

LAWS AND RULES REVIEW COMMITTEE
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, July 9, 2003

Time: 9:00 a.m.

Place: Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Present: Iris Okawa, Chair
Louis Abrams, Vice Chair
Marshall Chinen, Member
Mitchell Imanaka, Member
Trudy Nishihara, Member
John Ohama, Member
Peter Rice, Member
Vern Yamanaka, Member

Calvin Kimura, Supervising Executive Officer
Cynthia Yee, Senior Condominium Specialist
Diane Choy Fujimura, Senior Real Estate Specialist
Lorene Arata, Real Estate Specialist
Cheryl Leong, Condominium Specialist
Shari Wong, Deputy Attorney General
Irene Kotaka, Secretary

Others: Karen Iwamoto, Hawaii Association of REALTORS®

Excused: Kathleen Kagawa, Ph.D., Member

Call to Order: The Chair called the meeting to order at 9:05 a.m., at which time quorum was established.

Chair's Report: No report was presented.

REC Chair's Report: REC Chair Ohama welcomed Commissioner Nishihara to the Commission and also announced the extension of Commissioner Chinen's appointment to the Commission.

SEO's Report:

Announcements, Introduction, Correspondence, and Additional Distributions

Additional Distribution

The following material was distributed to the Commissioners prior to the meeting:

8. Budget and Finance Report – Real Estate Recovery Fund

Minutes of Previous Meetings

Upon a motion by Commissioner Abrams, seconded by Commissioner Rice, it was voted on and unanimously carried to accept the minutes of the June 10, 2003 Laws and Rules Review Committee meeting as circulated.

REC Organization Memo

A copy of the Real Estate Commission's Organization memo was distributed to the Commissioners for their information.

REC Roster

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

Program of Work, FY04:

Legislative Acts and Resolutions

Copies of Acts 133 and 194 were distributed to the Commissioners for their information.

Neighbor Island Outreach – Kauai

The next neighbor island outreach is scheduled for September 10, 2003, at the State Office Building, in Conference Rooms A, B & C, which is located at 3060 Eiwa Street, Lihue, Kauai.

Commissioners' Education Program

A copy of the June 2003 issue of OpenLine was distributed to the Commissioners for their information.

A copy of the June 2003 issue of The High Road was distributed to the Commissioners for their information.

Subcommittee Report on Internet Advertising/VOWs

Commissioner Abrams informed the Commissioners that the National Association of REALTORS has informed the Hawaii Association

of REALTORS that they would like them to bring their policies and procedures relating to VOWs into compliance by January 1, 2004. Commissioner Abrams stated that he had asked MLS Hawaii to defer finalizing the VOWs until the Commission determines whether or not advertising applies to VOWs. He informed them that ARELLO had not reviewed their policy on VOWs as yet but they hope to discuss the matter at the October Annual Meeting.

The SEO reported that he had spoken with Mike Gorham of ARELLO and he had mentioned that he was not sure if the VOWs policy would be finalized at the Annual meeting.

Commissioner Abrams will work with REB staff in coordinating meetings with the Hawaii Association of REALTOSR and its local boards to discuss this issue.

ARELLO, Other
Organizations and
Jurisdictions:

ARELLO

Survey on Reciprocity and Recognition of Licensure Qualifications - Commissioner Abrams reported that he had discussed this issue with the Kauai Board of REALTORS and has provided them with information on the proposed legislation. Commissioner Abrams also recommended that the board members look at the ARELLO website for additional information. The Kauai Board will be asking the Hawaii Association of REALTORS to support the proposed legislation.

The SEO stated that the Commission would like to have the written support of the local boards and the Hawaii Association of REALTORS when they submit their proposed legislation. The Commission is seeking both oral and written support of the legislation. The Commission may need to meet with the local boards to discuss the issues so that they can gain support.

The SEO reported that more states require a FBI background check on applicants, but Hawaii does not.

Commissioner Yamanaka asked if the State had any other enforcement agency other than RICO, such as the tax department. He did not feel that it was fair that out-of-state licensees did not have to pay any of the taxes. The SEO stated that the Commission previously had an agreement with the Department of Taxation to exchange information, but it was agreed upon by both parties not to continue the program. Since then, the Professional & Vocational Licensing databank became available and the Department of Taxation is able to procure more information through that means.

Program of Work, FY04:

Subcommittee on Referral Fees/License Recognition

Commissioner Abrams will work with REB staff in disseminating the information on proposed legislation relating to license recognition to the Hawaii Association of REALTORS and its local boards.

ARELLO, Other
Organizations and
Jurisdictions:

ARELLO

Case Law Summary – The Commissioners were asked to forward any case law summaries to REB staff for forwarding on to ARELLO.

Open Forum:

Ms. Iwamoto informed the Commissioners that the Hawaii Association of REALTORS' legislative committee was attend the local board meetings and presenting legislative updates to its members. During the summer they will be developing issues that will be pursued as legislation. One such issue is drug testing.

Budget and Finance Report:

Upon a motion by Commissioner Rice, seconded by Commissioner Ohama, it was voted on and unanimously carried to recommend acceptance of the Real Estate Recovery Fund Report, dated May 30, 2003.

Next Meeting:

Wednesday, August 13, 2003
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Adjournment:

With no further business to discuss, the Chair adjourned the meeting at 9:24 a.m.

Reviewed and approved by:

/s/ Calvin Kimura
Calvin Kimura
Supervising Executive Officer

August 13, 2003
Date

[X] Approved as is.

[] Approved with amendments. See minutes of _____ meeting.