole proprietor license application of Louis Zolo Fishman. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Committee Reports: **Interactive Participation – FIABCI**

Chair Nishihara stressed that the Commission needs to take the time to build relationships with foreign countries. Starting relationships with these countries will help the Commission to understand how they do business. She is suggesting that the Commission attempt to participate in the FIABCI Asia-Pacific Real Estate Congress, to be held on September 28 to 30, 2005, in Osaka, Japan.

Commissioner Yamanaka informed the Commissioners that he has been a member of FIABCI for over 25 years and feels that it is an excellent forum for interaction with other foreign countries.

Commissioner Okawa moved to approve the request that the Commission fund the registration fees and hotel room costs for two Commissioners, from the Real Estate Education Fund, to attend the Asia-Pacific Real Estate Congress, held on September 28 to 30, 2005, in Osaka, Japan. Commissioner Yamanaka seconded the motion. The motion was voted on and unanimously carried.

Next Meeting: Friday, August 26, 2005
 9:00 a.m.
 Queen Liliuokalani Conference Room
 King Kalakaua Building
 335 Merchant Street, First Floor
 Honolulu, Hawaii

Chair Nishihara announced that Vice Chair Okawa will preside over the September 23, 2005 Real Estate Commission meeting as she is unable to attend the meeting.

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 11:36 a.m.

Reviewed and approved by:

/s/ Neil Fujitani
Neil Fujitani
Executive Officer

August 26, 2005
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
 REAL ESTATE COMMISSION MEETING ON JULY 29, 2005

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Pacific Oasis Realty, LLC Neil Bates, PB	05/19/05
Kalaiwaa & Associates LLC George P. Kalaiwaa, PB	06/08/05
Resort Realty Hawaii L.L.C. Mark G. Rauelo, PB	06/13/05
A Part'in Parcel of Hawaii, LLC, Maui Timeshare Resales Gay G. Partin, PB	06/21/05
Elite Pacific Properties, LLC Dorothy Smith, PB	06/21/05
Help-U-Sell Paradise, LLC, Help-U-Sell Paradise Realty Debbie L. Young, LLC	06/20/05
Kakaako Enterprises LLC, Kakaako Realty Nobuo Matsumura, PB	06/24/05
Realty Solutions LLC Wesley K. Anderson, PB	06/24/05
Trinity Properties, LLC Ann Kwock, PB	06/29/05
Star International LLC Carol Star, PB	07/07/05
Equity Builders Realty, LLC Leonard H. Zalopany, Jr., PB	07/12/05
Kanani Realty, LLC Kanani M. Idemoto, PB	07/13/05
Pacific Resort Realty, LLC Melody S. Sunahara, PB	07/14/05
Pukana La Properties, LLC, Pukana La Properties Suzy Kruppa, PB	07/19/05
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
1031 Exchange Strategies, Inc. David J. Hartness, PB	06/16/05
Watercolor Properties, Inc. Katherine A. Ingoglia, PB	06/27/05
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Joseph T. Novit, Maui Town & Country Realty	06/13/05
Richard A. Oliver, Jr.	06/13/05
Cindy Marcus	06/16/05
Sandra L. Bangerter, Re/Max Kai Lani	06/17/05

Brokers – Sole Proprietor

	<u>Effective Date</u>
Michael J. Broder	06/30/05
Tai Yau Chung	06/06/05
Henry D. Comeaux	06/13/05
Gary S. Baker	06/17/05
Chester W. Hunt	06/02/05
Wyman Williams	06/17/05
Manny Diaz	06/13/05
Wendelin Campbell	06/30/05
David W. Leavitt	07/07/05

Trade Name

	<u>Effective Date</u>
National Mortgage Real Estate Corp., Marina Hawaii Vacations	06/13/05
Gary S. Baker, Hawaii Condo Company	06/24/05
Roy K.C. Ho, Golden Well Realty	07/01/05

Equivalency to Uniform Section of Examination Certificate

	<u>Expiration Date</u>
Richard D. Brazil	06/15/07
Kenneth Joseph VanBergen	06/15/07
LaVerne Richardson	06/17/07
Shari Lynn Meredith	06/20/07
Chand Prakash	06/21/07
Tsutomu Watanabe	06/22/07
Matthew Nelson McDonald	06/22/07
Yasuro Tony Kawaguchi	06/22/07
Kelly C. Jenei	06/22/07
Anita Sue Hubert	06/23/07
Ty Austin Johnson	06/23/07
Herbert Y. Cheung	06/23/07
Kevin James Elliott	06/24/07
James Gillie Short	06/24/07
Michael John Brew	06/27/07
Robin Maxwell Kean	06/27/07
Terrie Amber Lazarus	06/28/07
Gayle A. Robertson	06/29/07
James L. Peerson, Jr.	06/30/07
Stacie Joan Somlak	06/30/07
Stephen Robert Kaplan	07/05/07
Quinn M. DeCosta	07/05/07
David Michael Volk	07/05/07
Christine Lynne Combs	07/06/07
Baron Ronald Birtcher	07/06/07
James C. Schilling	07/06/07
Jean Josephine Evans	07/07/07

