

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, September 28, 2012

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
Aileen Wada, Broker/Honolulu Commissioner
Bruce Faulkner, Broker/Maui Commissioner
Scott Arakaki, Public/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
Benedyne Stone, Condominium Specialist
Shari Wong, Deputy Attorney General
Lesley Matsumoto, Recording Secretary

Absent: Scott A. Sherley, Broker/Hawaii Island Commissioner

Others: Ryan Riggins
Cole Sulenta
Aric Trapp
Sandy Xay
Courtney Brown
Elena Paz
Lei Fukumura, Esq., Special Deputy Attorney General, DCCA
Esther Ervin, Esq., Regulated Industries Complaints Office
Patrick Kelly, Esq., Regulated Industries Complaints Office
John Hassler, Esq., Regulated Industries Complaints Office
John Connelley
Steven Dutcher
Drew Kosora

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.

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

The Chair thanked the Commissioners for emailing or calling the staff on projects that they are currently working on.

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.

Additional Distribution

7. Chapter 91, Hawaii Revised Statutes, Adjudicatory Matters

d. In the Matter of the Real Estate Licenses of Maria White, Brian Benton, Helen Lindemann, and Prudential Locations, Inc., REC 2009-157-L

Minutes of Previous Meeting

Upon a motion by Commissioner Gendrano, seconded by Commissioner Faulkner, it was voted on and unanimously carried to accept the minutes of the August 24, 2012, meeting as distributed.

The Chair took matters out of order of the agenda.

Committees and Program of Work: **Education Review Committee – Interactive Participation with Organizations**

Senior Real Estate Specialist Fujimura and the EO attended the Honolulu Board of Realtors' 3rd Annual Open House. The event featured approximately a dozen vendors.

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

Cole F. Sulenta

The Chair asked Mr. Sulenta if he wished to have his application for real estate salesperson license considered in executive session. He declined the offer.

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

Aric T. Trapp

The Chair asked Mr. Trapp if he wished to have his application for real estate salesperson license considered in executive session. He declined the offer.

Mr. Trapp stated that he learned from his mistakes and turned his life around. He wants to better his life and further his career.

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

Steven B. Dutcher

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

Executive Session:

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

Licensing –
Applications:

Steven B. Dutcher

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

Ryan T. Riggins

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

Executive Session:

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

Licensing –
Applications:

Ryan T. Riggins

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

Sandy Xay

The Chair asked Ms. Xay if she wished to have her application for real estate broker license considered in executive session. She accepted the offer.

Executive Session: Upon a motion by Commissioner Gendrano, seconded by Commissioner Wada, 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 Gendrano, seconded by Commissioner Cobb, it was voted on and unanimously carried to move out of executive session.

Licensing –
Applications:

Sandy Xay

Upon a motion by Commissioner Gendrano, seconded by Commissioner Harvey, 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 10:13 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 Anthony D. Sayles, a Real Estate Salesperson; REC 2011-83-L

Upon a motion by Commissioner Harvey, 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 Poipu Resort Partners, L.P., Theresa Wery, Kerry Rath, Kirsten Sparkman and Julian Bailey; REC 2009-347-L

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

In the Matter of the Real Estate Broker's Licenses of Ben Bregman and Timeshare liquidators of Hawaii, LLC; REC 2009-38-L

Upon a motion by Commissioner Harvey, seconded by Commissioner Kuriyama, 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 10:36 a.m.

Licensing –
Applications:

Derrick B. Bautista

After review of the information presented by the applicant, Commissioner Harvey moved to approve the real estate salesperson license of Derrick B. Bautista. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Steven B. Dutcher

After review of the information presented by the applicant, Commissioner Gendrano moved to approve the real estate salesperson license of Steven B. Dutcher. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Joshua J. Medeiros

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

Ryan T. Riggins

After review of the information presented by the applicant, Commissioner Harvey moved to approve the real estate salesperson license of Ryan T. Riggins. Commissioner Faulkner seconded the motion. The motion was voted on and unanimously carried.

John W. Shahan

Upon a request by the applicant and a motion by Commissioner Gendrano, seconded by Commissioner Harvey, it was voted on and unanimously carried to defer John W. Shahan's real estate salesperson application until the next meeting.

Cole F. Sulenta

After review of the information presented by the applicant, Commissioner Harvey moved to approve the real estate salesperson's license of Cole F. Sulenta with the following conditions:

1. That during the term of parole/probation, any violation of the terms of the parole/probation, by the Applicant, shall be grounds for revocation of license.
2. That any subsequent criminal conviction whether by nolo contendere or otherwise, of a penal crime directly related to the qualifications, functions, or duties of the licensed profession or vocation shall be grounds for revocation of license.
3. That failure to provide written notice within 30 days to the licensing authority of any judgment, award, disciplinary sanctions, order, or other determination, which adjudges or finds that the licensee is civilly, criminally, or otherwise liable for any personal injury, property damage, or loss caused by the licensee's conduct in the practice of the licensee's profession or vocation shall be grounds for revocation.
4. That the Applicant shall at all times be associated with and under the direct supervision of a principal broker or one or more brokers in charge, for all real estate transactions.

