



How to Renew Your License by November 30 Deadline

2006 is the second year of the licensing biennium and a renewal year for all real estate licensees. Here is helpful information regarding renewing your real estate license by the November 30, 2006, renewal deadline.

Take 10 hours of continuing education courses, one of which must be the Real Estate Commission's core course, Real Estate Law Review and Update 2005-2006.

The core course is worth 4 continuing education credits. You need 6 continuing education credits (two 3-credit elective courses, or one 6-credit elective course) to complete the continuing education requirement for the biennium.

Upon completion of a continuing education course, a blue course completion certificate will be issued. Licensees must retain their course completion certificates for their personal records and reporting of continuing education course completions to their principal broker or broker-in-charge.

Renewal applications will be mailed to licensees about mid-October 2006.

All licensees should ensure they are in compliance with their principal broker's continuing education policies, as well as real estate license laws.

Principal brokers must enforce their continuing education policies and make sure their associating agents are in compliance with the real estate licensing laws. (Hawaii Revised Statutes, Section 467-1.6(b)(6))

The principal broker is responsible to ensure that the license of the brokerage and all associating licensees are renewed on time and on active status as of January 1, 2007. (Hawaii Revised Statutes, Section 467-1.6(b)(4), (7))

A licensee who is issued a Hawaii real estate **salesperson** license during an even-numbered year shall be deemed to have completed equivalent to the 10 hours of continuing education required (Hawaii Administrative Rules, Section 16-99-89).

Upon submission of a renewal application, an individual real estate licensee who holds a current, unencumbered real estate license in another state or who holds a current, unencumbered real estate license in a jurisdiction recognized by the Association of Real Estate License Law Officials, with an equivalent real estate licensing law as determined by the Commission, may request a determination of equivalency for

the elective course hours of the continuing education requirement.

The equivalency shall be based on the successful completion of the continuing education requirements in the other state or jurisdiction prior to submission of the renewal application.

Continuing Education Equivalency applications will be

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Licensee Count Tops 19,000 for First Time in 11 Years

For the first time since 1995 the number of real estate licensees has hit the 19,000 mark, 19,096 licensees to be exact.

Between October 14, 2005 and January 11, 2006, 598 new licensees were added.

The islands with the largest numbers of new licensees are Oahu, the Big Island, and Maui, in that order.

There are now 5,783 brokers (625 inactive) and 13,116 salespersons (4,480 inactive). There are 11,084 licenses on Oahu, 2,642 on the Big Island, 3,088 on Maui, 1,441 on Kauai, 43 on Molokai, and 18 on Lanai. There are also hundreds of licensees who reside on the mainland or other foreign venues.

Further breaking down the latest numbers of *active* licensees, Oahu has 3,328 brokers, the Big Island has 767 brokers, Maui has 675 brokers, Kauai has 321, Molokai has 5. There are 4,914 active salespersons on Oahu, 1,289 on the Big Island, 1,614 on Maui, 761 on Kauai, 24 on Molokai, and 4 on Lanai.

There are 1,082 licensed corporations, partnerships, and 1,106 sole proprietorships.

Back in 1990, the number of licensees hit an all-time high of just over 26,000.

New Tax Services Speed Processing for Licensees

Submitted by the State Department of Taxation

Two services that became available January 1, 2006 will speed tax processing for real estate professionals and other taxpayers.

As of January 1, the Department of Taxation's vendor began accepting, without charge, automated clearing house (ACH) debit payments by telephone from individuals, fiduciaries, and corporations for estimated tax payments and tax return payments. This service greatly expands free ACH debit tax options, which were limited to general excise, withholding, transient accommodation and rental vehicle surcharge tax payments.

Taxpayers who wish to use the expanded ACH debit service must first submit a 2006 Form EFT-1. New Form EFT-1 became available on the Department's website after January 1. As soon as the Department processes and approves 2006 Form EFT-1 a toll-free number will be provided and the expanded telephone payment services may be utilized. ACH debit service is capable of processing payments of less than \$100 million without a fee.

Other means of transmitting payments through the Department's website, such as electronic check (ACH credit) or credit card will still be available. Electronic checks will incur a \$2.50 fee, and fees for credit cards will be charged to the taxpayer by the credit card issuer. Electronic checks may be transmitted for tax payments up to \$250,000 plus the \$2.50

fee. Credit card payments may be transmitted for amounts up to \$10,000 and any fee imposed by the card issuer is included in the \$10,000 limit.

The Department of Taxation emphasizes that those who register and use the website for filing or paying have secure access to their accounts 24 hours a day, seven days a week. Registered users may view or print acknowledgements of payments made or returns filed.

A faster system of processing of mailed individual returns that contain a payment will also begin January 1, 2006. Individual income tax returns (Forms N-11, N-12, and N-15) that include a payment will be mailed to Department of Taxation, P.O. Box 1530, Honolulu, HI 96806-1530. All other mailed individual income tax returns will continue to use the existing address, Department of Taxation, P. O. Box 3559, Honolulu, HI 96811-3559.

FOR FORMS, INFORMATION, OR ASSISTANCE WITH A NOTICE OR PROBLEM: Visit any district tax office or contact the Taxpayer Services Branch by phone at **587-4242 (toll-free at 1-800-222-3229)** during business hours; e-mail them at Taxpayer.Services@hawaii.gov. Forms and publications (and much more) are available on the Department's website at www.hawaii.gov/tax, but also may be requested by calling the Department's 24-hour request line at **587-7572 (toll-free at 1-800-222-7572)**.

Here's How to Renew Your License by Nov. 30 Deadline

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made available on our website about August 2006.

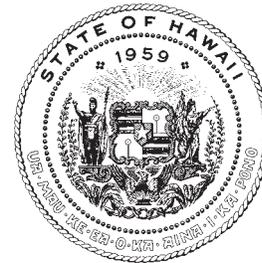
Approval of the equivalency shall be subject to the real estate licensee completing the Commission-designated core course. (Hawaii Revised Statutes, Section 467-11.5(d))

To reactivate a license which has been placed on an "inactive" status, the licensee shall submit to the Commission proof of having satisfied the continuing education requirement . . . , a complete application setting forth such information as may be prescribed by the Commission, and payment of the proper fee. (Hawaii Revised Statutes, Section 467-11.5(b))

Prior to allowing any licensee into a continuing education course, a continuing education provider shall verify the identification of that licensee.

At minimum, the continuing education provider shall require a picture identification and a current real estate pocket card or notification of license status from the Commission. (Hawaii Administrative Rules, Section 16-99-115)

A printout of the "license screen" from the Professional and Vocational Licensing Division's database may be used in lieu of the original real estate pocket card.



State of Hawaii Real Estate Commission

Telephone 586-2643

Website: www.hawaii.gov/hirec

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This material can be made available to individuals with special needs. Please call the Senior Real Estate Specialist at 586-2643 to submit your request.

The Chair's Message

Happy New Year! The Commission looks forward to a new year of continued improvements in educational standards, updating administrative rules and reaching out to our consumers.

