

REAL ESTATE COMMISSION
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: Friday, March 22, 2013

Time: 9:00 a.m.

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

Present: Nikki T. Senter, Chair, Public/Honolulu Commissioner
Stanley Kuriyama, Vice Chair, Broker/Honolulu Commissioner
Rowena Cobb, Broker/Kauai Commissioner
Frances Gendrano, Broker/Honolulu Commissioner
Walter Harvey, Broker/Honolulu Commissioner
Bruce Faulkner, Broker/Maui Commissioner
Scott Arakaki, Public/Honolulu Commissioner
Scott A. Sherley, Broker/Hawaii Island Commissioner
Aileen Wada, Broker/Honolulu Commissioner

Neil K. Fujitani, Supervising Executive Officer
Miles Ino, 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
Shari Wong, Deputy Attorney General
Lesley Matsumoto, Recording Secretary

Others: Christopher Garcia
Anthony Groman
Ben Fukuyama

Call to Order: The Chair called the meeting to order at 9:03 a.m., at which time quorum was established.

Chair's Report: The Chair announced that the Commission may move into executive session to consider and evaluate personal information relating to individuals applying for licensure in accordance with section 92-5(a)(1), HRS, and/or 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.

Executive Officer's Report: The Executive Officer (EO) informed the Commissioners that the original applications with any original associated documents to be considered at the meeting were available for review.

Minutes of Previous Meeting

Upon a motion by Commissioner Harvey, seconded by Commissioner Gendrano, it was voted on and unanimously carried to accept the minutes of the February 22, 2013 meeting.

The Chair took matters out of order of the agenda.

Licensing – Ratification: Upon a motion by Commissioner Harvey, seconded by Commissioner Sherley, it was voted on and unanimously carried to ratify the attached list.

Licensing – Applications: The EO informed the Commissioners that the information provided to the Commissioners is related only to the issue that is before the Commission for consideration. The other materials submitted are available for the Commissioners review should they desire to review it. If the applicants have an issue, which is personal in nature, they have the right to request that their application be considered in executive session.

Ben Fukuyama

The Chair asked Mr. Ben Fukuyama if he wished to have his application for preliminary decision for real estate salesperson license considered in executive session. He accepted the offer.

Executive Session: Upon a motion by Commissioner Gendrano, seconded by Commissioner Cobb, it was voted on and unanimously carried to enter into executive session, pursuant to section 92-5(a)(1), HRS, "To consider and evaluate personal information, relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and pursuant to section 92-5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities."

Upon a motion by Commissioner Harvey, seconded by Commissioner Gendrano, it was voted on and unanimously carried to move out of executive session.

Christopher M. Garcia

The Chair asked Mr. Christopher Garcia if he wished to have his application for preliminary decision for real estate salesperson license considered in executive session. He accepted the offer.

Executive Session: Upon a motion by Commissioner Gendrano, seconded by Commissioner Cobb, it was voted on and unanimously carried to enter into executive session, pursuant to section 92-5(a)(1), HRS, "To consider and evaluate personal information, relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and pursuant to section 92-5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities."

Upon a motion by Commissioner Harvey, seconded by Commissioner Gendrano, it was voted on and unanimously carried to move out of executive session.

Anthony William Groman

The Chair asked Mr. William Groman if he wished to have his application for preliminary decision for real estate salesperson license considered in executive session. He accepted the offer.

Executive Session: Upon a motion by Commissioner Gendrano, seconded by Commissioner Cobb, it was voted on and unanimously carried to enter into executive session, pursuant to section 92-5(a)(1), HRS, "To consider and evaluate personal information, relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and pursuant to section 92-5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities."

Upon a motion by Commissioner Harvey, seconded by Commissioner Gendrano, it was voted on and unanimously carried to move out of executive session.

Committees and
Program of Work:

Laws and Rules Review Committee – Clarification of "Temporary Principal Broker" in §16-99-3(o), HAR – Temporary assignments less than 30 days

An inquiry was made to staff as to whether or not a temporary principal broker ("PB") will be able to sign-on a new licensee to the brokerage if he/she is serving as a temporary PB. A change form to appoint a temporary PB was not submitted because the PB was out for only 28 days. According to the HAR §16-99-3(o), notification is not required if the PB is absent for less than 30 days.

