

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: Thursday, January 28, 2010

Time: 9:00 a.m.

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

Present: Trudy Nishihara, Chair, Broker/Honolulu Commissioner
Louis Abrams, Broker/Kauai Commissioner
Annette Aiona, Broker/Hawaii Island Commissioner
Carol Ball, Broker/Maui Commissioner
Frances Gendrano, Broker/Honolulu Commissioner (late arrival)
Walter Harvey, Broker/Honolulu Commissioner
Michele Sunahara Loudermilk, Public/Honolulu Commissioner
Mark Suiso, Public/Honolulu Commissioner

Neil K. Fujitani, Supervising Executive Officer
Jon Ellis M. Pangilinan, Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Amy Endo, Real Estate Specialist
David J. Grupen, Real Estate Specialist
Cheryl Leong, Condominium Specialist
Benedyne Stone, Condominium Specialist
Karyn Takahashi, Recording Secretary

Others: Patrick Kelly, Esq., Regulated Industries Complaints Office
Clayton S. Adams
Judith Ann Self
Kenneth Chong, Pacific Real Estate Institute
Anthony W. Groman (appeared via teleconference)
David Huggett (appeared via teleconference)
Ken Wong, Esq. (appeared via teleconference)

Absent: Stanley Kuriyama, Vice Chair, Broker/Honolulu Commissioner

Call to Order: The Chair called the meeting to order at 9:00 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.

Commissioner Kuriyama was excused from the meeting. Prior notification of his non-attendance was received.

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

Addition to Agenda

Upon a motion by Commissioner Aiona, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to add the following to the agenda:

4. Committees and Program of Work
 - c. Education Review Committee – Continuing Education Administration, Curriculum, courses, Providers, and Instructors – Continuing Education Core Course – Request for Quotations 2009 – 2010 Core Course Part B

Additional Distribution

The following was distributed as additional distribution:

6. Licensing – Applications
 - h. Clayton S. Adams

Minutes of Previous Meeting

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Abrams, it was voted on and unanimously carried to accept the minutes of the December 18, 2009 meeting.

Committees and Program of Work:

Law and Rules Review Committee

The SEO reported that the Legislature is in full swing and moving very quickly. He reported that the session has been shortened by the removal of recess days and will end on April 29, 2010, rather than in early May. He added that there have been hearings on bills pertinent to the Commission. He stated that he would be providing a report at the February 10, 2010, Laws and Rules Review Committee meeting.

Education Review Committee

Continuing Education Administration, Curriculum, courses, Providers, and Instructors – Continuing Education Core Course – Request for Quotations 2009 – 2010 Core Course Part B

Mr. Kenneth Chong was present representing the Pacific Real Estate Institute.

Senior Specialist Fujimura reported that the Request for Quotations for the Commission's 2009 – 2010 mandatory core course part B submitted through the Hawaii Electronic Procurement System (HePS) closed and there was one quotation received. The quotation was from the Pacific Real Estate Institute.

Senior Specialist Fujimura reported that the target date for completion of the course is June 2010.

The Commissioners requested that the issue of diversity in fair housing be included in the course.

Commissioner Abrams moved to award the Commission's 2009 – 2010 mandatory core course part B agreement to the Pacific Real Estate Institute. Commissioner Loudermilk seconded the motion. The motion was voted on and unanimously carried.

Licensing –
Ratification:

Upon a motion by Commissioner Abrams, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to ratify the attached list.

Licensing –
Applications:

The Supervising Executive Officer 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.

Judith Ann Self

Ms. Self was asked if she wished to have her application for real estate salesperson's license considered in executive session. She accepted the offer.

Executive Session:

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

Licensing
Applications:

Judith Ann Self

Upon a motion by Commissioner Abrams, seconded by Commissioner Harvey, it was voted on and unanimously carried to take this matter under advisement.

Clayton S. Adams

Mr. Adams was asked if he wished to have his request for preliminary decision for real estate salesperson's license considered in executive session. He accepted the offer.

Executive Session:

Upon a motion by Commissioner Abrams, seconded by Commissioner Suiso, 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."

Commissioner Gendrano arrives.

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

Licensing
Applications:

Clayton S. Adams

Upon a motion by Commissioner Abrams, seconded by Commissioner Harvey, it was voted on and unanimously carried to take this matter under advisement.

Anthony W. Groman

Mr. Groman appeared via telephone. Mr. Groman was asked if he would like his application for real estate salesperson license considered in executive session. He declined the offer.

When asked if he has done any other improvements to his home, Mr. Groman stated that the home was sold.

When asked about his current occupation, Mr. Groman stated that he is currently working in a supervisory position—he is working with a licensed general contractor as a go-between for the owner of the home, a friend, and the general contractor.

Mr. Groman was asked about his plans if he is granted a license today. Mr. Groman responded he is planning to hang his license with an office in Hawaii Kai and plans to be the best realtor he can be, making enough money to pay his taxes and live. He added that he believes he has good knowledge due to his construction background and owning his own real estate—he believes he will make a great realtor.