The industry is going through an evolution as seen by the growth of new business models, more out of state buyers and the reestablishment of home prices as seen by the rising median prices.



Trudy Nishihara

The Commission's three standing committees will be busy tackling many issues outlined in their respective Programs of Work for 2006. The Laws and Rules Review Committee (LRRC) led by Chair Louis Abrams, who is presently serving as a Director for The Association of Real Estate License Law Officials (ARELLO), and Vice-Chair Kathleen Kagawa will study and evaluate to bring current

Hawaii Administrative Rules (HAR) Chapter 99. Items under consideration are consumer brokerage relationships including "agency" issues, license recognition and referral fees, criminal background checks for licensees, internet advertising and VOWS, disclosure to consumers of services/costs/right to negotiate terms, all compensation issues to be in writing and prior to engagement, and deregulation where possible without reducing consumer protection.

A subcommittee on consumer-brokerage relationships and agency issues, comprised of representatives from the Hawaii Bar Association, commercial brokers (CCIM), property managers (IREM), the local boards of REALTORS, Hawaii Association of REALTORS, Regulated Industries and Complaint Office (RICO), large franchise companies, and small brokerages has been established to review our current agency law to see if the law reflects current practice.

The Education Review Committee (ERC) Chair Vern Yamanaka and Vice-Chair Carol Ball will oversee the development of the 2007/2008 Real Estate Commission Core Course, including its electronic delivery.

The ERC will work jointly with the Condominium Review Committee to develop an education plan for the newly recodified Chapter 514A, specifically pertinent to real estate licensees.

Additionally, the ERC will work jointly with the LRRC to develop possible symposiums, and educational materials on consumer-brokerage relationships, and agency issues. The new, 60-hour, salesperson's curriculum and the year-old revised

broker's 80-hour curriculum have been implemented successfully, including on-line delivery of the courses and updating the exams with the test administrator. The Education Evaluation Task Force, the grassroots advisory committee for Commission education issues, will consider post-licensing requirements for new salespersons and brokers, and increasing CE hours.

One project that remains as a priority is the development and implementation of an electronic records management database.

Condominium Review Committee (CRC) Chair, Stanley Kuriyama's and Vice-Chair, Michele Loudermilk's major focus is on developing and implementing an educational plan on the recodification of Chapter 514A, which will be identified as Chapter 514B.

To spearhead this tremendous task, a consultant will be hired to produce statewide educational material on the condominium recodification for unit owners, association managers, condominium boards, property managers, developers, etc.

The committee will review and amend all affected forms, instructions and informational sheets, and conduct educational sessions in all counties. The CRC will seek additional consultants, especially on the neighbor islands, to conduct seminars on reserves, financing and funding methods. As is usual in these days of exploding technology, the CRC will consider producing electronic consumer brochures for condo living and seniors.

Vice-Chair of the Real Estate Commission, Iris Okawa is actively assisting the Laws and Rules Review Committee on consumer protection issues. Iris is currently assembling her consumer education subcommittee to reach out to students on career development and home ownership, and to educate seniors on protecting their homes from predatory lending practices. She has previously served as District Vice-President for ARELLO.

As you can see, the Commissioners are charged with an enormous responsibility of overseeing an industry which is under constant pressure to change its way of doing business.

For the year ahead, the Commissioners look forward to diligently contributing their valuable time to help preserve professionalism for the protection of the consumer.

Mahalo,

Administrative Actions

John Griffey—REC 2003-51-L

In 2003, RICO received a complaint that Respondent may have violated Hawaii's licensing laws or rules governing real estate licensees. Based on its investigation of the complaint, RICO alleged that between September 2000 and February 2001, Respondent agreed to act as a landlord for the owner of a piece of property and that he signed a rental agreement with the tenants as the "landlord," thereby validating that representation.

RICO alleged that Respondent acted without having any written property management agreement with the owner of the property and that he thereafter negotiated for the sale of the property, as an agent of the tenant/buyer, without proper agency disclosures.

RICO also alleged that in February 2002, Respondent accepted a \$450 check in connection with the sale of a second piece of property and that this check was not paid to Respondent by his employer at the time, Century 21 All Islands.

RICO asserted that these allegations, if proven at an administrative hearing before the Commission, would constitute violations of at least the following statutes governing the conduct of real estate salespersons in Hawaii: HRS §467-14(1) (making a misrepresentation regarding a real estate transaction), (5) (accepting a commission or compensation from other than the licensee's employer or broker), (13) (violating the chapter and/or the rules and regulations adopted pursuant to it), (18) (not ascertaining or disclosing material facts concerning a property for which the licensee accepts an agency so as to avoid error, misrepresentation, etc.), HAR §16-99-3(f) (licensee shall reduce real property rental management agreement to writing), 16-99-3.1(g) (no dual agency without obtaining written consent from both buyer and seller), and (h) (disclosure of buyer-agency to the seller before negotiations commence).

Respondent denied any and all allegations made by RICO, but he waived his right to contest the matter and entered into a Settlement Agreement Prior to Filing of Petition for Disciplinary Action as a voluntary compromise to avoid the risk of further litigation and to conserve on the expenses of proceeding with an uncertain administrative hearing.

Under terms of the Agreement, Respondent agreed to pay a \$1,950 fine, with \$450 of this amount representing a disgorgement of a potentially wrongful commission or compensation.

The Commission accepted the Settlement Agreement on August 26, 2005.

Neil S. Suda—REC 2005-27-L

RICO received a request for investigation from the Commission alleging that Respondent had been convicted of driving under the influence. Upon investigating, RICO determined that on September 3, 2004, Respondent was convicted of driving under the influence in the District Court

of the Second Circuit, State of Hawaii. Respondent disclosed the conviction at the time he renewed his real estate salesperson's license in 2004. RICO alleged that Respondent violated HRS §436B-19(14) (criminal conviction of a crime directly related to the qualifications, functions, or duties of the profession).

RICO further alleged that the allegation, if proven, would constitute a violation of §436B-19 (14). Respondent voluntarily waived his right to a hearing and entered into a Settlement Agreement Prior to Filing of Petition for Disciplinary Action as a compromise of the claims and to conserve on the expenses of an administrative hearing. Under terms of the Agreement, Respondent agreed to pay a \$2,000 fine.

The Commission accepted the Settlement Agreement on August 26, 2005.

Marty Smith, aka Martin E. Smith—REC 2005-47-L

RICO received a request for investigation from the Commission alleging that Respondent had failed to disclose a disciplinary action taken by the Idaho Real Estate Commission on an application for licensure filed with the Commission.

Upon investigating, RICO determined that Respondent was licensed to practice real estate in Idaho.

On April 21, 1999, Respondent entered into a Disciplinary Citation and Consent Order in which he admitted to violating laws relating to the licensing of real estate persons in Idaho. Respondent paid \$175 in fines.

