

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, February 13, 2008

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
Michele Sunahara Loudermilk, Vice Chair, Public/Honolulu Commissioner
Annette Aiona, Broker/Hawaii Commissioner
Carol Ball, Broker/Maui Commissioner
William Chee, Broker/Honolulu Commissioner
Frances Gendrano, Broker/Honolulu Commissioner
Stanley Kuriyama, Broker/Honolulu Commissioner
Trudy Nishihara, Broker/Honolulu Commissioner
Mark Suiso, Public/Honolulu Commissioner

Neil Fujitani, Acting Supervising Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Amy Endo, Real Estate Specialist
David Grupen, Condominium Specialist
Cynthia Yee, Senior Condominium Specialist
Cheryl Leong, Condominium Specialist
Benedyne Stone, Condominium Specialist
James Paige, Deputy Attorney General
Irene Kotaka, Secretary

Others: Myoung Oh, Hawaii Association of REALTORS
Milton Motooka, CAI-Hawaii Chapter
John Connelly, Coldwell Banker Pacific Properties

Absent: None

Call to Order: The Vice Chair called the meeting to order at 9:02 a.m., at which time quorum was established.

Chair's Report: No report was presented.

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.

SEO's Minutes of Previous Meetings

Report:

Upon a motion by Commissioner Nishihara, seconded by Commissioner Ball, it was voted on and unanimously carried to accept the minutes of the December 12, 2007, Laws and Rules Review Committee meeting.

Schedule of Non-Accessible Dates for January to June 2008

The Commissioners were asked to turn in their calendars to staff. The Acting SEO also reported that the calendars would be updated quarterly.

Real Estate Commission Meeting Schedule

A revised copy of the Real Estate Commission's meeting schedule for 2008 was distributed to the Commissioners for their information.

Program of Work, FY08:

Legislative and Government Participation Report

Legislative Report No. 1 was distributed to the Commissioners for their information.

Interactive Participation with Organizations

A copy of Chair Nishihara and the SEO's report from the National Association of REALTORS Annual Conference was distributed to the Commissioners for their information.

Neighbor Island Outreach

The next neighbor island outreach is scheduled for May 7, 2008, on the island of Maui, at the REALTORS Association of Maui's offices, located at 441 Ala Makani Place, Kahului, Maui.

Commissioners' Education Program

Copies of the following were distributed to the Commissioners for their information:

1. OpenLine, January 2008; and
2. The High Road, January 2008.

ARELLO, Other Organizations and Jurisdictions:

Meetings, Workshops and Reports

Upon a motion by Commissioner Chee, seconded by Commissioner Ball, it was voted on and unanimously carried to approve sending two Commissioners and one staff member to the ARELLO District 4 Meeting, to be held on April 23, 2008 and the ARELLO Midyear Meetings, to be held on April 24 to 26, 2008, in Pasadena, California, subject to budget and DCCA approval.

Special Issues:

Hawaii Supreme Court Proposed Rule Changes Relating to the Practice of Law

The Commission thanked all those who had worked on drafting the response to the Hawaii Supreme Court, especially Commissioners Kuriyama and Loudermilk.

A copy of the final draft was distributed to the Commissioners for their review and comment.

Discussion ensued about the appropriateness of using the term, "DROA", as licensees have discontinued the use of the DROA form and are using "Purchase Contracts." The letter will be revised to reflect this change. Also, the paragraph referring to complaints filed with RICO was deleted, as there is no direct information that the complaints cited are a result of the unlawful practice of law.

The Commissioners asked Myoung Oh of the Hawaii Association of REALTORS if he had heard if the Hawaii Supreme Court had extended the deadline to file comments regarding the proposed rule changes. Mr. Oh said that he had heard the Hawaii State Bar Association is requesting an extension and is trying to work it out with other affected groups to request an extension.

Upon a motion by Commissioner Ball, seconded by Commissioner Aiona, it was voted on and unanimously carried to approve the finalization of the letter to the Hawaii Supreme Court with the revisions as discussed.

Budget &
Finance
Report:

Real Estate Recovery Fund Report

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Ball, it was voted on and unanimously carried to accept the report of the Real Estate Recovery Fund, for the period ending December 31, 2007.

Staff was asked if the report could reflect the actual figures in the fiscal year portion on page 3 of the report. Staff will work with the LRRC Chair to determine if this is possible.

Open Forum: None.

Next Meeting: Wednesday, March 12, 2008
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
Acting Supervising Executive Officer

February 14, 2008
Date

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