

LAWS AND RULES REVIEW COMMITTEE
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: Wednesday, October 13, 2010

Time: 9:00 a.m.

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

Present: Frances Gendrano, Chair, Broker/Honolulu Commissioner
Walt Harvey, Vice Chair, Broker/Honolulu Commissioner
Michele Sunahara Loudermilk, Public/Honolulu Commissioner
Stanley Kuriyama, Broker/Honolulu Commissioner
Carol Ball, Broker/Maui Commissioner
Scott Sherley, Broker/Hawaii Commissioner
Mark Suiso, Public/Honolulu Commissioner
Donna Apisa, Broker / Kauai Commissioner

Neil Fujitani, Supervising Executive Officer
Jon Ellis Pangilinan, Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Amy Endo, Real Estate Specialist
David Grupen, Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Cheryl Leong, Condominium Specialist
Benedyne Stone, Condominium Specialist
Shari Wong, Deputy Attorney General
Tammy Norton, Recording Secretary

Others: Marsha Shimizu, Hawaii Association of REALTORS ®
Aron Espinueva, Hawaii Association of REALTORS ®

Absent: Trudy Nishihara, Broker/Honolulu Commissioner

Call to Order: The Chair called the meeting to order at 9:04 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.

Commissioner Nishihara was excused from today's meeting. Prior notice of her non-attendance was received.

SEO's
Report:

SEO Fujitani reported that the November 10, 2010 committee meetings will be held at the REALTORS® Association of Maui offices in conjunction with the Specialists' Office for the Day. The meetings will begin at 9:30 a.m.

It was also reported that Commissioners Nishihara and Harvey are unable to attend the November committee meetings and requested that if any other Commissioner is unavailable to notify staff as soon as possible.

Minutes of Previous Meetings

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Sherley, it was voted on and unanimously carried to accept the minutes of the September 8, 2010, Laws and Rules Review Committee meeting as circulated.

Program of
Work, FY10:

Neighbor Island Outreach

As reported by the SEO previously, the November committee meetings will be held on the island of Maui.

Rule Making, Chapter 99, HAR, Real Estate Brokers and Salespersons

EO Pangilinan reported that staff has continued discussion with Commissioners, interested parties and industry members on the drafting of the rules. October 22, 2010 is the deadline to comment on the current draft. It was noted that staff has received comments back from RICO and industry members.

Licensing Renewals

It was reported that the online renewal site went live on Monday, October 11, 2010. In the last two days 1,059 licenses have been renewed. 4,736 of the approximate 20,000 licensees have met their continuing education requirement.

Renewal workshops will be held as follows: Maui - October 26 at the REALTORS® Association of Maui office; Kona - November 4, 2010 at the Kona Board of REALTORS® office; Oahu - November 8, 2010 at the Honolulu Board of REALTORS® office; Kauai – November 16, 2010 at the Kauai Board of REALTORS® office and Hilo – November 18, 2010 at the Hawaii Island Board of REALTORS® office. Specialists' Office for the Day will be held in conjunction with each renewal workshop.

Application, Processing and Forms

It was reported that the Real Estate Branch forms, including Prelicensing, Continuing Education, Equivalency Applications and the Change Form have all been uploaded to the Commission's website as form-fillable forms.

Commissioner's Education Program

Distributed for the Commissioners' perusal were information regarding the Sunshine Law; Overview and Basic Concepts of the UIPA and the OIP; Basic on Liability of Board and Commission Members; Overview of the Application of the State Ethics Code to State Board and Commission Members; Agency Rule-making; Ethics Guide for Elected Officials, Employees, Members of Boards and Commissions; US Constitution Separation of Powers – Three Branches of Government; and the October 10, 1997 Memo from the Department of the Attorney General relating to HRS 92, Part I, "The Sunshine Law" and Public Meetings. The information was provided by Deputy Attorney General Wong who

noted that the information was provided at previous orientations. The last statewide Board member orientation was held in 1997. She also distributed a copy of the Disciplinary Process for Administrative Boards.

Deputy Attorney General Wong went over the information provided. She further noted that the Commission as an administrative body is combined of all three Constitutional government functions, Legislative, Executive, and Judicial. She noted that while acting in its Legislative or Executive capacity it is subject to the Sunshine Law, but while acting in its Judicial capacity it is not subject to the Sunshine Law.

ARELLO,
Other
Organizations
And
Jurisdictions:

Arelo Gram and Other Informational Reports

The following online articles from ARELLO were distributed for informational purposes: "ARELLO® Inaugurates Facebook Presence," "California Licensee Challenges Alaska, Nebraska Cease and Desist Orders," "Disability Discrimination tops Fair Housing Complaints," and "Annual FBI Report Details Increasing Mortgage Fraud, Emerging Schemes and Top Fraud States."

Professional Licensing Report

The following articles from the May/June 2010 issue of Professional Licensing Report were distributed for informational purposes: "Drunk-driving convictions make licensee unfit to practice" and "Omission of unlicensed-practice history is fatal to license application."

Special
Issues:

None reported.

Budget and
Finance Report:

No report presented.

Next
Meeting:

Wednesday, November 10, 2010
9:30 a.m.
REALTORS® Association of Maui
441 Ala Makani Place
Kahului, Maui

Adjournment:

With no further business to discuss, the Chair adjourned the meeting at 9:37 a.m.

Reviewed and approved by:

/s/ Neil K. Fujitani

Neil K. Fujitani
Supervising Executive Officer

October 21, 2010

Date

Approved as is.
 Approved with amendments. See minutes of _____ meeting.