On January 25, 2005, Respondent submitted an application of licensure to the State of Hawaii Real Estate Commission. He answered "no" in response to the question, "[h]as an application for license or a real estate license ever been denied, suspended, fined, involuntarily terminated, revoked, or otherwise subject to disciplinary action?"

Respondent had disclosed the Idaho Order on a June 11, 2004 Verification of License which was submitted to the Commission as part of the pre-licensing process. RICO alleges that Respondent violated HRS §436B-19(15) (failure to disclose disciplinary action).

The foregoing allegation, if proven, would constitute violation of the statutes governing the conduct of real estate salespersons licensed in Hawaii.

Respondent entered into a Settlement Agreement Prior to Filing of Petition for Disciplinary Action as a compromise of the claims and to conserve on the expenses of proceeding with an administrative hearing on this matter. Under terms of the Agreement, Respondent agreed to pay a \$500 fine.

The Commission accepted the Settlement Agreement on August 26, 2005.

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Administrative Actions

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Asset Property Management, Inc., Deanna K. Hough and James Stephen Morgan—REC-2003-320-L

On January 24, 2005, RICO filed a petition for disciplinary action against Respondents. On June 7, 2005, RICO filed a Settlement Agreement After Petition pertaining to Respondents Asset Property Management and James Stephen Morgan. This petition was approved by the Commission on July 29, 2005.

Also on June 7, 2005, the Hearings Officer convened a hearing at which Respondent Hough failed to appear. The hearing proceeded as scheduled.

The Hearings Officer found that on August 22, 2002, Respondent Hough and Diamond Resort Hawaii for Katsuyuki Ishikawa and Chikako Ito Ishikawa entered into a rental agreement for a unit at Kihei, Maui. The rental agreement began November 1, 2002 and ended October 31, 2003. Monthly rent in the amount of \$1,300 was to be paid to Respondent Asset Property, and a security deposit of \$1,300 was to be paid in advance.

On October 1, 2003, Respondent Hough and tenant Chikako Ito walked through the unit to complete inspection report. The inspection report, dated October 1, 2003 and signed by both parties, indicated that there was no damage to the unit. Ms. Ito was given the original report.

On October 21, 2003, Kyoko Kimura, manager of Diamond Resort Hawaii, received a check in the amount of \$958.33 with a report that Respondent Hough deducted \$341.67 from the \$1,300 security deposit. The inspection report sent to Ms. Kimura noted that the floor/carpet was dirty and that there were broken tiles on the kitchen floor and one broken tile on the countertop.

By a letter dated October 21, 2003, Ms. Kimura informed Respondent Hough that she believed the original inspection report was altered and added that they were entitled to a full refund of the security deposit.

Ms. Kimura also informed Respondent Hough that it appeared that the post mark of her office stamp was changed to October 14, 2003, but that the post office post mark proved the check was mailed on October 17, 2003. Ms. Kimura also requested compensation for the late return of the security deposit.

RICO had charged all Respondents with violating HRS §§467-14(8), 467-1.6(b)(2), 436B-19(7) and HAR §§16-99-3(b) and 4(b). However, 467-1.6(b)(2) only applies to principal brokers and HAR §16-99-4(b) only applies to real estate brokerages.

Since Respondent Hough was a real estate salesperson, she could be charged only with violating HRS §§467-14(8) and 436B-19(7) and HAR 16-99-3(b) which provide: §436B—Grounds for refusal to renew, reinstate or restore and for revocation, suspension, denial, or condition of licenses. In

addition to any other acts or conditions provided by law, the licensing authority may refuse to renew, reinstate or restore, or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee or the applicant thereof: (7) Professional misconduct, incompetence, gross negligence, or manifest incapacity in the practice of the licensed profession or vocation. 467-14—Revocation, suspension and fine. In addition to any other actions authorized by law, the Commission may revoke any license issued under this chapter, suspend the right of the licensee to use the license, fine any person holding a license, registration or certificate issued under this chapter, or terminate any registration or certificate issued under this chapter, for any cause authorized by law, including but not limited to the following: (8) Any conduct constituting fraudulent or dishonest dealings. §16-99-3 Conduct. (b) The licensee shall protect the public against fraud, misrepresentation, or unethical practices in the real estate field. The licensee shall endeavor to eliminate any practices in the community which could be damaging to the public or to the dignity and integrity of the real estate profession. The licensee shall assist the Commission in its efforts to regulate the practices of brokers and salespersons in this State.

Based on the evidence presented, the Hearings Officer concluded that Respondent Hough's conduct constituted professional misconduct in violation of HRS §436B-19(7) and fraudulent or dishonest dealings in violation of HRS§467-14(8). The Hearings Officer also cited failure to conduct business in accordance with HAR §16-99-3(b).

The Hearings Officer recommended the Commission find that Respondent Hough violated HRS §§436B-19(7) and 467-14(8) and HAR §16-99-3(b). For the violations found, the Hearings Officer recommended that Respondent Hough's real estate salesperson's license be revoked and that she pay a \$1,000 fine.

The Commission approved the recommendation of the Hearings Officer on October 21, 2005.

SRH Inc., dba ERA Maui Real Estate and Stephen W. Hugin, principal broker; in the matter of the real estate salesperson's license of Andrea M. Stalhut—REC 1999-28-L

RICO received a complaint from a consumer that Respondents may have violated Hawaii's licensing laws or rules.

After investigating the complaint, RICO alleged that in March of 1998 the consumer purchased a commercial complex in Kihei, Maui. Respondents represented the consumer in this purchase.

Between March of 1998 and February of 1999,

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Administrative Actions

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Respondents, on behalf of the consumer, used funds in the business account of the commercial complex to pay water and electricity bills and bills for grounds maintenance. Respondents are also believed to have charged and collected a management fee from the business account for services rendered. RICO asserted that Respondents fulfilled these financial obligations without reducing those commitments and obligations in writing, to the detriment of the consumer. RICO further asserted that these allegations, if proven at an administrative hearing, would constitute violations of at least the following statutes governing the conduct of the licensees in this case: HAR §16-99-3(f) (the licensee shall see that financial obligations and commitments are in writing and set forth essential terms and conditions, and that copies of the agreements are placed in the hands of all parties involved); and HRS §467-14(13) (violating the chapter or rules adopted pursuant thereto). Respondents denied RICO's allegations but entered into a Settlement Agreement Prior to Filing for Disciplinary Action as a voluntary compromise to conserve on the expense of proceeding with an administrative hearing. Respondents agreed to pay a \$3,000 fine.

The Commission accepted the Settlement Agreement on November 23, 2005.

LeRoy A. Brillhante—REC 2004-245-L

RICO received information from the Commission that Respondent's real estate broker's license had lapsed on January 1, 2003. Upon investigating, RICO determined that Respondent was engaged in unlicensed real estate activity without a current and valid license. Respondent subsequently renewed his license effective November 1, 2004.