Regarding his unlicensed owner-builder contractor activity, Mr. Groman stated that the provision was on the building permit application, but he was unaware he could not rent out the home—he was building/improving the home to have rental income. He admitted that he did not read that far into the building permit application form and was unaware that he was breaking the law.

It was brought to Mr. Groman's attention that in real estate, reading forms is essential.

Mr. Groman was queried about his non-payment of GET taxes. Mr. Groman stated that the non-payment was brought to his attention when he hired a new tax preparer. When looking into his files, his tax preparer discovered that he did not file his GET taxes since 2006. He had an accountant, but he was completely unaware that the taxes were not paid and was very surprised. He brought all his paperwork to the State Department of Taxation and they were very lenient and agreed to a payment plan.

Mr. Groman was told that in real estate keeping track of your own paperwork and your clients' paperwork is very important. He was asked how his MO has changed. Mr. Groman stated that he has a good accountant that he trusts and they have a good partnership. He added that his broker thinks he will do well and has assured him she will hold his hand. He stated that he will strive to be honest and work by the rules.

It was brought to Mr. Groman's attention that the principal broker is responsible, but the licensee is responsible as well. The principal broker will look over your work, but you have to complete your work yourself with the feeling of responsibility. Mr. Groman stated that he is 100% aware of this and realizes that this is the biggest purchase in people's lives.

Mr. Groman stated that he has lived in Hawaii for 12 years.

Upon a motion by Commissioner Abrams, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to take this matter under advisement.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 9:50 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate Brokers' Licenses of Nemo Realty, Inc., Mikiko Malasek and Wojtek Malasek; REC 2004-92-L

Commissioner Loudermilk moved to remand the case back to the Hearings Officer to review the merits of the case with jurisdiction of Respondent V. Malasek as a real estate salesperson. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

In the Matter of the Real Estate Broker's License of David V. Huggett; REC 2008-222-L and REC 2008-315-L

Commissioner Ball was excused.

Commissioner Loudermilk moved to remand the cases back to the Hearings Officer to reschedule the hearing on the Petitioner's Motion for Summary Judgment. Commissioner Abrams seconded the motion. The motion was voted on and unanimously carried.

Following the Commission's review, deliberation, and decisions in these matters, pursuant to Chapter 91, HRS, the chair announced that the Commission was reconvening its scheduled meeting at 10:54 a.m.

Executive Session:

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

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 11:15 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate Brokers' Licenses of Brandon P. Price and The Price Corporation; REC 2008-149-L

Commissioner Harvey moved to approve the Commission's Final Order. Commissioner Suiso seconded the motion. The motion was voted on and unanimously carried.

Following the Commission's review, deliberation, and decisions in these matters, pursuant to Chapter 91, HRS, the chair announced that the Commission was reconvening its scheduled meeting at 11:45 a.m.

Licensing –
Applications:

Stacy L. Solberg

After a review of the information presented by the applicant, Commissioner Abrams moved to approve the real estate salesperson's license application of Stacy L. Solberg. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Eric R. Burgoyne

After a review of the information presented by the applicant, Commissioner Loudermilk moved to approve the real estate salesperson's license application of Eric R. Burgoyne. Commissioner Suiso seconded the motion. The motion was voted on and unanimously carried.

Chad G. Holcomb

After a review of the information presented by the applicant, Commissioner Harvey moved to approve the real estate salesperson's license application of Chad G. Holcomb. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Anthony W. Groman

After a review of the information presented by the applicant, Commissioner Harvey moved to deny the real estate salesperson's license application of Anthony W. Groman based on sections 467-8(3), 436B-19(1), 436B-19(8), and 436B-19(12), Hawaii Revised Statutes. Commissioner Loudermilk seconded the motion. The motion was voted on and unanimously carried.

Jennifer T. Barr

After a review of the information presented by the applicant, Commissioner Suiso moved to most likely approve the real estate salesperson's license of Jennifer T. Barr. Commissioner Loudermilk seconded the motion. The motion was voted on and unanimously carried.

Judith Ann Self

After a review of the information presented by the applicant, Commissioner Abrams moved to most likely approve the real estate salesperson's license of Judith Ann Self. Commissioner Gendrano seconded the motion. Commissioners Nishihara, Abrams, Aiona, Gendrano, Loudermilk and Suiso voted aye. Commissioner Harvey voted nay. The motion was carried.

Kathryn McGovern Gill

After a review of the information presented by the applicant, Commissioner Aiona moved to most likely approve the real estate salesperson's license of Kathryn McGovern Gill. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Clayton S. Adams

After a review of the information presented by the applicant, Commissioner Harvey moved to most likely approve, with conditions, the real estate salesperson's license of Clayton S. Adams. Commissioners Nishihara, Abrams, Harvey, Loudermilk and Suiso voted aye. Commissioners Aiona and Gendrano voted nay. The motion was carried.