5. That the Applicant shall inform the principal broker or sole proprietor real estate broker (including a broker-in-charge of a real estate branch office) with whom the Applicant associates that such a conditional real estate salesperson license has been granted and the terms of the conditional license.
6. That any change of association and/or employment by Applicant to another real estate broker shall be submitted in writing to the Commission with the new broker, principal broker or sole proprietor, and if applicable the broker-in-charge, acknowledging the terms of the Applicant's conditional license within ten (10) days of the change.
7. And that the release of the Applicant from probation shall not imply any changes upon the conditions of the license.
8. Upon successful completion of probation, the Applicant must submit a written request to the Commission if the Applicant desires to have the conditions removed.

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

Aric T. Trapp

After review of the information presented by the applicant, Commissioner Harvey moved to approve the real estate salesperson license of Aric T. Trapp. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Sandy Xay

After review of the information presented by the applicant, Commissioner Kuriyama moved to approve a real estate broker's license for Sandy Xay with the following conditions:

1. That the Applicant shall at all times be associated with and under the direct supervision of a principal broker or one or more brokers in charge, for all real estate transactions.
2. That the Applicant shall inform the principal broker or sole proprietor real estate broker (including a broker-in-charge of a real estate branch office) with whom the Applicant associates that such a conditional real estate broker license has been granted and the terms of the conditional license.
3. That any change of association and/or employment by Applicant to another real estate broker shall be submitted in writing to the Commission with the new broker, principal broker or sole proprietor, and if applicable the broker-in-charge, acknowledging the terms of the Applicant's conditional license within ten (10) days of the change.
4. The Applicant must submit a written request to the Commission if the Applicant desires to have the conditions removed.

Commissioner Gendrano seconded the motion. Commissioners Senter, Kuriyama, Arakaki, Cobb, Faulkner, Gendrano, and Wada voted aye. Commissioner Harvey voted nay. The motion passed.

James Lee Giblin

After review of the information presented by the applicant, Commissioner Arakaki moved to most likely approve the real estate broker license of James Lee Giblin. Motion failed. The Commission requests the applicant appear at the next meeting.

Chapter 91, HRS,
Adjudicatory
Matters:

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

The Vice Chair called for a recess from the meeting at 10:41 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate Licenses of Maria White, Brian Benton, Helen Lindemann, and Prudential Locations, Inc., REC 2009-157-L

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

Upon a motion Commissioner Kuriyama, seconded by Commissioner Arakaki, it was voted on and unanimously carried to issue Commission's Final Order.

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 11:14 a.m.

Committees and
Program of Work:

Laws and Rules Review Committee – Commissioner's Education Program

John Hassler, Patrick Kelly, and Esther Ervin of the Regulated Industries Complaints Office (RICO) provided a briefing on how RICO's Legal Section handles real estate cases that come through their office.

Next Meeting:

Friday, October 26, 2012
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
12:23 p.m.

Reviewed and approved by:

/s/ Miles I. Ino

Miles I. Ino
Executive Officer

October 26, 2012

Date

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

MII:lm 121010

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON SEPTEMBER 28, 2012

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Hawaii Luxury Listings, LLC Johnny McElree, PB	08/13/2012
Kauai Majestic Properties, LLC AnnMarie Hamilton, PB	08/27/2012
Applegate Realty Hawaii, LLC Chris Mercer, PB	09/12/2012
Poipu Villa Vacations, LLC John W. Somerville, PB	09/13/2012

<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
RMC Enterprises, Inc. Richard S. Cricchio, PB	08/13/2012
Superior Properties Hawaii, Inc. Kevin D. Taylor, PB	08/28/2012
K. Saiki & Associates, Inc. Karl K. Saiki, PB	08/31/2012
Millennium Realty, Inc. Clare Ventura, PB	08/31/2012

<u>Branch Office</u>	<u>Effective Date</u>
RMC Enterprises, Inc. Richard S. Cricchio	08/13/2012
Toni DeMello dba T & C Realty Toni DeMello, PB	08/24/2012

<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Dean D. Young	07/17/2012
Jeffrey K. Coakley	07/19/2012
Sylvia M. Cabral dba Sylvia Cabral Realty	08/20/2012
Dawn Yao Tse	08/30/2012

<u>Trade Name</u>	<u>Effective Date</u>
REMAX, Kauai	08/16/2012
Ocean Rock Properties, LLC	08/13/2012
TLC Realty	08/29/2012
Barbie Hee Realty	09/14/2012