RICO alleged that Respondent violated HRS §§467-7 (license required) and 467-14(13) (violating chapter 467) by having engaged in real estate activity without the required license. RICO further alleged that these allegations, if proven, would constitute violations of statutes governing the conduct of real estate brokers. Respondent entered into a Settlement Agreement Prior to Filing of Petition for Disciplinary Action as a compromise of the claims and to conserve on the expenses of proceeding with an administrative hearing. Respondent agreed to pay a \$500 fine.

The Commission accepted the Settlement Agreement on November 23, 2005.

Denny C. Eckenrode and Charles J. Smith dba Golden Rule Realty—REC 2004-283-L

Respondent Eckenrode was a real estate salesperson employed by Respondent Smith, a real estate broker. RICO received information from the Commission that Respondent Eckenrode's license lapsed on January 1, 2003. His license was subsequently renewed effective August 10, 2004.

Respondent Eckenrode is 85 years old. During the period when his license was lapsed, he engaged in four real estate transactions, in one of which he was the seller. In addition, he maintained and serviced two real estate management contracts. Despite the lapse of his license, Respondent Eckenrode met his obligations for continuing education. He completed eight classes and promptly remedied the lapse of his license as soon as he became aware of the lapse. RICO alleged that Respondent Eckenrode failed to comply with the laws relating to the licensing of real estate salespersons without the required license in violation of HRS §467-7 (license required). RICO further alleged that Respondent Smith failed to properly supervise Respondent Eckenrode in violation of HRS §467-1.6(b)(6) (failure to ensure that associated real estate licensees are current and active). Respondents admitted that their acts constituted violations of the foregoing statutes. Respondents entered into a Settlement Agreement Prior to Filing of Petition for Disciplinary Action as a compromise of the claims and to conserve on the expenses of proceeding with an administrative hearing. Respondents agreed to pay a \$1,000 fine.

The Commission accepted the Settlement Agreement on November 23, 2005.

Gideon Y. Sorokin—REC 2005-63-L

On April 4, 2000, RICO received information that Respondent pleaded no contest to 25 misdemeanor counts of fire, housing, building, zoning and licensing violations in his conversion of office space into apartments in San Rafael, California. City officials deemed the apartments uninhabitable. Respondent was placed on probation and ordered not to violate any zoning, housing, building, fire or other applicable regulations affecting any property owned, controlled, or managed by him in San Rafael. RICO alleged that Respondent failed to answer "yes" to question No. 2 on his July 1, 2004 application for a real estate license. The question read, "During the past 20 years have you ever been convicted of a crime where there has not been an order annulling or expunging the conviction?" The allegation, if proven, would constitute violations of the following statutes governing the conduct of real estate sales persons licensed in Hawaii: HRS §§436B-19(5) (procuring a license through fraud, misrepresentation or deceit) and 436B-19(14) (criminal conviction of a penal crime directly related to the qualifications, functions, or duties of the licensed profession or vocation). Respondent neither admitted nor denied the veracity of the allegation that his act constituted a violation of the statutes cited above. He entered into a Settlement Agreement Prior to Filing of Petition for Disciplinary Action as a compromise of the claims and to conserve on the expenses of proceeding with an administrative hearing on this matter. Under terms of the Settlement Agreement, Respondent agreed to the voluntary surrender of his real estate salesperson's license for a period of five years.

The Commission accepted the Settlement Agreement on November 23, 2005.

Among the Questions Asked Most Often:

What Can an Unlicensed ‘Assistant’ Do in a Brokerage?

One of the most frequently asked questions received at the Real Estate Branch is “What can an unlicensed ‘assistant’ do in a brokerage?”

There is no ready-made list of do’s and don’ts for unlicensed assistants working in a brokerage. The Commission has no rule or formal or informal decision on this issue.

When making a determination as to the duties and responsibilities of unlicensed staff so as to remain in compliance with the real estate licensing laws (Hawaii Revised Statutes (HRS), Chapter 467, and Hawaii Administrative Rules (HAR), Chapter 99) keep in mind the following:

1. The definition of “real estate salesperson” means “. . . any individual who, for a compensation or valuable consideration, is employed either directly or indirectly by a real estate broker, or is an independent contractor in association with a real estate broker, to sell or offer to sell, buy or offer to buy, or list, or solicit for prospective purchasers, or who leases or offers to lease, or rents or offers to rent, or manages or offers to manage, any real estate or the improvements thereon, for others as a whole or partial vocation; or who secures, receives, takes, or accepts, and sells or offers to sell, any option on real estate without the exercise by the individual of the option and for the purpose or as a means of evading the licensing requirements of this chapter. Every real estate salesperson shall be under the direction of a real estate broker for all real estate transactions.” (See Section 467-1, HRS)

2. The definition of “real estate broker” means “. . . any person who, for compensation or a valuable consideration, sells or offers to sell, buys or offers to buy, or negotiates the purchase or sale or exchange of real estate, or lists, or solicits for prospective purchasers, or who leases or offers to lease, or rents or offers to rent, or manages or offers to manage, any real estate, or the improvements thereon, for others, as a whole or partial vocation; or who secures, receives, takes, or accepts, and sells or offers to sell, any option on real estate without the exercise by the person of the option and for the purpose or as a means of evading the licensing requirement of this chapter.” (See Section 467-1, HRS)

3. Unlicensed brokerage staff may perform duties that do not fall under the above definitions of real estate broker and salesperson. For example, if you have an unlicensed assistant in your brokerage they may not show properties to potential clients or tenants, they may not engage in any real estate negotiations with clients, they may not answer questions or provide information beyond what may be written in fact

sheets approved by the principal broker regarding specific properties, and they may not sign any real estate transaction documents.

4. Note that included in the definition of both “real estate salesperson” and “real estate broker” is “. . . manages or offers to manage, any real estate, or the improvements thereon, for others, as a whole or partial vocation; . . .” If you are managing properties for more than a single owner, you need a real estate license to do so.

5. There are some exceptions to real estate licensing as stated in Section 467-2, HRS. These exceptions apply to *individuals*, not to entities such as corporations, partnerships,

There is no list of do’s and don’ts. But here are some things to keep in mind

limited liability companies, or limited liability partnerships. Perhaps the most common exception is Section 467-2(3), HRS, which states an individual does not require a real estate license if this individual “. . . leases, offers to lease, rents, or offers to rent, any real estate or the improvements thereon of which the individual is the custodian or caretaker; . . .” A “caretaker” is defined in Section 467-1, HRS, “. . . any individual, who for compensation or valuable consideration, is employed as an employee by a single owner and has the responsibility to manage or care for that real property left in the individual’s trust, provided that the term “custodian” or “caretaker” shall not include any individual who leases or offers to lease, or rents or offers to rent, any real estate for more than a single owner; provided further that a single owner shall not include an association of owners of a condominium, cooperative, or planned unit development.

6. In Hawaii, there are no “specialty” real estate licenses. If you hold a current and active Hawaii real estate salesperson’s or broker’s license, you may sell commercial real estate, lease residential or commercial real estate, sell residential real estate, sell time share interests, and property manage real estate for more than a single owner.

