## **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, October 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

Carol Ball, Broker/Maui Commissioner Donna Apisa, Broker/Kauai Commissioner

Frances Gendrano, Broker/Honolulu Commissioner Walter Harvey, Broker/Honolulu Commissioner

Michele Sunahara Loudermilk, Public/Honolulu Commissioner

Scott A. Sherley, Broker/Hawaii Island Commissioner

Neil K. Fujitani, Supervising Executive Officer Jon Ellis M. Pangilinan, Executive Officer Cynthia Yee, Senior Condominium Specialist

Amy Endo, Real Estate Specialist David J. Grupen, Real Estate Specialist Benedyne Stone, Condominium Specialist Shari Wong, Deputy Attorney General Karyn Takahashi, Recording Secretary

Others: Loretta Milner

Mary Claire Quella David Zinnel Jacob Coggins Frank Camp

Frank Camp Andrew Sabo

Daria Goto, Esq., Regulated Industries Complaints Office Patrick Kelly, Esq., Regulated Industries Complaints Office

Lei Fukumura, Special Deputy Attorney General

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

Mark Suiso, Public/Honolulu Commissioner

Call to Order: The Chair called the meeting to order at 9:05 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 Suiso were excused from the meeting. Prior notification of their non-attendance was received.

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.

#### **Announcements**

The EO announced that the November 10, 2010 standing committee meetings will be held on Maui at the REALTORS® Association of Maui offices starting at 9:30 a.m.

The 2011 Real Estate Commission meeting schedule was distributed to the Commissioners for their information.

## **Additional Distribution**

The following was distributed as additional distribution:

- Committees and Program of Work
  - a. Laws and Rules Review Committee

## **Minutes of Previous Meeting**

Upon a motion by Commissioner Ball, seconded by Commissioner Sherley, it was voted on and unanimously carried to accept the minutes of the September 23, 2010 meeting.

# Committees and Program of Work:

## **Laws and Rules Review Committee**

Upon a motion by Commissioner Ball, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to accept the report and recommendations of the Ad Hoc Committee on Consumer-Broker Relationships to not implement any rule changes, but continue to educate licensees, and to monitor other jurisdictions and Canada, as presented at the September 8, 2010, Laws and Rules Review Committee meeting.

Licensing – Ratification:

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

Licensing – Applications:

The 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.

## Jacob H. Coggins

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

Mr. Coggins stated that he was unaware that he owed taxes and stated that the majority owed is interest accrued.

Mr. Coggins stated that he was in the mortgage business and he is the product of the housing crises. In 2008, he moved to Washington to work with Wyndham as an inside sales executive and he returned to Hawaii in March. Wyndham transferred him so that he could be close to his family. Wyndham has placed him in the marketing department.

Mr. Coggins stated that he is in full compliance; however, his current position is a low paying position and his debt ratio is high—he has no income to be able to pay the IRS.

It was noted that the IRS has determined that Mr. Coggins has a hardship and qualifies for the "Currently Not Collectable Status." There will be no collection action by the IRS unless there is a change in Mr. Coggins' financial status.

When asked why he forfeited his Hawaii's mortgage solicitor's license in 2009, Mr. Coggins responded that he was in Washington working for Wyndham at the time. He noted that he was working in in-house sales for Wyndham in Washington and Washington does not require a license for that activity; however, Hawaii does require a license for the activity. He stated that he has been working for Wyndham since January 2009. He is currently in marketing and wants to move into a licensed position.

When asked how the tax liens came about, Mr. Coggins replied that his CPA, as well as he, was unable to obtain his W-2s. America West, his employer, suddenly went out of business. He stated that he knew what he earned and admitted that it was an error on his part.

Mr. Coggins was asked if he plans to restore his mortgage solicitor's license. Mr. Coggins replied he plans to renew it at some time.

When asked whose responsibility it was to inform the IRS of any change in financial status, Mr. Coggins stated that it is his responsibility to check-in with the IRS. He added that he is actively working with the IRS.

When asked about his job duties and license requirements with Wyndham. Mr. Coggins stated that in Washington he worked in sales for Wyndham Worldmark. There is no deeded real estate and did not require a license in Washington. In Hawaii, he works for Wyndham Resorts and the real estate is deeded which requires a license. Therefore, at this time, he works for Wyndham Resorts and does solicitations and in-house sales, which is working with current owners. He wishes to get into time share sales with Wyndham.

Mr. Coggins stated that the large balances were incurred while he worked for America West and was unable to obtain his W-2s. The smaller balances were incurred while he was self-employed.

Mr. Coggins stated that he has no money to hire a tax attorney. He stated that he is a very ethical person, but just made a mistake.