The question is would/should the temporary PB be allowed to sign-on a new licensee if we have no records to show that he/she is the temporary PB?

After discussion, upon a motion by Commissioner Kuriyama, seconded by Commissioner Gendrano, it was voted on and unanimously carried to require a signed written authorization between the principal broker and the temporary principal broker, and to submit a copy of agreement with any subsequent change reported on a change form.

Supervising Executive Officer ("SEO") Fujitani reported that Senate Bill No. 505, relating to condominiums. The House Committee on Consumer Protection and Commerce accepted the Commission's recommendation to support and continue to subsidize mediation of condominium disputes with additional funds contributed to the Condominium Education Trust Fund ("CETF").

Senate Bill No. 41, relating to real estate has died.

Senate Bill No. 858, relating to boards and commissions. This bill as written may not affect Commissioner Harvey if he is not reappointed to a second term. Commissioner Harvey may continue on the Commission as a holdover member.

SEO Fujitani also informed the Commissioners that Condominium Specialist Cheryl Leong will be transferring to the Division of Consumer Advocacy. Ms. Leong's last day with the Real Estate Branch will be on April 30, 2013.

Licensing –
Applications:

Ben Fukuyama

After review of the information presented by the applicant, Commissioner Arakaki moved to most likely not approve the real estate salesperson license of Ben Fukuyama. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Christopher M. Garcia

After review of the information presented by the applicant, Commissioner Sherley moved to most likely approve the real estate salesperson license of Christopher M. Garcia. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Anthony William Groman

Commissioner Gendrano recused herself due to a conflict of interest.

After review of the information presented by the applicant, Commissioner Kuriyama moved to most likely approve the real estate salesperson license of Anthony William Groman. Commissioner Arakaki seconded the motion. Commissioners Kuriyama, Arakaki, Sherley, and Senter voted aye. Commissioners Harvey, Faulkner, Wada, and Cobb voted nay. The motion failed.

Upon a motion by Commissioner Arakaki, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to defer Anthony William Groman's application for six months.

Entrada Management Services, Inc.

After review of the information presented, Commissioner Wada moved to deny the six month extension for Entrada Management Services, Inc. for the temporary principal broker from February 28, 2013 to August 31, 2013. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 10:31 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate License of Brandon K.P.T. Wong, a.k.a. Brandon Wong, a Real Estate Salesperson; REC 2012-171-L

Upon a motion by Commissioner Harvey, seconded by Commissioner Sherley, it was voted on and unanimously carried to accept the settlement agreement.

In the Matter of the Real Estate Licenses of Maria-Linda West, PacRealty, LLC and Patricia A. Naiyoke; REC 2011-180-L

Upon a motion by Commissioner Harvey, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to reject the settlement agreement.

In the Matter of the Real Estate Licenses of Elena Ferrara, a Real Estate Salesperson, Toti D.O. Manhan, a Real Estate Broker, Kevin M. Rathbun, Real Estate Broker and Island Realty Group LLC, a Real Estate Broker; REC 2012-244-L [RE: Toti D.O. Manhan, Kevin M. Rathbun & Island Realty Group LLC]

Upon a motion by Commissioner Harvey, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to reject the settlement agreement.

In the Matter of the Real Estate Licenses of Elena Ferrara, a Real Estate Salesperson, Toti D.O. Manhan, a Real Estate Broker, Kevin M. Rathbun, Real Estate Broker and Island Realty Group LLC, a Real Estate Broker; REC 2012-244-L [RE: Elena Ferrara]

Upon a motion by Commissioner Harvey, seconded by Commissioner Faulkner, it was voted on and unanimously carried to reject the settlement agreement.

In the Matter of the Real Estate Licenses of Donna Festa, a Real Estate Salesperson, William G. Boyle, a Real Estate Broker, and Kailua Realty Ltd., dba Century 21 Kailua Beach Realty, a Real Estate Broker; REC 2012-118-L [RE: Donna Festa]

Upon a motion by Commissioner Harvey, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to reject the settlement agreement.

