

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, June 24, 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
Frances Gendrano, Broker/Honolulu Commissioner
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
Shari Wong, Deputy Attorney General
Karyn Takahashi, Recording Secretary

Others: Anthony W. Groman
Micah T. McKeown
Karla Casey
Darren K. Medeiros
Lei Fukumura, Special Deputy Attorney General

Absent: Stanley Kuriyama, Vice Chair, Broker/Honolulu Commissioner
Carol Ball, Broker/Maui Commissioner

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.

Commissioners Kuriyama and Ball were excused from the meeting. Prior notification of their 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.

Announcements, Introductions, Correspondence and Additional Distribution

EO Pangilinan announced that Staff is initiating the rulemaking process and updating Chapter 99, Hawaii Administrative Rules, as it pertains to Chapter 467, Hawaii Revised Statutes and we are accepting comments and suggestions from the industry and the public. All comments and suggestions must be in writing and include justifications. He also reported that there will be an announcement on the website.

SEO Fujitani reported that the July 30, 2010, meeting will be held at 1:00 p.m. in this same conference room.

SEO Fujitani announced that this was the last official meeting for Commissioners Suiso, Aiona, and Abrams and thanked them for their hard work and dedication to the Commission.

Minutes of Previous Meeting

Upon a motion by Commissioner Abrams, seconded by Commissioner Gendrano, it was voted on and unanimously carried to accept the minutes of the May 28, 2010 meeting.

Licensing – Ratification: Upon a motion by Commissioner Aiona, seconded by Commissioner Gendrano, 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.

Anthony W. Groman

Commissioner Gendrano recused herself from discussion and voting on Anthony W. Groman's application.

Mr. Groman was asked if he wished to have his application 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 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 Suiso, it was voted on and unanimously carried to move out of executive session.

Licensing
Applications:

Anthony W. Groman

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

Micah T. McKeown

Mr. McKeown was asked if he wished to have his application 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."

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

Licensing
Applications:

Micah T. McKeown

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

Darren K. Medeiros

Mr. Medeiros was asked if he wished to have his application for real estate salesperson's license considered in executive session. He declined the offer.

Mr. Medeiros stated that he made errors in judgment and it has been many years since the incident in question. He stated that he is now married, has children, owns his own company and is a productive member of the community—not a criminal.

Mr. Medeiros stated that in his current profession, he conducts negotiations for which there are fees he is unable to collect because he does not have a real estate license.

Mr. Medeiros stated that he negotiates short sales for the Green Spire Group. He stated that the company is based in Hawaii and has been in Hawaii for two years. The majority of business is in the east coast. They are registered in Hawaii. He further explained that they are investors and he is an investor negotiator.

Mr. Medeiros explained that he negotiates with the lender and negotiates the commission for the licensee. Green Spire is the buyer of the property. Green Spire is not positioned as a distressed property consultant. He stated that Green Spire flips property to make a profit—they have a licensee sell the property. He noted that they have no Hawaii properties at this time.

When asked if he will be working for Inet Realty if licensed, Mr. Medeiros stated that he has developed a relationship with Inet, but has not fully committed to working with them.

When asked how many transactions Green Spire conducts in a year, Mr. Medeiros responded that last year they had about 37-38 transactions, primarily on the east coast—Florida and Tennessee.

Upon a motion by Commissioner Abrams, seconded by Commissioner Aiona, 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 9:42 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 Michael D. Volosin, a Real Estate Salesperson; REC 2009-44-L

Upon a motion by Commissioner Abrams, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to accept the Settlement Agreement.

In the Matter of the Real Estate License of Marshall H. Kaniho, a Real Estate Salesperson; REC 2008-226-L

Upon a motion by Commissioner Suiso, seconded by Commissioner Abrams, 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 chair announced that the Commission was reconvening its scheduled meeting at 9:50 a.m.

Executive Session:

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

Committees and
Program of Work:

Laws and Rules Review Committee

Program of Work FY10 – Licensing Renewal – Reduced Fees for On-line Licensing Renewal

Commissioner Loudermilk moved to confirm that for the next fiscal biennium, pursuant to section 467-11(e), Hawaii Revised Statutes, we will not charge the portion of renewal fees allocated to the education fund balance, and that we have considered a reduction in the same amount for new licensee fees and have elected not to make that reduction.