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

#### Loretta J. Milner

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

Ms. Milner stated that it was a matter of the economy not her integrity. She is working with the bank and currently has a property for sale and once sold she will have the money to pay First Hawaiian Bank the monies owed.

When asked about why she is seeking a real estate license, Ms. Milner responded that she has the character and integrity for real estate. She stated that she has wanted to sell real estate for many years and wants to pursue this at this stage in her life—she wants to get people in homes. If licensed, she plans to work for C & H Properties on the Big Island.

Ms. Milner stated that she did not realize the bank had gotten a judgment against her. She added that the property in question took two years to sell and was never in foreclosure.

Ms. Milner stated that she has been in the mortgage business for many years, and is currently employed with Wells Fargo; however, she is not planning on renewing her mortgage license as she really wants to get into the real estate business.

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

## Andrew S. Sabo

Mr. Sabo 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 Ball, seconded by Commissioner Harvey, 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.

## Andrew S. Sabo

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

## **Frank Guy Camp**

Mr. Camp was asked if he wished to have his application for preliminary decision considered in executive session. He accepted the offer.

## **Executive Session:**

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

## **Frank Guy Camp**

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

#### Real Estate Disposition Corporation dba auction.com

Ms. Mary Quella was present representing Real Estate Disposition Corporation dba auction.com. Ms. Quella was asked if she wished to have the application for license considered in executive session. She declined the offer.

Ms. Quella stated that they are an REO auction firm and they represent banks and government agencies. They started in 1990. They are principally an auction firm of real estate assets.

Ms. Quella stated that she is the Senior Vice President and general counsel of the company. She stated that she resided in California and they have secured office space in Hawaii in compliance with the statutes.

Ms. Quella stated that 100% of the company's assets are properties that were on the retail market. She stated that they are contacted by banks, Fannie Mae, Freddie Mac, etc. to help liquidate their assets. Auctions are conducted on-line and in person, but she stated that they would not anticipate many live auctions in Hawaii.

When asked if they have the required auctioneering licenses in Hawaii, Ms. Quella responded that she is aware of the requirements and will apply accordingly depending on the decision of their real estate license.

Ms. Quella stated that all the information, which is very thorough, is placed on their website no less than 30 days of the auction. The banks already have a local agent who previously held the listing, and that agent is obtained by their firm to help. They encourage bidders to have representation. She stated that they

have cooperating agreements, but they are the listing agent and they then engage with the local licensee as part of the process.

Ms. Quella noted that they have never been accused of not providing enough information.

Ms. Quella was asked how the consumer contacts them. She responded that there is material on-line, contact numbers and the local agent is available to answer questions. She explained that the local agent is no longer the listing agent but a managing agent—using the term loosely, somewhat like a subagency. The local agent is still accountable to their associating broker, but Quella's brokerage firm is ultimately the listing agent.

Ms. Quella stated that they are the largest company in the country that auctions REOs. In the last three years, they have liquidated approximately 70,000 properties in the United States, Puerto Rico and England.

Ms. Quella stated that they clearly disclose agency and contact information. She added they have no buyer agency in the company.

When asked about deposit monies, Ms. Quella stated that they do not hold any earnest deposits—all monies and documents are held in local escrow.

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

#### Gold Standard Realty, LLC

Mr. David Zinnel, proposed principal broker, was present representing Gold Standard Realty, LLC. Mr. Zinnel was asked if he wished to have the application for license considered in executive session. He declined the offer.

Mr. Zinnel was asked about his current employment. He responded that he is currently unemployed. His last employment was three months ago selling shoes. He stated that he was unable to conduct real estate business because his license was suspended by the Child Support Enforcement Agency.

Mr. Zinnel stated that he likes selling real estate and has been selling real estate off and on since 1989. He finds it very lucrative—he needs to pay his judgment/lien but he needs an income to do that.

Mr. Zinnel stated that he obtained his real estate broker license in 2008 while working for Handa Realty.

He stated that he has been making payments towards his judgment. In regards to his tax lien, 2004 to present, Mr. Zinnel stated that he is actively working with the Department of Taxation to work out a payment plan. He stated the Department of Taxation representative is working the numbers—the process was started about a month and half ago.

When asked why he stopped working in real estate for a while, Mr. Zinnel responded that in 1992-1993 a deal he was working on for about a year fell apart and he stopped working in real estate.

When asked about why he incorrectly answered several questions on the application, Mr. Zinnel responded that he incorrectly answered no because he did not read the whole question and as the questions pertain to Mr. Sheldon Lau, he did not know about Mr. Lau's past issues.