If you are a broker, you may also be a condominium hotel operator.

Scheduled Continuing Education

An updated schedule is available at <http://www.hawaii.gov/hirec>. Courses are subject to change or cancellation; please check directly with the provider to confirm date, time and location.

Courses with a (CORE) are approved 2005-2006 core courses and receive 4 hours credit. All other courses are electives and receive 3 hours credit. If you are taking courses to reactivate an inactive license this year, you must first satisfy the prescribed continuing education hours of one prior renewal period. If you are restoring a real estate license, telephone the Licensing Branch at (808) 586-3000 for specific instructions and information.

HILO

DATE	TIME	COURSE	PROVIDER	LOCATION	CITY	INSTRUCTOR
2/10/2006	08:30am	AGENCY, PRACTICAL ETHICS, AND FAIR HOUSING	HAWAII ASSOCIATION OF REALTORS	26 WAIANUENUE AVENUE	HILO	STONE
2/13/2006	08:30am	ESSENTIALS OF LISTING	HAWAII ASSOCIATION OF REALTORS	26 WAIANUENUE AVENUE	HILO	GOODALE
2/20/2006	08:30am	ACCREDITED BUYER REPRESENTATIVE COURSE	KONA BOARD OF REALTORS INC	HILO HAWAIIAN HOTEL	HILO	HALL
2/21/2006	08:30am	ACCREDITED BUYER REPRESENTATIVE COURSE	KONA BOARD OF REALTORS INC	HILO HAWAIIAN HOTEL	HILO	HALL
2/22/2006	08:30am	INNOVATIVE MARKETING TECHNIQUES FOR BUYER'S REPS	KONA BOARD OF REALTORS INC	HILO HAWAIIAN HOTEL	HILO	HALL
2/23/2006	12:30pm	(CORE) REAL ESTATE LAW REVIEW & UPDATE 2005-2006	AKAHI REAL ESTATE NETWORK LLC	HILO HAWAIIAN HILTON-MOKUOLA	HILO	SPADINGER
2/24/2006	01:00pm	REAL ESTATE FINANCE TODAY	AKAHI REAL ESTATE NETWORK LLC	HILO HAWAIIAN HILTON-MOKUOLA	HILO	SPADINGER
2/24/2006	08:30am	INTRODUCTION TO BROKER MANAGEMENT	AKAHI REAL ESTATE NETWORK LLC	HILO HAWAIIAN HILTON-MOKUOLA	HILO	SPADINGER
2/27/2006	08:30am	ESSENTIALS OF THE DROA	HAWAII ASSOCIATION OF REALTORS	26 WAIANUENUE AVENUE	HILO	BEGIER
3/6/2006	08:30am	ESSENTIALS OF FINANCE	HAWAII ASSOCIATION OF REALTORS	26 WAIANUENUE AVENUE	HILO	LEWIS

KONA

DATE	TIME	COURSE	PROVIDER	LOCATION	CITY	INSTRUCTOR
2/6/2006	09:00am	ESSENTIALS OF THE DROA	KONA BOARD OF REALTORS INC	OUTRIGGER KEAUHOU BEACH HOTE	KONA	FERRARI
2/13/2006	09:00am	ESSENTIALS OF FINANCE	KONA BOARD OF REALTORS INC	OUTRIGGER KEAUHOU BEACH HOTE	KONA	KARLSON
2/17/2006	09:00am	(CORE) REAL ESTATE LAW REVIEW & UPDATE 2005-2006	KONA BOARD OF REALTORS INC	MACARTHUR & CO. INC.	KAMUEAL	PARKINSON
2/22/2006	12:30pm	(CORE) REAL ESTATE LAW REVIEW & UPDATE 2005-2006	AKAHI REAL ESTATE NETWORK LLC	ROYAL KONA RESORT	KAILUA-	SPADINGER
3/1/2006	01:30pm	(CORE) REAL ESTATE LAW REVIEW & UPDATE 2005-2006	KONA BOARD OF REALTORS INC	KEAUHOU BEACH RESORT	KONA	PARKINSON
3/1/2006	09:00am	PROPERTY MANAGEMENT & LANDLORD/TENANT	KONA BOARD OF REALTORS INC	ROYAL KONA RESORT	KONA	HAMAMOTO
3/1/2006	09:00am	1031 EXCHANGES- AN INVESTORS DREAM	KONA BOARD OF REALTORS INC	KEAUHOU BEACH RESORT	KONA	YESK
4/3/2006	01:30pm	CAUGHT ON CAMERA-ANTITRUST IN THE 21ST CENTURY	KONA BOARD OF REALTORS INC	KEAUHOU BEACH RESORT	KONA	HALL
4/3/2006	09:00am	REALTOR REALITIES OF RESPA, APPRAISAL AND LOAN FRAUD	KONA BOARD OF REALTORS INC	KEAUHOU BEACH RESORT	KONA	HALL
4/5/2006	09:00am	LAND USE AND DEVELOPMENT	KONA BOARD OF REALTORS INC	ROYAL KONA RESORT	KONA	LEE
4/28/2006	01:30pm	TITLE INSURANCE AND TITLE REPORT RED FLAGS	KONA BOARD OF REALTORS INC	ROYAL KONA RESORT	KONA	NASSER
5/3/2006	09:00am	FINANCE	KONA BOARD OF REALTORS INC	ROYAL KONA RESORT	KONA	LOVENTHAL
6/7/2006	09:00am	DISCLOSURE	KONA BOARD OF REALTORS INC	ROYAL KONA RESORT	KONA	KUWAHARA
6/12/2006	08:30am	ACCREDITED BUYER REPRESENTATIVE COURSE	KONA BOARD OF REALTORS INC	KEAUHOU BEACH RESORT	KONA	HALL
6/13/2006	08:30am	ACCREDITED BUYER REPRESENTATIVE COURSE	KONA BOARD OF REALTORS INC	KEAUHOU BEACH RESORT	KONA	HALL
6/14/2006	01:30pm	HAWAII LANDS, HISTORICAL REVIEW	KONA BOARD OF REALTORS INC	DISCOVERY HARBOR COMM. CTR	KONA	NASSER
6/14/2006	08:30am	INNOVATIVE MARKETING TECHNIQUES FOR BUYER'S REPS	KONA BOARD OF REALTORS INC	KEAUHOU BEACH RESORT	KONA	HALL
6/16/2006	01:30pm	CAUGHT ON CAMERA-ANTITRUST IN THE 21ST CENTURY	KONA BOARD OF REALTORS INC	KEAUHOU BEACH RESORT	KONA	HALL
6/16/2006	09:00am	REALTOR REALITIES OF RESPA, APPRAISAL AND LOAN FRAUD	KONA BOARD OF REALTORS INC	KEAUHOU BEACH RESORT	KONA	HALL
7/10/2006	09:00am	ESSENTIALS OF LISTING	KONA BOARD OF REALTORS INC	KEAUHOU BEACH RESORT	KONA	FERRARI
7/17/2006	09:00am	ESSENTIALS OF THE DROA	KONA BOARD OF REALTORS INC	KEAUHOU BEACH RESORT	KONA	LUCAS
7/24/2006	09:00am	ESSENTIALS OF FINANCE	KONA BOARD OF REALTORS INC	KEAUHOU BEACH RESORT	KONA	KARLSON
8/2/2006	09:00am	ANALYSIS OF INVESTMENT REAL ESTATE	KONA BOARD OF REALTORS INC	ROYAL KONA RESORT	KONA	CRIZ
8/18/2006	09:00am	1031 EXCHANGES- AN INVESTORS DREAM	KONA BOARD OF REALTORS INC	ROYAL KONA RESORT	KONA	YESK