In the Matter of the Real Estate Licenses of Donna Festa, a Real Estate Salesperson, William G. Boyle, a Real Estate Broker, and Kailua Realty Ltd., dba Century 21 Kailua Beach Realty, a Real Estate Broker; REC 2012-118-L [RE: William G. Boyle & Century 21 Kailua Beach Realty]

Upon a motion by Commissioner Harvey, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to reject the settlement agreement.

In the Matter of the Real Estate Broker's License of Yuriy M. Skripchenko; REC 2011-127-L

Upon a motion by Commissioner Harvey, seconded by Commissioner Cobb, it was voted on and unanimously carried to reject the settlement agreement.

In the Matter of the Real Estate Licenses of David B. Yaffe, Maui Resort Rentals, Inc. and Colin Stillwagen; REC 2010-308-L; REC 2010-325-U; REC 2011-6-L; REC 2011-120-L

Upon a motion by Commissioner Harvey, seconded by Commissioner Arakaki, it was voted on and unanimously carried to approve the final order with corrections.

In the Matter of the Real Estate Licenses of Prudential Locations, LLC, Helen Lindemann, Brian Benton and Tom Mukai; REC 2011-54-L; REC 2011-61-L; REC 2011-76-L; REC 2011-77-L

The Chair and Commissioner Wada recused themselves due to a conflict of interest.

Upon a motion by Commissioner Arakaki, seconded by Commissioner Sherley, it was voted on and unanimously carried to accept the settlement agreement.

Following the Commission's review, deliberation, and decisions in these matters, pursuant to Chapter 91, HRS, the Vice Chair announced that the Commission was reconvening its scheduled meeting at 10:52 a.m.

Next Meeting: Friday, April 26, 2013
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 10:53 a.m.

Reviewed and approved by:

/s/ Miles I. Ino

Miles I. Ino
Executive Officer

April 5, 2013

Date

[] Approved as circulated.
[] Approved with corrections; see minutes of _____ meeting.

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON FEBRUARY 22, 2013

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Sodev, LLC	1/16/2013
Barbara Noel, PB	
Island Resort Property, LLC	1/24/2013
Edward J. Rapoza, PB	
Blue Rock Partners, LLC	1/25/2013
Anthony Hunt, PB	
Achauer International Realty, LLC	1/29/2013
Anna Achauer, PB	
CRS & Associates, LLC	2/7/2013
Calvin Sumida, PB	
Aloha Realty and Associates, LLC	2/7/2013
Nicole Chung, PB	
Maui Vacation Reservations, LLC	2/8/2013
Jeri E. Mosley, PB	
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Noble Turner Incorporated dba Noble Turner Realty Int'l	1/17/2013
Noble Turner, PB	
Vacation Resorts International	1/28/2013
Tamara Kelich, PB	
KW Hawaii, Inc.	2/12/2013
Joel K. La Pinta, PB	
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Noel C. Akamu	12/10/2012
Clifford K.F. Yee	12/19/2012
Ronald G. Li	12/27/2012
Gayle H. Ishii-Chang	1/1/2013
Peter J. Haines	1/1/2013
Kenneth Haff	1/1/2013
Renona K. Barrozo	1/11/2013
Ali Blackmore	1/15/2013
Molly Mosher-Cates	1/17/2013
Tami M. Painton	1/17/2013
Mary L. Thompson	1/22/2013
Wayne E. Ross	1/22/2013
Louis John Puhek	1/28/2013
Ricky Mae Toro dba Coco Palm Realty	1/28/2013
Jean E. Ganzer	2/1/2013