Due to the Governor's "across-the-board" spending restrictions and hiring freeze, the Commission noted there may be benefits, but there are also burdens. The one current benefit is the afore-mentioned fee reduction, which eases any economical impacts licensees may be experiencing. However, the burdens are shouldered by the Commission Staff and the neighbor island constituency. Staff is prevented from hiring for vacancies which occurred when two long tenured employees left. Also, as noted, as the Commission is prevented from traveling, the neighbor island Commissioners reported their constituency feels disenfranchised with the work of the Commission.

The Commission is hopeful that as the economy improves these burdens will be eliminated.

Commissioner Suiso seconded the motion. The motion was voted on and unanimously carried.

Licensing
Applications:

Anthony W. Groman

Commissioner Gendrano recused herself from discussion and voting on this matter.

After review of the information presented by the applicant, Commissioner Abrams moved to deny the real estate salesperson's license application of Anthony W. Groman based on sections 467-8(a)(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.

Darren K. Medeiros

After review of the information presented by the applicant, Commissioner Abrams moved to approve the real estate salesperson's license of Darren K. Medeiros. Commissioner Suiso seconded the motion. Commissioners Gendrano, Aiona and Harvey voted nay. Commissioners Abrams, Suiso, Nishihara and Loudermilk voted nay. The motion died.

The Commissioners discussed Mr. Medeiros' testimony and noted that there may be a conflict of interest in Mr. Medeiros' understanding of a licensee's fiduciary duties.

Commissioner Abrams moved to approve the real estate salesperson's license of Darren K. Medeiros. Commissioner Loudermilk seconded the motion. Commissioners Gendrano and Harvey voted nay. Commissioners Loudermilk, Aiona, Suiso, Nishihara and Abrams voted aye. The motion carried.

Commissioner Abrams moved to refer the short-sales issue to the Education Review Committee as a line item for consideration for education and/or referral to the Laws and Rules Review Committee.

Micah T. McKeown

After review of the information presented by the applicant, Commissioner Aiona moved to approve the real estate salesperson's license of Micah T. McKeown. Commissioner Abrams seconded the motion. Commissioner Loudermilk voted nay. Commissioners Nishihara, Abrams, Aiona, Gendrano Harvey and Suiso voted aye. The motion carried.

Kurtis Scott Becker

After review of the information presented by the applicant, Commissioner Abrams moved to most likely approve the real estate salesperson's license of Kurtis Scott Becker, with conditions. Commissioner Suiso seconded the motion. The motion was voted on and unanimously carried.

Next Meeting: Friday, July 30, 2010
1:00 p.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 11:12 a.m.

Reviewed and approved by:

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

July 19, 2010
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON JUNE 24, 2010

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Kohala Pacific Realty LLC Jon V. Adams, PB	05/10/10
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Marbella Capital, Inc. Yuki Kajiwara, PB	05/19/10
Orbit Financial Inc., Orbit Realty Pritpal Aujla, PB	06/08/10
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Phillip G. Kuchler	05/03/10
Lorene A. Chang	05/06/10
Alfred G. Sprenger	05/10/10
David Roy Picasso	05/10/10
David Paul Baker	05/10/10
Robert E. Fox	05/17/10
Philip J. Leas, Bartley Properties	05/20/10
Susan A. Williams, Sue Williams, Sole Proprietor	05/21/10
Daryl H. Inaba, Inaba Properties	05/21/10
Mitch Breon, Breon & Associates	06/01/10
Sherrill A. Erickson, Hale 414	06/04/10
<u>Limited Liability Companies and Partnerships Name</u>	<u>Effective Date</u>
The Breakers Realty LLC, The Breakers Realty	06/02/10
<u>Branch Office</u>	<u>Effective Date</u>
Kay Abdul Realty Inc. Cassandra J. Leolani Abdul, PB	05/26/10
<u>Corporation and Partnership Name</u>	<u>Effective Date</u>
Hale Kona Realty, Inc. (fka Hale Kona, Inc. GMAC Real Estate)	05/25/10
<u>Trade Name</u>	<u>Effective Date</u>
MSY Corp., Windermere Valley Isle Properties	04/28/10
Home Networking Connections LLC, Home Net Connections	05/05/10
<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Sarah Del Gesso	05/18/12
Amy Heather Dumas	05/18/12
Richard Allen	05/20/12
Diane Louise Cline	05/20/12
Michael Clark Black	05/21/12
Bernadine R. Biafore	05/21/12
Nichole Rachel Hauser	05/21/12
Justin W. Brown	05/21/12
Richard F. Payne	05/24/12
Ruth Lawler	05/24/12
Joseph Ray Villanueva	05/26/12

