

REAL ESTATE COMMISSION  
Professional & Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii

MINUTES OF MEETING

The agenda for this meeting was filed with the Lieutenant Governor's Office as required by Section 92-7(b), Hawaii Revised Statutes.

Date: Friday, August 29, 1986

Time: 9:00 a.m.

Place: Board Room, Second Floor,  
Kamamalu Building  
1010 Richards Street  
Honolulu, Hawaii

Present: G. A. "Red" Morris, Chairman  
Yukio Takeya, Member  
Joseph Blanco, Member  
Gloria J. Damron, Member  
Douglas Sodetani, Member  
Peter Yanagawa, Member  
Yoshiko Kano, Member  
Michele Matsuo, Member

Calvin Kimura, Executive Secretary  
Cynthia Yee, Information Officer  
Irene Kotaka, Secretary

Virginia Lea Crandall, Hearings Officer  
Rodney Maile, Hearings Officer

Kathleen Stanley, HAR Legislative Advocate  
Liz Benton, HAR President  
Peggy Comeau, HAR Executive Vice-President  
Eileen Luko, HAR Education Director  
John Reilly, REC Consultant  
Charles Horne, Director, Center for Real Estate Research and Education

Excused: Constance B. Smales, Member

Call to Order: The meeting was called to order at 9:08 a.m. by Chairman G. A. "Red" Morris. Quorum was established.

Minutes:

The minutes of the July 25, 1986 meeting was distributed to the members for their review prior to the meeting.

Upon a motion by Commissioner Sodetani and second by Commissioner Takeya, the Commission unanimously approved the minutes of the July 25, 1986 meeting as circulated.

Additions to the Agenda:

Executive Secretary requested that the following be added to the agenda:

Proposed Agency Disclosure Rules Report

Introduction of Charles W. Horne

Corporation - Steven D. Zukerman  
SDZ Land Company

Restoration - Forfeited License  
Patrick Maehara  
Jeffrey Golberg  
Christine Green

Claims Against Recovery Fund -  
Walter C. Wong, dba Tradewind Realty

Commissioner Takeya moved to add these items to the agenda. Commissioner Sodetani seconded the motion, Commission unanimously approved.

Committee Reports:

EDUCATION COMMITTEE

Upon a motion by Commissioner Blanco and second by Commissioner Takeya, the Commission unanimously approved the August 13, 1986 Education Committee Report as circulated.

A short discussion ensued about the ETS pretest questions. The pretest questions will not be included in the examination until a later date. Those taking the exam which includes the pretest questions will be notified in advance of the inclusion of the pretest questions.

It was recommended that Commissioner Sodetani contact Consultant Mary Shern for submittal of proposal for the mandatory continuing education report, update at the next Education Committee Meeting.

Committee Reports:      LAWS AND RULES REVIEW COMMITTEE:

Upon a motion by Commissioner Takeya and second by Commissioner Damron, it was unanimously carried to approve the Laws and Rules Review Committee's recommendations from the August 28, 1986 meeting with the following revisions:

1. Pertinent facts issue, including A. Bernard Bays' proposal, was referred to Commissioner Matsuo for further study and structuring.
2. Condominium Managing Agent Issue - It was recommended that the scope of the study include the insurance actuarial issue, condominium hotel operator's bonding issue, and time share bonding/liability problems, allowing the MONITOR proposal to be resubmitted to include all areas of the scope of study.

Changes to §514A:

The Commissioners requested that a consultant be secured to study and review the model laws, Hawaii's laws, and the coop law and that the Consultant be approved by the October Post-NARELLO Conference as John McCabe, Legislative Director of the National Conference of Commissioners on Uniform State Laws will be attending the Conference.

Commissioner Blanco suggested that Glenn Adachi be asked to submit a proposal. The Executive Secretary suggested that the Commission might want to case all "band aid" changes to §514A and opt for the model act.

The matter was referred to Commissioner Yanagawa, Chairman of the Condominium Consultant Review Committee for further consideration.

Independent Contractors Study:

Commissioner Matsuo will review the material and submit a proposed scope to the Commissioners by next month's meeting.

Hearings  
Officer's  
Reports:

RE-LIC-86-1      Thomas B. Wilson  
dba Ala Moana Realty

Hearings Officer, Virginia Lea Crandall, reviewed the Hearings Officers Findings of Fact, Conclusion of Law and Recommended Order and concluded that the Commissioners properly denied the use of the tradename.