Branch Office

Disney Vacation Development, Inc.
David C. Weiss, PB

Effective Date

11/9/2012

Educational Equivalency Certificate

	<u>Expiration Date</u>
Herbert Burkart	1/15/2015
Harvey Robert Nino, Jr.	1/16/2015
Kehaunani Jean Jones	1/18/2015
Elenette Visenio	1/22/2015
Keith John Griffin	1/22/2015
Richard Allan Williams, II	1/22/2015
Elenette Visenio	1/22/2015
Patrick Keoni Dolan	1/22/2015
Tasha Lynn Axmaker	1/23/2015
Alen Aivazian	1/23/2015
Bradley Alan Luster	1/31/2015
Leonard Christopher Holmes	2/5/2015
Michael C. Black	2/5/2015
John David Meadows	2/5/2015
Kevin Allen Yates	2/5/2015
Kevin Timothy O'Hara	2/5/2015
Christopher Arthur Santos	2/5/2015
Michael Edmund James	2/7/2015
Joseph Edward DeLucia	2/7/2015
Travis Michael Chamberlain	2/8/2015
Christopher J. Woodard	2/11/2015
Harvey Colin Hodges	2/11/2015
Harry Chin Leong Tam	2/11/2015
Janden Tony Ortogero Segismundo	2/11/2015
Amelia Madelina Matera	2/13/2015
Mark Strathmann	2/14/2015
Georges Zachary Musalia Nabwangu	2/14/2015
Noriko Yogo	2/15/2015

Equivalency to Uniform Section of Examination Certificate

	<u>Expiration Date</u>
Herbert Burkart	1/15/2015
Harvey Robert Nino, Jr.	1/16/2015
Kehaunani Jean Jones	1/18/2015
Keith John Griffin	1/22/2015
Richard Allan Williams, II	1/22/2015
Elenette Visenio	1/22/2015
Tasha Lynn Axmaker	1/23/2015
Alen Aivazian	1/23/2015
Bradley Alan Luster	1/31/2015
Leonard Christopher Holmes	2/5/2015
Michael C. Black	2/5/2015

John David Meadows	2/5/2015
Kevin Allen Yates	2/5/2015
Michael Edmund James	2/7/2015
Joseph Edward DeLucia	2/7/2015
Travis Michael Chamberlain	2/8/2015
Harvey Colin Hodges	2/11/2015
Amelia Madelina Matera	2/13/2015
Mark Strathmann	2/14/2015
Noriko Yogo	2/15/2015

Real Estate Broker Experience Certificate

Expiration Date

Masazumi Nishimura	1/15/2015
Lonelle Jean Newman	1/16/2015
Richard Allan Williams, II	1/22/2015
Kalani Frances Ho-Nikaido	1/22/2015
Alen Aivazian	1/23/2015
Dan Cooke	1/28/2015
Bradley Alan Luster	1/31/2015
Betsy Lila Maler	2/5/2015
Patrick T. Graham	2/5/2015
Karen Michiko Yamada	2/5/2015
Marybel J. Aspili	2/5/2015
Jeremy Townsend Stice	2/5/2015
Lily Lyons Dudoit	2/5/2015
Carol Lee Kage	2/5/2015
Leonard Christopher Holmes	2/5/2015
Michael C. Black	2/5/2015
Michael Edmund James	2/7/2015
Joseph Edward DeLucia	2/7/2015
Harvey Colin Hodges	2/11/2015
Dannette L. Lee	2/12/2015
Amelia Madelina Matera	2/13/2015

Real Estate Broker

Effective Date

Joshua Thomas K.I.I. Horita	1/1/2013
Byron O. Matthews	1/1/2013
Fereshteh Nikbakhsh-Tali	1/4/2013
Aimee Hui	1/7/2013
Jason A. Dean	1/7/2013
Jeri E. Mosley	1/7/2013
Ali Blackmore	1/15/2013
Ronald S. Stebbins, II	1/16/2013
Tami M. Painton	1/17/2013
Bruce E. McDonald	1/18/2013
Keoni Fursse	1/18/2013
Michael H. Hege	1/23/2013

Louis John Puhek
Kris L. Martin
Richard A. Littlefield
Jay K. Elicker

1/28/2013
1/31/2013
2/6/2013
2/6/2013

Restoration – Real Estate Salesperson

Susan J. Guerrero-Praver
Jolleen Abreu

Effective Date

1/10/2013
1/10/2013

Continuing Education Equivalency

Floella Sue Schallert

Effective Date

1/22/2013