

**LAWS AND RULES REVIEW COMMITTEE**  
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 13, 2008

Time: 9:30 a.m.

Place: Lihue Public Library  
Conference Room  
4344 Hardy Street  
Lihue, Kauai

Present: Louis Abrams, Chair, Broker/Kauai Commissioner  
Michele Sunahara Loudermilk, Vice Chair, Public/Honolulu Commissioner  
Frances Gendrano, Broker/Honolulu Commissioner  
Stanley Kuriyama, Broker/Honolulu Commissioner  
Carol Ball, Broker/Maui Commissioner  
Trudy Nishihara, Broker/Honolulu Commissioner  
William Chee, Broker/Honolulu Commissioner  
Mark Suiso, Public/Honolulu Commissioner

Neil K. Fujitani, Supervising Executive Officer  
Diane Choy Fujimura, Senior Real Estate Specialist  
Cynthia Yee, Senior Condominium Specialist  
Cheryl Leong, Condominium Specialist  
Shari Wong, Deputy Attorney General  
Karyn Takahashi, Recording Secretary

Others: Karen Ono, Kauai Board of REALTORS®  
Walt Berhalter, All Islands Real Estate School  
Phil Fudge, Kauai Board of REALTORS®  
Marsha Shimizu, Hawaii Association of REALTORS®

Absent: Annette Aiona, Broker/Hawaii Commissioner

Call to Order: The Chair called the meeting to order at 9:32 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 Aiona 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
  - h. Legislative Acts and Resolutions

**Minutes of Previous Meetings**

Upon a motion by Commissioner Nishihara, seconded by Commissioner Ball, it was voted on and unanimously carried to accept the minutes of the July 9, 2008, Laws and Rules Review Committee meeting as circulated.

**Commission's Schedule of Non-Accessible Dates**

The Commissioners were requested to submit their schedule of non-accessible dates for September through November 2008.

Program of Work, FY08:

**Legislative Acts and Resolutions – Unofficial Copy, HRS Ch. 467**

The unofficial copy of HRS Chapter 467, revised July 2008, was distributed for informational purposes. It was also announced that the unofficial copy can be viewed on the Commission's website, [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec).

**Legislative Acts and Resolutions - Mortgage Rescue Fraud Prevention Act**

The Commissioners discussed the impact this new law may or may not have on real estate licensees.

It was noted that the Hawaii Association of REALTORS® (HAR) came out with Summary Guidelines for their membership. The Guidelines outlined the nine services a REALTOR® may provide that may make a Realtor a "Distressed Property Consultant."

The Deputy AG stated that a licensee should be educated and aware and should obtain private legal advice as this is not a regulatory issue.

Marsha Shimizu, HAR, stated that their counsel contacted DCCA, but could not get an interpretation. Ms. Shimizu stated that HAR wanted to alert their members of the new law and they are in the process of fast tracking a form.

The Chair encouraged HAR to clarify the law and its impact on licensees and invited HAR's counsel to the next committee meeting.

Open Forum: None.

Budget and Finance Report: No report presented.

Next Meeting: Wednesday, September 10, 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 9:50 a.m.

Reviewed and approved by:

/s/ Neil K. Fujitani

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Neil K. Fujitani  
Supervising Executive Officer

August 19, 2008  
Date

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