

**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](http://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 12, 2009

Time: 9:00 a.m.

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

Present: Louis Abrams, Chair, Broker/Kauai Commissioner  
Frances Gendrano, Vice Chair, Broker/Honolulu Commissioner  
Stanley Kuriyama, Broker/Honolulu Commissioner  
Carol Ball, Broker/Maui Commissioner  
Trudy Nishihara, Broker/Honolulu Commissioner  
Annette Aiona, Broker/Hawaii Commissioner  
Mark Suiso, Public/Honolulu Commissioner  
Walt Harvey, Broker/Honolulu 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  
James Paige, Deputy Attorney General  
Tammy Norton, Recording Secretary

Others: Myoung Oh, Hawaii Association of REALTORS®  
Aron Espinueva, Hawaii Association of REALTORS®  
Calvin Kimura, Condominium Consultant  
Michael Abrams

Absent: Michele Sunahara Loudermilk, Public/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 Committee may move into executive session 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 Loudermilk was excused from today's meeting. Prior notice of her non-attendance was received.

SEO's  
Report:

#### **Additional Distribution**

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

4. Program of Work, FY10
  - t. Subcommittee on Background Issues and Criminal History Records

#### **Minutes of Previous Meetings**

Upon a motion by Commissioner Nishihara, seconded by Commissioner Aiona, it was voted on and unanimously carried to accept the minutes of the July 8, 2009, Laws and Rules Review Committee meeting as circulated.

Program of  
Work, FY10:

#### **Commissioners' Education Program**

Commissioners' Orientation handout was provided to the Commissioners for their information. Questions should be directed to the SEO.

#### **Subcommittee on Background Issues and Criminal History Records**

Myoung Oh informed the committee that HAR is requesting the assistance of the Commission by serving on two task forces to discuss issues affecting the real estate industry, specifically a task force to consider mandatory requirements for background checks for all real estate applicants and a task force to consider increasing educational needs by increasing mandatory CE requirements to 20 hours and expanding the real estate broker requirements and curriculum.

HAR would prefer to combine the two task force into one task force.

Commissioner Nishihara questioned the results of HAR's email survey sent to its membership on increasing CE hours.

Mr. Oh responded that the results were 50/50 and that a new survey would be conducted.

Chair Abrams suggested that HAR provide the task force with the survey questions and results.

It was noted that the Commission is not comfortable combining the two task forces and that it would rather have two separate task forces to deal with the two very important issues.

Upon a motion by Commissioner Ball, seconded by Commissioner Gendrano, it was voted on and unanimously carried to approve at least one staff member and one Commissioner and Commissioner alternate to participate in one or more task forces to be formed by the Hawaii Association of REALTORS® ("HAR") dealing with the issues of background checks and increasing education requirements. The SEO will be in discussion with HAR to determine the participants and other related issues.

Mr. Oh also noted that HAR is not currently looking to expand the members of the task force outside of HAR and REC.

ARELLO,  
Other  
Organizations  
And  
Jurisdictions:

**Alabama Real Estate Commission**

The article entitled "Commission Continues to Improve Information Access in Cyberspace" from the Summer 2009 issue of Alabama Real Estate Commission Update was provided for informational purposes.

**ALQ Real Estate Intelligence Report**

The article entitled "From friend to foe, Appraisers, Realtors, Builders and Bankers...why can't we just all get along?" from the Summer 2009 issue of ALQ Real Estate Intelligence Report was distributed for informational purposes.

Special  
Issues:

**Supreme Court Rule Amendments**

Information provided by HAR on the Unauthorized Practice of Law Rule was distributed for informational purposes. In summary HAR noted that after considering HSBA's December 2008 proposal to add an unauthorized practice of law rule to the Rules of the Hawaii Supreme Court, the justices have decided to table the proposal with no immediate plans for further consideration.

Open Forum:

None.

Budget and  
Finance  
Report:

No report presented.

Next  
Meeting:

Wednesday, September 9, 2009  
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, the Chair adjourned the meeting at 9:18 a.m.

Reviewed and approved by:

/s/ Neil K. Fujitani

\_\_\_\_\_  
Neil K. Fujitani  
Supervising Executive Officer

August 20, 2009

\_\_\_\_\_  
Date

Approved as is.  
 Approved with amendments. See minutes of \_\_\_\_\_ meeting.