

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, August 13, 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
Mitchell Imanaka, Member
Kathleen Kagawa, Ph.D., Member
John Ohama, Member
Peter Rice, Member
Vern Yamanaka, Member

Calvin Kimura, Supervising Executive Officer
Alan Taniguchi, Executive Officer
Cynthia Yee, Senior Condominium Specialist
Diane Choy Fujimura, Senior Real Estate Specialist
Lorene Kimura, Real Estate Specialist
David Grupen, Condominium Specialist
Shari Wong, Deputy Attorney General
Irene Kotaka, Secretary

Others: Karen Iwamoto, Hawaii Association of REALTORS®
Steve Glanstein
Paige Vitousek

Excused: Marshall Chinen, Member
Trudy Nishihara, 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.

SEO's Report:

Announcements, Introduction, Correspondence, and Additional Distributions

Announcements

The SEO reported that Craig Cheatham, Executive Vice President of ARELLO will be in Hawaii attending the American Society of Association Executives Conference during the week of August 24, 2003.

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 July 9, 2003 Laws and Rules Review Committee meeting as circulated.

Program of Work, FY04:

Legislative and Government Participation

A copy of the proposed Commission bill was distributed to the Commissioners for their review and approval.

Upon a motion by Commissioner Abrams, seconded by Commissioner Ohama, it was voted on and unanimously carried to recommend approval of the proposed Commission bill.

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 July 2003 issue of OpenLine was distributed to the Commissioners for their information.

Division and Department Programs

RICO – The SEO reported that this matter will be deferred to the September 26, 2003 Real Estate Commission meeting.

Chapter 436B, Hawaii Revised Statutes – The latest revised copy of Chapter 436B, HRS, was distributed to the Commissioners for their information.

Interactive Participation With Organizations

The Hawaii Association of REALTORS will be having their government affairs session on September 9, 2003. Commissioners Abrams and Okawa were invited to represent the Commission at the seminar.

Ms. Iwamoto stated that they are planning to have a legislative orientation session for members of the Hawaii Association of REALTORS' Legislative Committee. The committee members are told that attendance at the session is mandatory. They will have other speakers, such as Chris Pablo, who is a lobbyist.

The SEO reported that many years ago, the Hawaii Association of REALTORS had offered strong participation in the condo area. The Commission is looking forward to their participation with the recodification bill. The Hawaii Association of REALTORS was very instrumental in assisting in the passage of the original bill.

Phyllis Kacher and Len Kacher are members of the legislative committee and are knowledgeable about the recodification project. Commissioner Imanaka stated that they have been attending the recodification committee meetings and are aware of what is going on.

Ms. Iwamoto asked if there would be concerns related to the sunshine law requirement if more Commissioners attended. The Deputy Attorney General informed her that if the Commission delegated the attendance of the sessions to the Committee, it would be all right.

Commissioner Ohama asked if they would be educating the committee members about the raid on the Real Estate Education Fund.

Ms. Iwamoto stated that they will be discussing the bill during the afternoon session. Ms. Iwamoto also informed the Commissioners that they had invited the Director to participate.

Ms. Iwamoto also reported that the agenda is fluid so that adjustments can be made.

ARELLO, Other Organizations and Jurisdictions:

Ohio Division of Real Estate: Incomplete Application Return Policy and Exam/License Application Process

An article entitled, "Change in Handling of Incoming Licensing Applications" and "Division Details Examination Application Process", which appeared in the Spring 2003 issue of the Division of Real Estate and Professional Licensing Newsletter, was distributed to the Commissioners for their information.

ARELLOGram: Nebraska Criminal Background Check and Rhode Island Increases CE Hours

A copy of an article entitled, "Nebraska Adds Criminal Background Checks", which appeared in the July 3, 2003 issue of the ARELLOGram was distributed to the Commissioners for their information.

Special Issues:

Salvation Army Request for Declaratory Ruling on Licensing Exception

The Salvation Army submitted a request for a declaratory ruling on a licensing exception for consideration by the Commission.

The SEO informed the Commission could opt to hold the hearing or it could refer it to the Office of Administrative Hearings. The Commission has, in the past, referred the requests for declaratory rulings to the Office of Administrative Hearings because they are an independent third party.

Upon a motion by Commissioner Imanaka, seconded by Commissioner Yamanaka, it was voted on and unanimously carried to recommend referral of the Salvation Army's petition for a declaratory ruling to the Office of Administrative Hearings for further proceedings.

National Association of REALTORS' Concerns on Recent FCC Amendments to Telemarketing Rules and National Do Not Call Registry

A copy of the National Association of REALTORS' National Do Not Call Registry Update was distributed to the Commissioners for their information.

At this time, it is uncertain as to how this information affects Hawaii. It may also affect unsolicited faxes. This matter will most likely be discussed further at a future NAR meeting.

Budget and Finance Report:

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

Next Meeting:

Wednesday, September 10, 2003
9:30 a.m.
Conference Rooms A, B & C
State Office Building
3060 Eiwa Street, Second Floor
Lihue, Kauai

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 9:32 a.m.

Reviewed and approved by:

/s/ Calvin Kimura
Calvin Kimura
Supervising Executive Officer

September 10, 2003
Date

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