MAUI

DATE	TIME	COURSE	PROVIDER	LOCATION	CITY	INSTRUCTOR
2/16/2006	09:00am	ESSENTIALS OF THE DROA	REALTORS ASSN OF MAUI INC	REALTORS ASSN OF MAUI, INC.	KAHULUI	HAY

3/16/2006	12:45pm	IRC 1031 TAX DEFERRED EXCHANGES IN TODAY'S MARKET	REALTORS ASSN OF MAUI INC	REALTORS ASSN OF MAUI, INC.	KAHULUI	TUMBAGA
3/22/2006	12:45pm	ASHI STANDARDS	REALTORS ASSN OF MAUI INC	REALTORS ASSN OF MAUI, INC.	KAHULUI	DOUMA
3/23/2006	09:00am	ESSENTIALS OF FINANCE	REALTORS ASSN OF MAUI INC	REALTORS ASSN OF MAUI, INC.	KAHULUI	HOLIDAY
3/28/2006	08:30am	CAUGHT ON CAMERA-ANTITRUST IN THE 21ST CENTURY	REALTORS ASSN OF MAUI INC	REALTORS ASSN OF MAUI, INC.	KAHULUI	HALL
3/28/2006	12:45pm	REALTOR REALITIES OF RESPA, APPRAISAL AND LOAN FRAUD	REALTORS ASSN OF MAUI INC	REALTOS ASSN OF MAUI, INC.	KAHULUI	HOGAN
3/30/2006	08:30am	HAWAII LANDS, HISTORICAL REVIEW	REALTORS ASSN OF MAUI INC	ROYAL LAHAINA RESORT	LAHAINA	NASSER
3/31/2006	08:30am	HAWAII LANDS, HISTORICAL REVIEW	REALTORS ASSN OF MAUI INC	REALTORS ASSN OF MAUI, INC.	KAHULUI	NASSER
4/11/2006	09:00am	ESSENTIALS OF LISTING	REALTORS ASSN OF MAUI INC	REALTORS ASSN OF MAUI, INC.	KAHULUI	HOLIDAY
5/11/2006	09:00am	ESSENTIALS OF THE DROA	REALTORS ASSN OF MAUI INC	REALTORS ASSN OF MAUI, INC.	KAHULUI	HAY
5/12/2006	09:00am	LAND USE AND DEVELOPMENT	REALTORS ASSN OF MAUI INC	REALTORS ASSN OF MAUI, INC.	KAHULUI	LEE
6/8/2006	09:00am	ESSENTIALS OF FINANCE	REALTORS ASSN OF MAUI INC	REALTORS ASSN OF MAUI, INC.	KAHULUI	HOLIDAY
6/21/2006	09:00am	RESIDENTIAL TAX RULES, SECTION 1031 EXCHANGE, & FOREIGN INVESTORS	REALTORS ASSN OF MAUI INC	REALTORS ASSN OF MAUI, INC.	KAHULUI	KONISHI
7/13/2006	09:00am	ESSENTIALS OF LISTING	REALTORS ASSN OF MAUI INC	REALTORS ASSN OF MAUI, INC.	KAHULUI	HOLIDAY
8/24/2006	09:00am	ESSENTIALS OF THE DROA	REALTORS ASSN OF MAUI INC	REALTORS ASSN OF MAUI, INC.	KAHULUI	HAY