Equivalency to Uniform Section of Examination Certificate

	<u>Expiration Date</u>
Charisse Reiko Okamoto	05/28/12
Rene M. Solorio	06/01/12
Thomas Chester Poplawski	06/01/12
Carole C. Hogg	06/01/12
Steven Alan Olson	06/01/12
Lisa Yoshiye Davis	06/01/12
Mariann Thar	06/03/12
Fred R. Erlenbusch	06/03/12
Kathleen Jill Moss	06/08/12
Anne Aiken King	06/08/12
Jeanne Marie Frace	06/07/12
Huicun Qiao	06/08/12
Kelly Patrick O'Schaughnessy	06/08/12

Educational Equivalency Certificate

	<u>Expiration Date</u>
Sarah Del Gesso	05/18/12
Jay S. Arakawa	05/18/12
Amy Heather Dumas	05/18/12
Marcy Elizabeth Fleming	05/20/12
Richard Allen	05/20/12
Diane Louise Cline	05/20/12
Michael Clark Black	05/21/12
Bernadine R. Biafore	05/21/12
Nichole Rachel Hauser	05/21/12
Justin W. Brown	05/21/12
Richard F. Payne	05/24/12
Ruth Lawler	05/24/12
Joseph Ray Villanueva	05/26/12
Celeste Silva-Brock	05/27/12
Charisse Reiko Okamoto	05/28/12
Rene M. Solorio	06/01/12
Thomas Chester Poplawski	06/01/12
Carole C. Hogg	06/01/12
Steven Alan Olson	06/01/12
Lisa Yoshiye Davis	06/01/12
Maria Lai Ki Chan	06/04/12
Kathleen Jill Moss	06/08/12
Anne Aiken King	06/08/12
Patricia A. Loo	06/08/12
Jeanne Marie Frace	06/07/12
Huicun Qiao	06/08/12
Kelly Patrick O'Schaughnessy	06/08/12

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Sarah Del Gesso	05/18/12
Martin Calhoun Williams	05/18/12
Samantha Kate Haas	05/20/12
David Alan Asakura	05/20/12
Diane Louise Cline	05/20/12
Michael Clark Black	05/21/12
Karen Wagner Mayer	05/21/12
Richard F. Payne	05/24/12
Patricia F. Loo	05/24/12

<u>Real Estate Broker Experience Certificate</u>	<u>Expiration Date</u>
Byron D. Matthews	05/24/12
Margarita Margo Munden	05/26/12
Alan Bruce Lundberg	05/26/12
Mary Louise Lussier	05/27/12
Elizabeth Louise Robinson	05/27/12
Norman Anthony Banta	05/27/12
Charisse Reiko Okamoto	05/28/12
Kristina Lynn Leeding	05/28/12
Thomas Chester Poplawski	06/01/12
Thomas Vance Presler	06/01/12
Darryl Macha	06/01/12
Fred R. Erlenbusch	06/03/12
Maria Lai Ki Chan	06/04/12
Sheila Marie San Juan Pesebre	06/04/12
Stephanie Chi Ming Lam	06/08/12
Julie Ann Meier	06/08/12
Jeanne Marie Frace	06/07/12
Huicun Qiao	06/08/12
Michael Rodney Starr	06/08/12
Kelly Patrick O'Schaughnessy	06/08/12
Caron A. Ling	06/08/12
Tracey R. Kauahi	06/08/12

<u>Real Estate Broker (upgrade)</u>	<u>Effective Date</u>
Kevin M. Rathbun	05/10/10
Jeff Lovelace	05/10/10
David Paul Baker	05/10/10
Jeanne R. Hearn	05/10/10
Charles Shin	05/12/10
Cindy Siok	05/12/10
Harry M. Pritikin	05/17/10
Karen Phelan	05/17/10
Robert E. Fox	05/17/10
Alana Jo Dela Cruz	05/17/10
Francis Van Rafelghem	05/18/10
Justin Schuman	05/20/10
Patti Guay	05/21/10
Jennifer M. Kimura	05/21/10
Lisa Haeringer	05/21/10
Jonathan K. Sadoyama	05/25/10
David L. Ameen	05/28/10
Lori K. Bowers	06/01/10
Mitch Breon	06/01/10
Sherrill A. Erickson	06/04/10
Pritpal Aujla	06/08/10