Mr. Zinnel was asked if he managed agents while he was employed as a broker in charge. Mr. Zinnel stated that while working for Ohana, he had eight agents and while working for Handa Realty, he managed four to five agents—some were producing agents and some were just hanging their license. He stated that he assisted the agents by showing properties, reviewing contracts, speaking with clients and monitoring their continuing education.

Upon a motion by Commissioner Harvey, seconded by Commissioner Sherley, 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 10:42 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

## In the Matter of the Real Estate Broker's License of Susan B. Osborne; REC 2010-217-L

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

In the Matter of the Real Estate Licenses of Steve DeMesa, Coldwell Banker Commercial Pacific Properties, Ltd. and Rondolph B. Teves; REC 2009-65-L

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

In the Matter of the Real Estate Salesperson's License of Jeff R. Carmichael; REC 2009-219-L

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

In the Matter of the Real Estate Licenses of Capital Research Group, Inc., Frederick Overstreet, Daniel Doyle and Richard Saul; REC 2007-455-L+

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Ball, it was voted on and unanimously carried to approve the final order.

In the Matter of the Real Estate Licenses of Brandon P. Price, Stephanie D. Price, The Price Corporation, and Kanohowailuku; REC 2010-12-L

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Gendrano, it was voted on and unanimously carried to approve the final order.

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 11:53 a.m.

## **Executive Session:**

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

## Licensing Applications:

## Jacob H. Coggins

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

#### Nicholas M. Smith

After review of the information presented by the applicant, Commissioner Loudermilk moved to approve the real estate salesperson's license of Nicholas M. Smith. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

#### Loretta J. Milner

After review of the information presented by the applicant, Commissioner Harvey moved to approve the real estate salesperson's license of Loretta J. Milner. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

#### Andrew S. Sabo

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

## **Frank Guy Camp**

After review of the information presented by the applicant, Commissioner Harvey moved to most likely approve with conditions the real estate salesperson's license of Frank Guy Camp. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

## Kiera H. Russell

After review of the information presented by the applicant, Commissioner Harvey moved to most likely approve the real estate salesperson's license of Kiera H. Russell. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

## Real Estate Disposition Corporation dba auction.com

The Commissioners expressed concern about the corporation having a physical presence in the State.

After review of the information presented by the applicant, Commissioner Harvey moved to approve the real estate corporation license of Real Estate Disposition Corporation dba auction.com. Commissioner Loudermilk seconded the motion. The motion was voted on and unanimously carried.

## Gold Standard Realty, LLC

After review of the information presented by the applicant, Commissioner Loudermilk moved to deny the real estate limited liability company license of Gold Standard Realty, LLC based on sections 467-8(3), 436B-19(1), 436B-19(8), 436B-19(12), Hawaii Revised Statutes. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Next Meeting:	Wednesday, November 24, 2010
	0.00 a m

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

12:19 p.m.

Re	eviev	wed a	nd approved by:	
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_ <u>N</u>		mber	8, 2010	
] [	X	]	Approved as circulated. Approved with corrections; see minutes of	meeting.

JP:kt//110410

# APPROVED APPLICATIONS FOR REAL ESTATE REAL ESTATE COMMISSION MEETING ON OCTOBER 28, 2010

Brokers – Limited Liability Companies and Partnerships Lowe and Associates LLC Richard R. Lowe, PB	Effective Date 09/15/10
Takara Property Management LLC Marlene Takara, PB	09/21/10
CS Residential LLC Carolyn Schnack, PB	09/22/10
Ampac Realty LLC Teri Quon, PB	10/01/10
Sosner + Associates, LLC Jeremy Sosner, PB	10/14/10
Unico Properties LLC Angela Hodge, PB	10/15/10
Brokers – Corporations and Partnerships Paradise Vacations, Inc. Dennis D. Blackman, PB	Effective Date 09/23/10
Brokers – Sole Proprietor John C. Patterson Mary Christ Douglas K. T. Ho John O. Coppedge, Jr. Hans R. Harder Elarks S. H. Yuen Charles M. Iwakami Harriet H. Tsuchimoto Abraham L. Cummings Carl K. Shin Victoriano B. Bautista Stephen H. Macmillan John Keoni Welch Bevin B. Cushnie Judy Taong Tina Triano Antar Meeten Kneisly Mitchell A. Imanaka Gary P. Masich Eric L. Moses, Around The Clock Real Estate Andrea G. Lehman Jeanne R. Hearne, Tropical Hawaii Realty Terrie A. Lazarus	Effective Date 06/01/10 06/24/10 06/29/10 07/09/10 07/12/10 07/13/10 07/19/10 07/22/10 08/02/10 08/05/10 08/10/10 08/10/10 08/11/10 08/12/10 08/15/10 09/03/10 09/15/10 09/15/10
Danna Lark Christensen Scott Eric Garmon, Scott Garmon Company Paul R. Bruk, Great Mahele Michael J. Kubiak, Hawaii Lani Realty	09/20/10 09/21/10 09/22/10 10/04/10

