

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, October 26, 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
Scott A. Sherley, Broker/Hawaii Island 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
Shari Wong, Deputy Attorney General
Lesley Matsumoto, Recording Secretary

Others: Mitchell Imanaka, Esq.
Anthony Groman
Ben Fukuyama
Patrick Kelly, Esq., Regulated Industries Complaints Office
Dawnie Ichimura, Esq., Regulated Industries Complaints Office
Angelique Murray
Aron Espinueva, Hawaii Association of REALTORS®
Lei Fukumura, Esq., Special Deputy Attorney General, DCCA
John Shahan
Donna Apisa
Gino Gabrio
John Hassler, Esq., Regulated Industries Complaints Office

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.

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

4. Committees and Program of Work
 - c. Education Review Committee –
 - 2) ARELLO, REEA, and Other Organizations

Minutes of Previous Meeting

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Faulkner, it was voted on and unanimously carried to accept the minutes of the September 28, 2012, meeting as amended.

Committees and
Program of Work:

Laws and Rules Review Committee – Rule Making, Chapter 99, HAR, Real Estate Brokers and Salesperson

After discussion, it was voted on by Commissioner Gendrano, seconded by Commissioner Sherley, and unanimously carried to defer decision making on the rules until staff reviews section §16-99-3(g), HAR and present back to the Laws and Rules Review Committee.

Education Review Committee

Course – “2012 Commercial Real Estate Transactions”; Author/Owner: Gino L. Gabrio, Esq.; Provider: Russ Goode Seminars; Course Categories: Contracts, Real Estate Law, Property Management, Property Ownership and Development; Clock Hours: 3

Mr. Gino Gabrio was present to answer any questions from the committee. Mr. Gabrio stated that he incorporated the Commissioners comments and he revised the course to reflect the following:

1. Submit a more detailed course outline/time frames for the course; and
2. Complete the Course Curriculum Form.

The Chair asked if Mr. Gabrio discusses mixed-use condominiums in the course. Mr. Gabrio responded no. After discussion, it was moved by Commissioner Gendrano, seconded by Commissioner Sherley, and unanimously carried to approve “2012 Commercial Real Estate Transactions” as a 3 credit hour continuing education elective course, under the course categories: Contracts, Real Estate Law, Property Management, Property Ownership and Development and to include mixed-use condominiums in the course materials.

ARELLO, REEA, and Other Organizations

Commissioner Sherley and Real Estate Specialist Grupen attended REEA's Annual Conference in Morehead, Kentucky on August 10-13, 2012. Their report was submitted for informational purposes.

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

James Chun III

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

Christopher R. Hollyman

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

Angelique L. Murray

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

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

Licensing Applications:

Angelique L. Murray

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

Ben Fukuyama

The Chair asked Mr. Fukuyama 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 Kuriyama, seconded by Commissioner Sherley, 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 Cobb, seconded by Commissioner Sherley, it was voted on and unanimously carried to move out of executive session.

Licensing
Applications:

Ben Fukuyama

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

John W. Shahan

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

The Deputy Attorney General asked Mr. Shahan since his denial at the July 27, 2012 meeting, what information has changed since reapplying. Mr. Shahan responded that he received letters from Mr. Ed Shahan stating that he never filed any documents or charges against Mr. Shahan, a letter from Mr. Alan Martyn stating that he did property management without Mr. Shahan's knowledge while licensed in California; a letter from Donna Apisa, Principal Broker of Oceanfront Realty International, Inc.; letters of reference from Dr. Thomas Tway and Mr. Jack Posemsky.

Ms. Donna Apisa was present to speak on behalf of Mr. Shahan. Ms. Apisa stated that she's the principal broker with Oceanfront Realty International, Inc., she's gotten to know Mr. Shahan and placed his license under her. She went on to say that she knows about Mr. Shahan's past and still places his license under her.

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

Anthony William Groman

The Chair asked Mr. Groman if he wished to have his request for preliminary decision for real estate salesperson's license considered in executive session. He declined the offer.

Mr. Groman stated that when looking into his files, his tax preparer discovered that he did not file his GET taxes since 2006. He had an accountant and was completely unaware that the taxes were not paid. Mr. Groman went on to say that has a payment plan with the Department of Taxation and is current with his payments.

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

Jasmine Shinn

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

James Lee Giblin

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Wada, 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 10:06 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 Licenses of Entrada Management Services, Inc. and Justin Schuman; REC 2010-1-U; REC 2010-2-U

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

In the Matter of the Real Estate Brokers' Licenses of Premier Resorts International, Inc. and Steven E. Jackson; REC 2010-205-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 License of Jeffrey N. Samuels, and ERA Signature Homes, Inc., a.k.a. and/or dba ERA Signature Homes, real estate brokers; REC 2010-247-L

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

In the Matter of the Real Estate Brokers' Licenses of Tom Mukai, Brian Benton, Helen Lindemann and Prudential Locations, LLC; REC 2008-215-L – Petitioner's Motion for Reconsideration of Commission's Final Order Filed October 11, 2012 and Request for Oral Argument

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

Commissioner Harvey moved to issue a new order and a minute order of this 10/26/12 decision. Commissioner Faulkner seconded the motion. Commissioners Harvey, Arakaki, Cobb, Faulkner, Gendrano, and Sherley, voted aye. Commissioner Kuriyama voted nay. The motion passed.