OAHU

DATE	TIME	COURSE	PROVIDER	LOCATION	CITY	INSTRUCTOR
2/6/2006	09:00am	RESIDENTIAL TAX RULES, SECTION 1031 EXCHANGE, & FOREIGN INVESTORS	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU	KONISHI
2/7/2006	01:00pm	(CORE) REAL ESTATE LAW REVIEW & UPDATE 2005-2006	DOWER SCHOOL OF REAL ESTATE	DOWER SCHOOL OF REAL ESTATE	HONOLULU	BLY
2/7/2006	09:00am	ESSENTIALS OF LISTING	HONOLULU BOARD OF REALTORS	HBR, HOLOMUA ROOM	HONOLULU	NISHIHARA
2/7/2006	09:00am	THE ART OF REAL ESTATE NEGOTIATION/WORKING TOWARDS A WIN/WIN AGREEMENT	DOWER SCHOOL OF REAL ESTATE	DOWER SCHOOL OF REAL ESTATE	HONOLULU	WILIA
2/13/2006	09:00am	ESSENTIALS OF FINANCE	HONOLULU BOARD OF REALTORS	HBR, HOLOMUA ROOM	HONOLULU	BOLOSAN
2/14/2006	09:00am	(CORE) REAL ESTATE LAW REVIEW & UPDATE 2005-2006	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU	CHONG
2/17/2006	01:00pm	PROPERTY MANAGEMENT AND MANAGING RISK	DOWER SCHOOL OF REAL ESTATE	DOWER SCHOOL OF REAL ESTATE	HONOLULU	WILIA
2/17/2006	05:00pm	(CORE) REAL ESTATE LAW REVIEW & UPDATE 2005-2006	DOWER SCHOOL OF REAL ESTATE	DOWER SCHOOL OF REAL ESTATE	HONOLULU	BLY
2/17/2006	08:30am	TITLE INSURANCE AND TITLE REPORT RED FLAGS	HONOLULU BOARD OF REALTORS	HAWAII OKINAWA CENTER	MILILANI	NASSER
2/17/2006	09:00am	LAND USE AND PERMIT REQUIREMENTS- RESIDENTIAL APPLICATIONS C & C OF HONOLULU	DOWER SCHOOL OF REAL ESTATE	DOWER SCHOOL OF REAL ESTATE	HONOLULU	WILIA
2/21/2006	09:00am	EMINENT DOMAIN IN HAWAII	LORMAN EDUCATION SERVICES	RADISSON WAIKIKI PRINCE HOTE	HONOLULU	THOMAS
2/21/2006	09:00am	EMINENT DOMAIN IN HAWAII	LORMAN EDUCATION SERVICES	RADISSON WAIKIKI PRINCE KUHI	HONOLULU	THOMAS
2/24/2006	09:00am	AT HOME WITH DIVERSITY: ONE AMERICA	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU	SYKES
2/28/2006	09:00am	ESSENTIALS OF THE DROA	HONOLULU BOARD OF REALTORS	HBR, HOLOMUA ROOM	HONOLULU	CHONG
3/2/2006	09:00am	ANALYSIS OF INVESTMENT REAL ESTATE	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU	CRIZ
3/3/2006	01:00pm	(CORE) REAL ESTATE LAW REVIEW & UPDATE 2005-2006	DOWER SCHOOL OF REAL ESTATE	DOWER SCHOOL OF REAL ESTATE	HONOLULU	BLY
3/3/2006	08:30am	ESCROW A - Z	HONOLULU BOARD OF REALTORS	KOOLAU GOLF CLUB	KANEOHE	NASSER
3/3/2006	09:00am	THE ART OF REAL ESTATE NEGOTIATION/WORKING TOWARDS A WIN/WIN AGREEMENT	DOWER SCHOOL OF REAL ESTATE	DOWER SCHOOL OF REAL ESTATE	HONOLULU	WILIA
3/3/2006	09:00am	FUNDAMENTALS OF REAL ESTATE CLOSINGS	LORMAN EDUCATION SERVICES	ALA MOANA HOTEL	HONOLULU	PANEL
3/3/2006	09:00am	FUNDAMENTALS OF REAL ESTATE CLOSINGS	LORMAN EDUCATION SERVICES	ALA MOANA HOTEL	HONOLULU	PANEL
3/3/2006	09:00am	PROPERTY MANAGEMENT AND MANAGING RISK	DOWER SCHOOL OF REAL ESTATE	DOWER SCHOOL OF REAL ESTATE	HONOLULU	WILIA
3/6/2006	09:00am	ESSENTIALS OF LISTING	HONOLULU BOARD OF REALTORS	HBR, HOLOMUA ROOM	HONOLULU	NISHIHARA
3/13/2006	09:00am	ESSENTIALS OF FINANCE	HONOLULU BOARD OF REALTORS	HBR, HOLOMUA ROOM	HONOLULU	LOVENTHAL
3/14/2006	01:00pm	(CORE) REAL ESTATE LAW REVIEW & UPDATE 2005-2006	DOWER SCHOOL OF REAL ESTATE	DOWER SCHOOL OF REAL ESTATE	HONOLULU	BLY
3/14/2006	09:00am	PROPERTY MANAGEMENT AND MANAGING RISK	DOWER SCHOOL OF REAL ESTATE	DOWER SCHOOL OF REAL ESTATE	HONOLULU	WILIA
3/16/2006	09:00am	LAND USE AND DEVELOPMENT	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU	CHONG
3/18/2006	01:00pm	(CORE) REAL ESTATE LAW REVIEW & UPDATE 2005-2006	DOWER SCHOOL OF REAL ESTATE	DOWER SCHOOL OF REAL ESTATE	HONOLULU	BLY
3/18/2006	09:00am	LAND USE AND PERMIT REQUIREMENTS- RESIDENTIAL APPLICATIONS C & C OF HONOLULU	DOWER SCHOOL OF REAL ESTATE	DOWER SCHOOL OF REAL ESTATE	HONOLULU	WILIA
3/20/2006	09:00am	ESSENTIALS OF THE DROA	HONOLULU BOARD OF REALTORS	HBR, HOLOMUA ROOM	HONOLULU	BARTA
3/21/2006	09:00am	(CORE) REAL ESTATE LAW REVIEW & UPDATE 2005-2006	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU	CHONG
3/23/2006	08:00am	CI 104: INVESTMENT ANALYSIS FOR COMMERCIAL INVESTMENT REAL ESTATE	HAWAII'N CCIM CHAPTER	UNIVERSITY OF PHOENIX	HONOLULU	HARVEY

3/24/2006	01:00pm	CAUGHT ON CAMERA-ANTITRUST IN THE 21ST CENTURY	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU HOGAN
3/24/2006	08:00am	CI 104: INVESTMENT ANALYSIS FOR COMMERCIAL INVESTMENT REAL ESTATE	HAWAII CCIM CHAPTER	UNIVERSITY OF PHOENIX	HONOLULU BAKER
3/24/2006	08:30am	REALTOR REALITIES OF RESPA, APPRAISAL AND LOAN FRAUD	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU HOGAN
3/30/2006	09:00am	PROPERTY MANAGEMENT & LANDLORD/TENANT	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU RAMSEY
4/7/2006	01:00pm	CAUGHT ON CAMERA-ANTITRUST IN THE 21ST CENTURY	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU HALL
4/7/2006	08:30am	REALTOR REALITIES OF RESPA, APPRAISAL AND LOAN FRAUD	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU HALL
4/10/2006	09:00am	AGENCY, PRACTICAL ETHICS, AND FAIR HOUSING	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU CHONG
4/11/2006	09:00am	(CORE) REAL ESTATE LAW REVIEW & UPDATE 2005-2006	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU CHONG
4/21/2006	08:30am	TITLE INSURANCE AND TITLE REPORT RED FLAGS	HONOLULU BOARD OF REALTORS	WAIALAE COUNTRY CLUB	HONOLULU NASSER
5/1/2006	09:00am	ESSENTIALS OF LISTING	HONOLULU BOARD OF REALTORS	HBR, HOLOMUA ROOM	HONOLULU HOWE
5/2/2006	09:00am	(CORE) REAL ESTATE LAW REVIEW & UPDATE 2005-2006	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU CHONG
5/11/2006	08:00am	CI 101: FINANCIAL ANALYSIS FOR COMMERCIAL INVESTMENT REAL ESTATE	HAWAII CCIM CHAPTER	UNIVERSITY OF PHOENIX	HONOLULU TROWBRIDGE
5/11/2006	08:00am	CI 101: FINANCIAL ANALYSIS FOR COMMERCIAL INVESTMENT REAL ESTATE	HAWAII CCIM CHAPTER	UNIVERSITY OF PHOENIX	HONOLULU TROWBRIDGE
5/15/2006	09:00am	ESSENTIALS OF FINANCE	HONOLULU BOARD OF REALTORS	HBR, HOLOMUA ROOM	HONOLULU BOLOSAN
5/22/2006	09:00am	ESSENTIALS OF THE DROA	HONOLULU BOARD OF REALTORS	HBR, HOLOMUA ROOM	HONOLULU CHONG
5/23/2006	09:00am	LEGAL ISSUES	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU STONE
6/20/2006	09:00am	(CORE) REAL ESTATE LAW REVIEW & UPDATE 2005-2006	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU CHONG
6/26/2006	08:30am	ACCREDITED BUYER REPRESENTATIVE COURSE	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU HALL
6/27/2006	08:30am	ACCREDITED BUYER REPRESENTATIVE COURSE	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU HALL
6/28/2006	08:30am	INNOVATIVE MARKETING TECHNIQUES FOR BUYER'S REPS	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU HALL
6/29/2006	09:00am	CONTRACTS	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU STONE
7/6/2006	09:00am	ESSENTIALS OF LISTING	HONOLULU BOARD OF REALTORS	HBR, HOLOMUA ROOM	HONOLULU NISHIHARA
7/10/2006	09:00am	DISCLOSURE	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU CHONG
7/11/2006	09:00am	ESSENTIALS OF FINANCE	HONOLULU BOARD OF REALTORS	HBR, HOLOMUA ROOM	HONOLULU LOVENTHAL
7/18/2006	09:00am	(CORE) REAL ESTATE LAW REVIEW & UPDATE 2005-2006	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU CHONG
7/21/2006	01:00pm	TITLE INSURANCE AND TITLE REPORT RED FLAGS	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU NASSER
7/21/2006	08:30am	ESCROW A - Z	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU NASSER
7/24/2006	09:00am	FINANCE	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU BOLOSAN
7/5/2006	09:00am	ESSENTIALS OF THE DROA	HONOLULU BOARD OF REALTORS	HBR, HOLOMUA ROOM	HONOLULU CHONG
8/1/2006	09:00am	(CORE) REAL ESTATE LAW REVIEW & UPDATE 2005-2006	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU NISHIHARA
8/8/2006	09:00am	ANALYSIS OF INVESTMENT REAL ESTATE	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU CRIZ
8/17/2006	08:00am	CI 103: LEASE ANALYSIS FOR COMMERCIAL INVESTMENT REAL ESTATE	HAWAII CCIM CHAPTER	UNIVERSITY OF PHOENIX	HONOLULU FISHER
8/17/2006	08:00am	CI 103: LEASE ANALYSIS FOR COMMERCIAL INVESTMENT REAL ESTATE	HAWAII CCIM CHAPTER	UNIVERSITY OF PHOENIX	HONOLULU DYCHE
8/22/2006	09:00am	LAND USE AND DEVELOPMENT	HONOLULU BOARD OF REALTORS	JAPANESE CULTURAL CENTER	HONOLULU CHONG

