

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 Office of the Lieutenant Governor as required by Section 92-7(b), Hawaii Revised Statutes.

Date: Friday, June 30, 1989

Time: 9:00 a.m.

Place: Kuhina Nui Room, Second Floor
HRH Princess Victoria Kamamalu Building
1010 Richards Street
Honolulu, Hawaii

Present: Gloria Damron, Chairman
Yoshiko Kano, Kauai Member
Marcus Nishikawa, Member
Douglas Sodetani, Maui Member
Yukio Takeya, Hawaii Member
Peter Yanagawa, Member

Calvin Kimura, Executive Secretary
Cynthia Yee, Information Officer
Russell Wong, Assistant Information Officer
John A. Morris, Condominium Specialist
Glenn Grayson, Deputy Attorney General
Rodney Maile, Hearings Officer
Irene Kotaka, Secretary

Barbara Dew, Incoming Member
Stanley Kuriyama, Incoming Member
Gary Au Young, Esq., Recovery Fund Counsel
Eileen Luko, Education Director, HAR
Owen Tamamoto, RICO Attorney
Lynn Minagawa, RICO Attorney
Walter Clark, Licensee
Ernest Yamane, Attorney for Mr. Clark
Thomas Jordan, Co-Counsel for Mr. Clark
Sheryl L. Nicholson, Esq., Attorney for
Locations, Inc.
Gordon Damon, Licensee
Larry Chime, Licensee
Linda Gee, Licensee
John Rowley, Licensee
Rene Ornellas, Office Manager
Will Motokane, Licensee
Mary Taira, Licensee

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Absent: Michele Matsuo, Public Member
Larry Ordonez, Public Member
Constance Smales, Public Member

Call to Order: Chairman Damron called the meeting to order at 9:10 a.m., at which time quorum was established.

Chairman's Report: Chairman Damron thanked the Commission for a marvelous eight years.

Executive Secretary's Report: The Executive Secretary reported that Commissioner Matsuo will not be able to attend the meeting today.

The Executive Secretary reminded the Commissioners and those attending the meeting that when using the Kuhina Nui Room, they should not sit with their backs facing royalty nor move the furniture.

Additions to the Agenda: Upon a motion by Commissioner Yanagawa, seconded by Commissioner Takeya, it was voted on and unanimously carried to add the following to the agenda:

8. Licensing - Questionable Applications

Huber, Georg J.

Teixeira, Clyde Jr.

McCarthy, Brendan M.

Disciplinary Cases: WALTER N. CLARK AND WALTER CLARK REALTY,
RE 87-24

On September 30, 1988, the Commission remanded the case to the Office of Administrative Hearings for further hearings regarding the applicability of HRS Chapter 484. After considering oral arguments on the written exception filed, presented, the Commission will decide on the Hearings Officer's Findings of Fact Conclusions of Law and Recommended Order for Hearing in Remand.

Mr. Clark was present and was represented by his attorneys, Ernest Yamane and Thomas Jordan. Ms. Minagawa, RICO Attorney, was present on behalf of the State.

Mr. Yamane stated that the Commission has originally remanded the matter to the Hearings Office for a hearing on the applicability of Chapter 484 of the Hawaii Revised Statutes (HRS). The Hearings Officer found that Chapter 484, HRS, does not apply to the case. On that basis, Mr. Yamane requested that the Commission dismiss charges against Mr. Clark.

Mr. Jordan, co-counsel for Mr. Clark, stated that the issue was simple. Since Chapter 484, HRS, does not apply, the charges against Mr. Clark should be dismissed.

Ms. Minagawa stated that the Commission has not yet issued a final decision and order. The matter was remanded to the Hearings Office only to see if Chapter 484, HRS, applied. There were still other issues existing which need to be settled. The respondent violated the laws regarding representation. The Hearings Officer found that the respondent acted as the agent for both the buyer and the seller in this case and failed to disclose that to the parties involved. Ms. Minagawa requested that the Commission adopt the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order.

Mr. Yamane rebutted Ms. Minagawa stating that the hearing was held to determine the applicability of Chapter 484, HRS, only. Since Chapter 484, HRS, was found not to be applicable, the charges against Mr. Clark should be dropped.

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

LOCATIONS INCORPORATED, RE 88-171

Commissioner Takeya was excused from the meeting due to a conflict of interest.

Sheryl Nicholson, attorney for Locations, Incorporated, was present at the meeting. Owen Tamamoto, RICO Attorney, was present on behalf of the State.

Mr. Tamamoto stated that Locations, Inc. had agreed that they made a misrepresentation in the agreement saying that they had a \$1,000 deposit, when in fact they didn't. Locations, Inc. is willing to resolve the suit. The issue of determining how much damages the Bates's suffered should be resolve in circuit court. Locations, Inc. has made an offer to repay the \$1,000 deposit and even offered to double the amount.

Ms. Nicholson stated that Locations, Inc. had made several overtures outside of the regulatory proceedings to resolve the matter. They initially made an offer to repay the \$1,000 deposit. In the last 60 days, another offer was made to repay \$2,000 or twice the amount of the deposit. They have not heard from the Bates directly. Mr. Nakahara, who is representing the Bates, but is not an attorney, has demanded that Locations, Inc. pay \$10,000 for the damages suffered in the transaction. Ms. Nicholson has asked Mr. Nakahara to substantiate the claim, but has not heard from the Bates or Mr. Nakahara.

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

Commissioner Takeya returned to the meeting.