Branch Office	Effective Date
Coldwell Banker Pacific Properties, LLC	09/22/10

Gerry Tomonari, PB

Coldwell Banker Pacific Properties, LLC Gerry Tomonari, PB 09/22/10

<u>Trade Name</u>	Effective Date
Pan Pacific Properties of Hawaii, LLC, Hawaii Happy Homes	09/14/10
At Home Hawaii LLC, At Home Hawaii	09/15/10
Commercial Real Estate Services, Inc., CRS	09/07/10

Equivalency to Uniform Section of Examination Certificate	Expiration Date
Stephen Ward Harper	09/10/12
Kimberly Lynn Todd	09/14/12
Connie Danita Goff	09/15/12
Christina Mae Gross	09/16/12
Terry Allen Nye II	09/16/12
Kris Linder	09/20/12
Valerie Fay Lounsbury	09/21/12
Shawn Marie McKinley	09/21/12
Michele Anne DeGeorge	09/23/12
Donald James Archer	09/27/12
Gary Michael Madonna	09/29/12
Judith Ann Buck	09/29/12
Bradley Thomas DeGeorge	10/07/12
Candace Carr Bailey	10/07/12
Micah Randal Peterson	10/07/12
Patricia Swanson	10/07/12
Christina Donovan Golden	10/07/12
Michael John Leonard	10/12/12
Sharon McHale	10/12/12
Lyn C. Sweeney	10/12/12
Karen Nierhake	10/15/12
Danny Michael Miller	10/15/12
Patricia A. Greening-McMeen	10/15/12
Allan Akio Yasuda	10/18/12
Winston S. Kasparian	10/19/12

<b>Expiration Date</b>
09/10/12
09/10/12
09/14/12
09/15/12
09/15/12
09/16/12
09/16/12
09/20/12
09/21/12
09/21/12
09/23/12
09/27/12
09/28/12
09/29/12
09/29/12

Educational Equivalency Certificate	Expiration Date
Diana DiMaggio-Taylor	09/30/12
Lance S. Kobashigawa	09/30/12
Emily Jean Mitchell	10/01/12
Troy Nakamura	10/01/12
Bradley Thomas DeGeorge	10/07/12
Candace Carr Bailey	10/07/12
Karen Yvonne Krenz	10/07/12
Micah Randal Peterson	10/07/12
Michael Git Mun Dang	10/07/12
Patricia Swanson	10/07/12
Christina Donovan Golden	10/07/12
Jennifer Lee Thompson	10/12/12
Nicholas Dee Gilmore	10/12/12
William Chace Bullard	10/12/12
Michael John Leonard	10/12/12
Sharon McHale	10/12/12
Sean Gen Tadaki	10/12/12
Lyn C. Sweeney	10/12/12
Karen Nierhake	10/15/12
Danny Michael Miller	10/15/12
Patricia A. Greening-McMeen	10/15/12
Allan Akio Yasuda	10/18/12
Winston S. Kasparian	10/19/12
Real Estate Broker Experience Certificate	Expiration Date
Cherrieann Donna Diaz	09/10/12
Andrew T. Leskowitz	09/15/12
Michelle E. Lokelani Lew Yee	09/16/12
Rina Shinagawa	09/16/12
Dennis Joseph Muth	09/16/12
Sandy Xay	09/20/12
Valerie Fay Lounsbury	09/21/12
Cui Mei Chen	09/21/12
Donald James Archer	09/27/12
Vanessa Kop	09/30/12
Philip Kazuhiko Uehisa	09/30/12
Bradley Thomas DeGeorge	10/07/12
Candace Carr Bailey	10/07/12
Micah Randal Peterson	10/07/12
Patricia Swanson	10/07/12
Michael John Leonard	10/12/12
Barinna Poon	10/12/12
Sean Gen Tadaki	10/12/12
Lyn C. Sweeney	10/12/12
Alan James Christopher	10/12/12
Patricia A. Greening-McMeen	10/15/12
Deal Catata Drakar (un grada)	Effective Dete
Real Estate Broker (upgrade)	Effective Date
Mellaci, Sarah S.	09/07/10
Marco A. Silva	09/13/10
Ryan R. Wells	09/14/10
Hans van Boldrik	09/21/10
Paul R. Bruk	09/22/10
Andrew Leskowitz	10/06/10

Continuing Education Equivalency
Don Howard Williams, Jr.
Yelena Valencia

Restoration – Real Estate Salesperson Michelle M. Smith Effective Date 09/20/10 10/15/10

Effective Date 09/20/10