Continuing Education Providers

Abe Lee Seminars	942-4472	Honolulu Board of Realtors	732-3000
Akahi Real Estate Network, LLC	331-2008	John Reilly	John@InternetCrusade.com
BOMA-Hawaii	847-0143	Kauai Board of Realtors	245-4049
Brian R. Thomas dba Edventures	885-2117	Kona Board of Realtors	329-4874
Career Webschool	1-800-532-7649	Lorman Education Services	715-833-3940
Coldwell Banker Pacific Properties	738-3926	Lynn W. Carlson	874-4064
Continuing-Ed-Online.Org	206-523-9801	Pacific Real Estate Institute	524-1505
Dower School of Real Estate Windward	263-9500	Premier Realty 2000, Inc.	955-7653
Dower School of Real Estate	735-8838	ProSchools, Inc.	503-297-1344
Duplanty School of Real Estate	737-5509	Realtors Association of Maui Inc.	873-8585
Eddie Flores Real Estate	951-9888	Russ Goode Seminars	597-1111
Fahrni School of Real Estate	486-4166	Seiler School of Real Estate	874-3100
Hawaii Association of Realtors	733-7060	Servpro Industries, Inc.	615-451-0600
Hawai'i CCIM Chapter	528-2246	Terabiz	540-5400
Hayloft Climbers, LLC	753-2003	University of Hawaii at Manoa	956-8244
Hogan School of Real Estate	1-800-794-1390	Vitousek Real Estate Schools, Inc.	946-0505

2006 Real Estate Commission Meeting Schedule

Laws & Rules Review Committee
Education Review Committee
Condominium Review Committee
(These committees meet one after another,
beginning at 9 a.m.)

Real Estate Commission, 9 a.m.

Wednesday, February 8, 2006
 Wednesday, March 8, 2006
 Wednesday, April 12, 2006
 Wednesday, May 10, 2006

Friday, February 24, 2006
 Friday, March 24, 2006
 Friday, April 28, 2006
 Friday, May 26, 2006

All meetings will be held in the Queen Liliuokalani Conference Room of the King Kalakaua Building, 335 Merchant Street, First Floor.

Meeting dates, locations, and times are subject to changed without notice. Please visit the Commission's website at www.hawaii.gov/hirec or call the Real Estate Commission Office at 586-2643 to confirm the dates, times, and locations of the meetings. This material can be made available to individuals with special needs. Please contact the Executive Officer at 586-2643 to submit your request.

Zoning-related Complaints Show Increase on Maui

At the January 11, 2006 Commission standing committee meetings held at the REALTORS Association of Maui, in Kahului, Mr. Charles Villalon, Zoning Inspector, appeared to discuss the increasing number of zoning-related complaints received by his office. The following article is a brief summary of his comments.

The Zoning Enforcement Division, County of Maui, has experienced an increase in complaints where single family dwellings have been “sectioned off” into separate living areas, each with its own kitchen and living areas without an interior connection between them. Also, storage rooms, lanais and patios, gyms, etc. are frequently converted without obtaining the proper permits.

These units are then represented to potential buyers as being “legal” and “an excellent income generating property.” Buyers who unknowingly purchase these properties have been reporting that they were never informed of these “non-conformities” and must then bear the burden of making the necessary corrections to restore these buildings to meet our zoning ordinances.

As violations can result in \$1,000.00 initial fines and \$100.00 daily fines until corrections are completed, it is important that real estate agents provide potential buyers with accurate information and not concentrate on just “making a sale.”

A zoning clearance should be obtained from the County prior to the sale of any real property.

Questions may directed to the Zoning Administration and Enforcement Division, County of Maui, Department of Planning, at telephone 808-270-7253.

Short-term Rentals Are Illegal Without a Valid Certificate

The Land Use Ordinance (LUO), Ordinance No. 86-96, as amended, which took effect on October 22, 1986, prohibited transient rentals (rentals for less than 30 days) of dwelling or lodging units (including apartments) not located in areas zoned for resort uses; i.e. the Resort District or the Resort-Hotel Precinct of Waikiki.

Ordinance No. 89-154, which took effect on December 28, 1989, specifically prohibits new Bed and Breakfast homes in all zoning districts.

It also provided for the issuance of a Nonconforming Use Certificate (NUC) to operators of Transient Vacation Units (TVU) and Bed and Breakfast (B & B) homes that proved they were operating before October 22, 1986 and December 28, 1989, respectively.

A valid NUC protects the operator of a TVU or B & B from future zoning challenges and confers the right to operate.

As such, without a NUC, short-term rentals (i.e. rentals of less than 30 days) are not permitted.

Accordingly, such use would be a violation of the LUO and should our inspector verify the activity, a citation would be issued and civil fines would be assessed.

However, rentals for periods of 30 days or more is permitted in zoning districts where dwellings are a permitted use.

Questions regarding the above may be directed to Mike Friedel, Code Compliance Branch, City and County of Honolulu, Department of Planning and Permitting, telephone 808-527-5873.

State of Hawaii
Real Estate Commission Bulletin
King Kalakaua Building
335 Merchant Street, Room 333
Honolulu, HI 96813

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