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
John Robert Sieling	08/13/2014
Ning Zhou	08/13/2014
Linh L. Lopez	08/13/2014
Gordon Ward Fahey	08/13/2014
William David Wiesehan	08/14/2014
Lisa M. Kilburne	08/16/2014
Jennifer Swanston	08/20/2014
Glenn Allen Zollner	08/21/2014
Kenneth Wallace Hawkins, II	09/04/2014
Stefanie Cruz	09/04/2014
Nicolaas Schenk	09/05/2014
Christopher Alan Schmidt	09/05/2014
Yao Ming Guan	09/05/2014

Hisao Nakajima	09/06/2014
Michael Robert Coyne, Jr.	09/07/2014
Wendy Tucker	09/10/2014
Maria Lilibeth Roberts	09/10/2014
William John Burns	09/10/2014
Marie Sweetland	09/10/2014
Colin Andres Lee	09/10/2014
Sidney L. Kirkland	09/10/2014
Serena Catherine Longo	09/10/2014
Jeffrey Wade Pauker	09/11/2014
Hal G. Light	09/12/2014
Anthony Noel Bruser	09/13/2014
Gina Michelle Richards	09/14/2014
Timothy Dominic Glickman	09/14/2014
Karen Lorraine Olsson Strong	09/14/2014
Kazuyo Ichiryu Dudek	09/14/2014
Jeffrey Thomas Peck	09/14/2014
Samuel King-Long Suen	09/17/2014
Dennis Leroy Noah	09/17/2014
James Joseph Bowman, Jr.	09/18/2014
Amir John Sepahmansour	09/19/2014
John Richard Weber	09/19/2014
Diana Nieves	09/19/2014
Devon Tellier James	09/19/2014
Thomas Peng Ann Tay	09/20/2014
Charles J. Klimer	09/20/2014

Equivalency to Uniform Section of Examination Certificate

	<u>Expiration Date</u>
John Robert Sieling	08/13/2014
William David Wiesehan	08/14/2014
Lisa M. Kilburne	08/16/2014
Jennifer Swanston	08/20/2014
Glenn Allen Zollner	08/21/2014
Stefanie Cruz	09/04/2014
Kenneth Wallace Hawkins, II	09/04/2014
Hisao Nakajima	09/06/2014
Michael Robert Coyne, Jr.	09/07/2014
Wendy Tucker	09/10/2014
Marie Sweetland	09/10/2014
Sidney L. Kirkland	09/10/2014
Hal G. Light	09/12/2014
Anthony Noel Bruser	09/13/2014
Gina Michelle Richards	09/14/2014
Karen Lorraine Olsson Strong	09/14/2014
Kazuyo Ichiryu Dudek	09/14/2014
James Joseph Bowman, Jr.	09/18/2014
Roretta Sihombing	09/19/2014
Amir John Sepahmansour	09/19/2014
Diana Nieves	09/19/2014
Devon Tellier James	09/19/2014
Charles J. Klimer	09/20/2014

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
William David Wiesehan	08/14/2014
Marites Solano Hirai	08/14/2014
Lisa M. Kilburne	08/16/2014
Glenn Allen Zollner	08/21/2014
Stefanie Cruz	09/04/2014
Hisao Nakajima	09/06/2014
Michael Robert Coyne, Jr.	09/07/2014
Marie Sweetland	09/10/2014
Sidney L. Kirkland	09/10/2014
Hal G. Light	09/12/2014
Anthony Noel Bruser	09/13/2014
Kathleen Kwan Lung Daggett	09/17/2014
Amir John Sepahmansour	09/19/2014
Sharon Brown	09/19/2014
Michele Kristine McKinley	09/19/2014
Devon Tellier James	09/19/2014
Walter William Kubiak	09/19/2014
Robert Rex Cowan	09/19/2014
Gavin A. Shiraishi	09/20/2014

Real Estate Broker

	<u>Effective Date</u>
Faye A. McComas	08/01/2012
Franklin P. Valenti	08/08/2012
Virginia G. Shinn	08/13/2012
Johnny McElree	08/13/2012
Eddie Underwood	08/16/2012
Takako Y. McMillen	08/20/2012
Jacqueline L. Little	08/22/2012
Anna M. Palla	08/24/2012
Lee M. Guitang	08/28/2012
Dawn Yao Tse	08/30/2012
Edward Onofrio	08/31/2012
Dinka Dimitrova Bojanova	09/04/2012
Julie Wettstein	09/05/2012
Ilona Rae Coffey	09/10/2012
Gary R. Sweaney	09/10/2012
Jean M. Mabry	09/10/2012
Peggy A. Edwards	09/13/2012

Restoration – Real Estate Salesperson

	<u>Effective Date</u>
Hope Lee Hatton	8/16/2012
Francesca Azuremare-Woolger	8/31/2012
Helen F. Ferrer	9/5/2012

Restoration – Real Estate Broker

	<u>Effective Date</u>
Stephen P. Pingree	09/13/2012

Continuing Education Equivalency

	<u>Effective Date</u>
Nicholas Joseph Fidelibus	8/13/2012
David Robert Hill	9/11/2012
Linette Lum Silsbee	9/14/2012