Equivalency to Uniform Section of Examination Certificate

	<u>Expiration Date</u>
George N. Matthews	07/07/07
Tracy Lee Froland	07/11/07
Christopher Richard Papero	07/11/07
Suzie Mai Setzler	07/12/07
Rick Al Jundi	07/12/07
Raymond Patrick Falvey	07/13/07
Mark Douglas Minor	07/13/07
James Bruce Lewis	07/14/07
Kathy May Cole	07/14/07
Edith Elizabeth Birdwell	07/14/07
Susan Fader Manaskie	07/18/07
Karen Esquibel	07/18/07

Educational Equivalency Certificate

	<u>Expiration Date</u>
Richard D. Brazil	06/15/07
James Joseph Forno	06/15/07
Kenneth Joseph VanBergen	06/15/07
LaVerne Richardson	06/17/07
Shari Lynn Meredith	06/20/07
Chand Prakash	06/21/07
Tsutomu Watanabe	06/22/07
Jared Trees Watumull	06/22/07
James Arthur Cho	06/22/07
Matthew Nelson McDonald	06/22/07
Yasuro Tony Kawaguchi	06/22/07
Kelly C. Jenei	06/22/07
Anita Sue Hubert	06/23/07
Ty Austin Johnson	06/23/07
Herbert Y. Cheung	06/23/07
Kevin James Elliott	06/24/07
James Gillie Short	06/24/07
Michael John Brew	06/27/07
Robin Maxwell Kean	06/27/07
Terrie Amber Lazarus	06/28/07
Celia Haung Sue Ching	06/29/07
James L. Peerson, Jr.	06/30/07
Stacie Joan Somlak	06/30/07
Stephen Robert Kaplan	07/05/07
Grant Edwin Estep	07/05/07
Shanti M. Berg	07/05/07
Quinn M. DeCosta	07/05/07
David Michael Volk	07/05/07
Christine Lynne Combs	07/06/07

Educational Equivalency Certificate

	<u>Expiration Date</u>
Baron Ronald Birtcher	07/06/07
James C. Schilling	07/06/07
Jean Josephine Evans	07/07/07
George N. Matthews	07/07/07
Vernon Bernard Bieraugel	07/11/07
Tracy Lee Froland	07/11/07
Christopher Richard Papero	07/11/07
Nathan Choi	07/12/07
Alexander Advincula Madriaga	07/12/07
Suzie Mai Setzler	07/12/07
Rick Al Jundi	07/12/07
Alejandro R. Aybar	07/12/07
Raymond Patrick Falvey	07/13/07
Mark Douglas Minor	07/13/07
Rapee Totab	07/14/07
Graham Daniel Mottola	07/14/07
James Bruce Lewis	07/14/07
Kathy May Cole	07/14/07
Edith Elizabeth Birdwell	07/14/07
Scott Allan Axsom	07/14/07
Noel M. Cordova	07/14/07
Enriqueta Tumang Tuason	07/15/07
Susan Fader Manaskie	07/18/07
Karen Esquibel	07/18/07

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Richard D. Brazil	06/15/07
Kenneth Joseph VanBergen	06/15/07
Daniel Sakae Kaneshiro	06/15/07
Lanie McGuire Donlan	06/16/07
Anita Sue Hubert	06/23/07
Herbert Y. Cheung	06/23/07
Kevin James Elliott	06/24/07
James Gillie Short	06/24/07
Michael John Brew	06/27/07
Robin Maxwell Kean	06/27/07
Terrie Amber Lazarus	06/28/07
Christopher A. Prendergast	06/29/07
James L. Peerson, Jr.	06/30/07
Stephen Robert Kaplan	07/05/07
David Michael Volk	07/05/07
Baron Ronald Birtcher	07/06/07
James C. Schilling	07/06/07

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Matthew K.S. Lyum	07/06/07
Jean Josephine Evans	07/07/07
Vernon Bernard Bieraugel	07/11/07
Tracy Lee Froland	07/11/07
Donna Joann Whitmyer	07/12/07
Mark Douglas Minor	07/13/07
James Bruce Lewis	07/14/07
Adam Bruvold Brooks	07/14/07
Suzanne Avril Shuto	07/15/07
Karen Esquibel	07/18/07

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Richard A. Oliver, Jr.	06/13/05
Linda Lehuanani Aganos	06/13/05
Joycelyn B. Banas	06/15/05
Ronald H. Kramer	06/16/05
Cindy Marcus	06/16/05
David J. Hartness	06/16/05
Michael J. Broder	06/30/05
John C. Mackno	06/27/05
Don L. Taylor	07/05/05
Charles F. Keller	07/06/05
David W. Leavitt	07/07/05
Joseph F. Devane	07/14/05
Cheryl A. White	07/08/05
Robert T. McDaniel	07/08/05