Upon a motion by Commissioner Takeya and second by Commissioner Sodetani, it was unanimously approved to adopt the Hearings Officer's Findings of Fact, Conclusion of Law and Recommended Order.

RE-83-84              Ricardo Nabarrette  
dba Rick Nabarrette Realty and Steven Yago

Hearings Officer, Rodney Maile, reviewed the Settlement Agreement as to Ricardo Nabarrette which includes a \$500 fine and successful completion of a Commission-approved course.

Commissioner Yanagawa recommended that Mr. Nabarrette be required to take a course on ethics. HAR has a GRI course on ethics, HAR Educational Director to be consulted as to what course applies.

Upon a motion by Commissioner Takeya and second by Commissioner Sodetani, the Commission unanimously approved the Settlement Agreement as to Ricardo Nabarrette.

Proposed Agency  
Disclosure Rules:

John Reilly, Consultant, presented the proposed rules to the Commission and also clarified the revisions that were made.

After a lengthy discussion, it was moved by Commissioner Blanco, seconded by Commissioner Damron, and unanimously carried to accept the proposed agency disclosure rules as presented.

Commissioner Matsuo requested that copies of the previous studies be given to the new Commissioners and the new Chairperson for the Center for Real Estate Research and Education.

Introduction:

Charles W. Horne - Director of the Center for Real Estate Education

Mr. Horne was introduced to those present. He will officially be starting as Director on September 2, 1986 and hopes to have a proposed program of work and budget recommendations prepared by September 20, 1986.

Licensing:

Ratification of Corporations, Branch Offices, and Trade Names (attached list)

Upon a motion by Commissioner Sodetani and second by Commissioner Blanco, it was unanimously carried to approve the corporations, branch offices, and trade names.

Restorations:

Bischke, Richard A.	Salesman
Connolly, John P.	Broker
Enomoto, Robert M., Jr.	Salesman
Fujino, Sanora	Salesman
Hessler, Sylvia	Salesman
Kepaa, Emaline L.	Salesman
Paresa, Leonard P.	Broker
Smith, Gregory M.	Salesman

Upon a motion by Commissioner Takeya and second by Commissioner Sodetani, it was unanimously carried to have the licensees listed above whose licenses were forfeited under two years and who have had no real estate activity within that time be restored upon successful completion of a Commission-approved real estate course.

Burke, Jackie Lynn P.	Salesman
Fujimoto, Della L.	Salesman
Hill, Michael T.	Salesman
Kia, Landford K.	Salesman
Golberg, Jeffrey R.	Salesman

Upon a motion by Commissioner Takeya, seconded by Commissioner Sodetani, it was

unanimously carried to have the licensees listed above whose licenses were forfeited under two years and who have had real estate activity during the period be restored upon successful completion of a Commission-approved real estate course. Letters of reprimand will be sent to the licensee and associating brokers. The letters of reprimand to be officially filed with RICO.

Alvin K. H. Pang - Appointed to public office

Patrick Maehara - Court-appointed Commissioner

Upon a motion by Commissioner Takeya, seconded by Commissioner Sodetani, it was unanimously carried to have the licensees listed above have their licenses restored upon payment of all appropriate fees.

BRAZIL, Walter J.                      Salesman

Upon a motion by Commissioner Takeya and second by Commissioner Sodetani, it was unanimously carried to approve restore license upon successful completion of a Commission-approved course or successfully passing the real estate examination.

WINNIE, Ralph E.                      Broker  
WINNIE, Sheena M.

Ralph Winnie appeared before the Commission on behalf of his wife and himself to briefly state why their licenses were not renewed.

Commissioner Damron abstained from participation due to conflict.

Upon a motion by Commissioner Blanco and second by Commissioner Takeya, it was unanimously carried, with Commissioner Damron abstaining, that Mr. and Mrs. Winnie successfully complete the broker's prelicensing course or successfully pass

the real estate broker examination for restoration. Upon meeting the above requirement, Winnie and Winnie must be registered with the Commission as a partnership.

The Commission will send a letter to both parties to cease real estate activity until restoration approval. A letter of reprimand will be sent to Wade Ltd. All copies of the outgoing correspondence will be forwarded to RICO for their files. License forfeiture will be published in the next Real Estate Bulletin.