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 11:55 a.m.

Delegation to Staff

Upon a motion by Commissioner Sherley, seconded by Commissioner Harvey, it was voted on and unanimously carried to delegate to the executive officer the authority to advise the parties that a motion for reconsideration, pursuant to §16-201-23, HAR, has been filed and if they so desire may file a reply to the motion and be prepared to present oral arguments.

Licensing
Applications:

James Chun III

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

Christopher R. Hollyman

After review of the information presented by the applicant, Commissioner Harvey moved to defer the real estate salesperson license of Christopher R. Hollyman until after his bankruptcy hearing on November 5, 2012. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

Angelique L. Murray

After review of the information presented by the applicant, Commissioner Gendrano moved to approve the real estate salesperson license of Angelique L. Murray. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

John W. Shahan

After review of the information presented by the applicant, Commissioner Arakaki moved to approve the real estate salesperson license of John W. Shahan with the following conditions:

1. 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.
2. 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.
3. 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.
4. 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.

5. The Applicant must submit a written request to the Commission and appear before the Commission if the Applicant desires to have the conditions removed.

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

Ben Fukuyama

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

Anthony William Groman

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

Jasmine Shinn

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 Jasmine Shinn. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

James Lee Giblin

After review of the information presented by the applicant, Commissioner Arakaki moved to most likely approve the real estate salesperson license of James Lee Giblin. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Next Meeting:

Wednesday, November 21, 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
12:10 p.m.

Reviewed and approved by:

/s/ Miles I. Ino

Miles I. Ino
Executive Officer

November 13, 2012

Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON OCTOBER 26, 2012

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Hara Chun Realty, LLC Gina Hara Chun, PB	09/10/2012

<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Alii Beach Rentals, Inc. Kaiula Jack, PB	09/17/2012
Runway 8R, Inc. Cynthia Bloom, PB	09/20/2012

<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Michael M. Kinoshita	08/10/2012
Abron S. Toure	08/24/2012
Stephen P. Pingree	09/13/2012
June J. Delany	09/21/2012
Kenneth C. Peters	09/28/2012
Skip Roy dba InterSource Realty	10/03/2012

<u>Trade Name</u>	<u>Effective Date</u>
Realty Pro, Inc. dba Help-U-Sell Realty Pro	10/2/2012

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Rika Asanuma Jones	09/21/2014
Stephen Joseph Keener	09/24/2014
Eugene Rafael Martinez	10/01/2014
Elerina P. Ambrocio	10/05/2014
Herbert Isaac Lewis, III	10/05/2014
Parker Nakoa Johnson	10/05/2014
Nami Okamura Barden	10/05/2014
Edgar Perdomo	10/08/2014
Andrew Ming Fat Lai	10/08/2014
Sherrie Keiko Sasaki	10/08/2014
William Rippe	10/10/2014
Michael Butterfield Romo	10/12/2014
John David Kenney	10/12/2014
Nicholas Edward Heldreth	10/12/2014
Karyn Elaine Loos Anderson	10/15/2014
Jeri Emiko Mosley	10/15/2014

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Rika Asanuma Jones	09/21/2014
Stephen Joseph Keener	09/24/2014
Roretta Sihombing	09/26/2014

Eugene Rafael Martinez	10/01/2014
Elerina P. Ambrocio	10/05/2014
Edgar Perdomo	10/08/2014
Michael Butterfield Romo	10/12/2014
Karyn Elaine Loos Anderson	10/15/2014
Jeri Emiko Mosley	10/15/2014
Barbara S. De Lucca	10/15/2014

Real Estate Broker Experience Certificate

Expiration Date

Rika Asanuma Jones	09/21/2014
Rachel T. Mohammadi	09/21/2014
Ahmad Mohammadi	09/21/2014
Carmen Susana Poulin	09/24/2014
Roretta Sihombing	09/26/2014
Todd Robert Meadows	10/05/2014
Robert Doane Wilkinson	10/05/2014
Robert Wood Shelton	10/05/2014
Linda Jean Briske	10/08/2014
William Rippe	10/10/2014
Michael Butterfield Romo	10/12/2014
John Victor Fandel	10/15/2014
Jeri Emiko Mosley	10/15/2014

Real Estate Broker

Effective Date

Lydia d. Pedro	09/18/2012
Lawrence Jay Orlans	09/18/2012
Kathy L. Englert	09/19/2012
Cynthia Bloom	09/20/2012
Denise K. Shipley	09/25/2012
Kenneth C. Peters	09/28/2012

Restoration – Real Estate Salesperson

Effective Date

Lisa Inouye Takata	09/26/2012
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Continuing Education Equivalency

Effective Date

Sarah Bakewell	10/5/2012
John C. Pinchiaroli	10/9/2012