Nathan H. Suzuki

After a review of the information presented by the applicant, Commissioner Loudermilk moved to approve the real estate broker license restoration application of Nathan H. Suzuki. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Next Meeting: Friday, February 26, 2010
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 11:55 a.m.

Reviewed and approved by:

/s/ Neil K. Fujitani
Neil K. Fujitani
Supervising Executive Officer

February 8, 2010
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
 REAL ESTATE COMMISSION MEETING ON JANUARY 28, 2010

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Homequest, Realtors LLC Andrea L. Kia, PB	01/01/10
VSA Capital , LLC Vilai S. Ananda, PB	12/01/09
O'Maui Enterprise, L.L.C.. Sailors Realty Dan O'Hanlon, PB	12/11/09
Silvia Sugihara Realty LLC Silvia Sugihara, PB	12/17/09
Orchid Properties, LLC Martha Morishige, PB	01/01/10
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Lei Hawaii Realty, Inc. Hiroko Brenna, PB	01/01/10
Hawaiian Americana Realty Inc. Mark Howard, PB	01/01/10
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Leslie B. Vargas	12/16/09
<u>Limited Liability Companies and Partnerships Name</u>	<u>Effective Date</u>
Aloha Hawaiian Properties LLC Andrea Lievens, PB	12/21/09
Phillips Pacific LLC, Hawaii Property Center Pokyong Phillips, PB	12/23/09
D&B Island Realty LLC Robert Edward Harper, PB	01/08/10
Fidelibus Properties, LLC Christopher P. Fidelibus, PB	01/11/10
<u>Trade Name</u>	<u>Effective Date</u>
Pacific Living International, LLC, EHawaii Realty	01/04/10
<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Hamo Tagipo Alualu	12/09/11
Robert S. Steve Rousseau	12/14/11
Judith A. Self	12/14/11
Roger William Schorzman	12/14/11
John Theodore Scarcella	12/15/11
Richard Samuel Vujovich Jr.	12/16/11
Dar C. Melnychzenko	12/16/11
Gary Pete Masich	12/17/11
Geoffrey Eugene Gilbert	12/17/11
Derek Ivers Meier	12/18/11
James Morris Noel	12/18/11
Anne Newberry	12/22/11
Oleg I. Solovyev	01/06/12
Kathryn McGovern Gill	01/07/12

Equivalency to Uniform Section of Examination Certificate

Clarita Morton Ramsey	01/07/12
Ken Kiyohara	01/07/12
George Eugene Gilbert	01/07/12
Lisa Anne Keith	01/11/12

Expiration Date

Educational Equivalency Certificate

Hamo Tagipo Alualu	12/09/11
Patrick Park	12/09/11
Robert S. Steve Rousseau	12/14/11
Judith A. Self	12/14/11
Jonathan E. Bassan	12/14/11
John Theodore Scarcella	12/15/11
Shawlea K. Aona	12/15/11
Michael Patrick Burns	12/15/11
Randall Hiroshi Endo	12/15/11
Richard Samuel Vujovich Jr.	12/16/11
Dar C. Melnychzenko	12/16/11
Gary Pete Masich	12/17/11
Geoffrey Eugene Gilbert	12/17/11
Garrett Dwight Carson	12/17/11
Derek Ivers Meier	12/18/11
James Morris Noel	12/18/11
Anne Newberry	12/22/11
Oleg I. Solovyev	01/06/12
Kathryn McGovern Gill	01/07/12
Ken Kiyohara	01/07/12
George Eugene Gilbert	01/07/12
Vicki Joanne Schulte	01/07/12
Lisa Anne Keith	01/11/12

Expiration Date

Real Estate Broker Experience Certificate

Monica Susan Brown	12/09/11
Bradford G. Lusk Jr.	12/15/11
Jennifer Jobe Leininger	12/16/11
John Theodore Scarcella	12/15/11
Richard Samuel Vujovich Jr.	12/16/11
Gary Pete Masich	12/17/11
Christopher Barca	12/17/11
James Morris Noel	12/18/11
Alan H. Lam	12/23/11
Jason Benjamin R. Bennett	01/05/12
Maxine N. Shea	01/07/12
Lisa Anne Keith	01/11/12

Expiration Date

Real Estate Broker (upgrade)

David E. Buck	12/03/09
Joe Megna	12/09/09
Michael "Mike" Ho	12/11/09
Leslie Rosenquist	12/14/09
Captain Ted Myers	12/15/09
Kathaleen Petron	12/15/09

Effective Date

Real Estate Broker (upgrade)

Leslie B. Vargas

Dahl Young

Mark Howard

Maggie Man

Teruko Janet Yamada

Nicholas J. Fidelibus

Joy Jernigan

Effective Date

12/16/09

12/23/09

01/01/10

01/01/10

01/01/10

01/01/10

01/11/10

Restoration – Real Estate Broker

Vilai S. Ananda

Effective Date

12/01/09