GREEN, Christine

Upon a motion by Commissioner Sodeani and second by Commissioner Damron, it was unanimously carried to restore license upon successful completion of a Commission-approved course or successfully passing the real estate examination.

#### Questionable Applications

The Executive Secretary cited §467-9(b), HRS, "No broker's license shall be issued under any trade name, corporate name, or copartnership name which contains the name, initials or nickname of an unlicensed person or licensed real estate salesman, unless otherwise approved by the commission."

Ng & Kim, Inc.

Upon a motion by Commissioner Blanco and second by Commissioner Yanagawa, it was unanimously carried to deny this application. The application could be reconsidered if Mr. Ng applies for a broker's license.

Wong & Hansen, A Real Estate Corporation

Upon a motion by Commissioner Blanco and second by Commissioner Yanagawa, it was unanimously carried to deny this application. The application could be reconsidered if Ms. Hansen applies for a broker's license.

Yamada Pacific Inc. dba Yamada Pacific Realty

Upon a motion by Commissioner Takeya and second by Commissioner Matsuo, it was unanimously carried to deny this application.

Zacharias-DeLong, Inc.

Upon a motion by Commissioner Blanco and second by Commissioner Yanagawa, it was unanimously carried to deny this application.

S.D.Z. Land Company

Upon a motion by Commissioner Takeya and seconded by Commissioner Damron, it was unanimously carried to approve this application.

BURCH, Kenneth

Upon a motion by Commissioner Takeya and second by Commissioner Damron, it was unanimously carried to deny this application for licensure since the completed application was not received within 90 days.

NAKAMURA, Leslie H.

Upon a motion by Commissioner Takeya and second by Commissioner Yanagawa, it was unanimously carried to approve the applicant's request that his records be backdated to show no void as he submitted sufficient evidence that a change notice was filed.

DE MELLO, Antoinnette M.

Upon a motion by Commissioner Blanco and second by Commissioner Yanagawa, it was unanimously carried to approve applicant's license as she provided sufficient evidence that her personal and business account did have sufficient funds at date of license application.



Lea Properties, Ltd.

Upon a motion by Commissioner Kano and second by Commissioner Yanagawa, it was unanimously carried to grant a six-month extension for their site office location in Lihue until May 10, 1987.

SAI, Irma P.

Deferred due to non-receipt of documents.

Recovery Fund:

Claims Against Recovery Fund: Walter C. Wong, dba Tradewind Realty

Upon a motion by Commissioner Blanco and second by Commissioner Yanagawa, it was unanimously carried to have the Counsel for the Recovery Fund, Sidney K. Ayabe, Esq., negotiate with the four Plaintiffs and all others filed and received as of the end of August 1986 for a pro-rata distribution of funds against Walter C. Wong.

Miscellaneous:

Commissioner Blanco moved to go into executive session to discuss personnel matters about the staff contracts at 12:00 p.m. The motion was seconded by Commissioner Sodetani and unanimously approved.

Commissioner Sodetani moved to come out of the executive session at 12:15 p.m., seconded by Commissioner Damron, and unanimously approved.

The Commission meeting resumed at 12:15 p.m.

REC Staff

Assistant Information Officer Recruitment - Requested by the Executive Secretary to recruit, screen, and select.

Information Officer, Cynthia Yee - Requested by the Executive Secretary to renew contract for a year with an eight percent (8%) increase.

Jan Sevilla-Meeker - Administrative Assistant - Request by the Executive Secretary to renew contract and/or renegotiate contract, terms to be approved by the Commission.

Upon a motion by Commissioner Takeya, seconded by Commissioner Sodetani, it was carried to accept the Executive Secretary's recommendations.

Note: Commissioner Blanco was excused from the meeting prior to the motions.

Next Meeting: September 26, 1986  
12:00 p.m.  
Kona Surf Hotel, Kailua-Kona, Hawaii

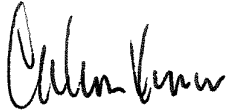
Adjournment: There being no further business to discuss, the meeting was adjourned at 12:30 p.m.

Taken and recorded by:



Irene Kotaka, Secretary

Reviewed and Approved:



Calvin Kimura  
Executive Secretary

04-15-86

Date