VICKIE Y. KIM, ET AL., RE 87-90

The Hearings Officer reported that the Recommended Order was filed. There were exceptions filed by the State, but because this was a consolidated matter, the Director had the authority to consider the applicability of the matter. The Deputy Director made the decision that the exceptions were not filed in a timely manner. A motion was subsequently filed by Ms. Kim's attorney requesting that the Commission and the Deputy Director strike the filings of the exceptions as being

untimely. The Deputy Director has issued her final order on the time sharing side. The Commission has the Recommended Order and the Commission must make a decision on what to do with the exceptions. The Department has issued a policy regarding accepting documents after close of business. The documents shall be accepted for filing on the next business day. There is no question as to the Recommended Order. If there are any substantive questions, the parties involved should be asked to the meeting.

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

PHILIP S. ADAO DBA PSA REALTY, RE 87-491

Upon a motion by Commissioner Takeya, seconded by Commissioner Sodetani, it was voted on and unanimously carried to approve the Settlement Agreement as filed.

PETER NOLACE O'CONNELL, RE 87-90, ET AL.

Upon a motion by Commissioner Sodetani, seconded by Commissioner Kano, it was voted on and unanimously carried to approve the Settlement Agreement as filed.

Approval of
Minutes:

Upon a motion by Commissioner Sodetani, seconded by Commissioner Takeya, it was voted on and unanimously carried to approve the minutes of the May 26, 1989 Real Estate Commission meeting as circulated.

Disciplinary
Cases:

THOMAS HAGEN, RE 85-235

The terms of Mr. Hagen's Settlement Agreement stipulates that he complete two Commission-approved real estate courses by the end of July 1989.

Mr. Hagen requested that the Commission allow him to take two continuing education courses. The Commission does not recognize the continuing education courses

as meeting disciplinary case educational requirement since all licensees are required to take the courses. Subsequently, Mr. Hagen has requested that the Commission allow him to take a hotel sales and marketing course and the continuing education courses.

Upon a motion by Commissioner Sodetani, seconded by Commissioner Kano, it was voted on and unanimously carried to deny Mr. Hagen's request and extend completion of the two Commission-approved courses until September 30, 1989, with no further extensions, and because time is of the essence, staff to provide the list of Commission approve courses.

WALTER N. CLARK AND WALTER CLARK REALTY,
RE 87-24

Upon a motion by Commissioner Kano, seconded by Commissioner Takeya, it was voted on and unanimously carried to approve the Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order for Hearing on Remand.

VICKIE Y. KIM, ET AL., RE 87-90

Upon a motion by Commissioner Sodetani, seconded by Commissioner Nishikawa, it was voted on and unanimously carried to approve the Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order.

LOCATIONS, INCORPORATED, RE 88-171

Commissioner Takeya was excused from the meeting due to a conflict of interest.

Upon a motion by Commissioner Sodetani, seconded by Commissioner Kano, it was voted on and unanimously carried to approve the Settlement Agreement as filed.

Commissioner Takeya returned to the meeting.

Executive
Secretary's
Report:

REAL ESTATE RESEARCH AND EDUCATION CENTER

Dr. Nicholas Ordway, Chairholder and Director of the Hawaii Real Estate Research and Education Center, presented the 1986 to 1989 Annual Report of the Center to the Commission. Dr. Ordway stated that Chairman Damron was an instrumental person in developing the Real Estate Research and Education Center and the report is dedicated to her years of service.

Committee
Reports:

EDUCATION COMMITTEE

Upon a motion by Commissioner Nishikawa, seconded by Commissioner Takeya, it was voted on and unanimously carried to approve the recommendations of the June 14, 1989 Education Committee meeting as follows:

1. Approve the reinvestment of the Certificates of Deposit maturing on June 15, 1989 in the following manner:
 - a. Education Fund - 60 days, \$500,000
 - b. Recovery Fund - 60 days, \$600,000
2. Approve the execution of a new contract with the University of Hawaii College of Business Administration at Manoa for the research and educational services of the Hawaii Real Estate Research and Education Center, subject to the review and approval of the Commission's Attorney General.
3. The Continuing Education Subcommittee shall solicit suggestions from the continuing education providers about possible methods and procedures for issuing Continuing Education Certificates of Completion in pending license restoration and disciplinary cases.

4. Approve the payment of an honorarium of \$25 to the participants of a Quasi Focus Group of licensees invited by the Hawaii Real Estate Research and Education Center to assist the Commission in determining the scope of the revised broker's prelicense curriculum.
5. Approve the nomination of Commissioner Constance Smales as a special assistant to the Commission's Curriculum Review Subcommittee, subject to the approval of the Director of the Department of Commerce and Consumer Affairs and the review and recommendation of the Commission's Attorney General.
6. Approve the establishment of a permanent advisory Curriculum Review Subcommittee of non-Commission members and Commission staff. The subcommittee shall continually advise the Commission about the areas of the prelicense and continuing education curriculum that require updating and make, when applicable, recommendations for instructors and course approval. The subcommittee members shall be experts in specialty areas of real estate or real estate education or both.
7. Designate Commission staff to perform the monitoring and evaluation of the administrative of the license exams of all exam site at least once a year. Approve payment from the Education Fund of all necessary expenses incurred by Commission staff and Commissioners in conducting the evaluation and monitoring.
8. Approve the holding of the Education Committee Meeting on the island of Kauai on October 12, 1989. Approve expending from the Education Fund so much as reasonably needed to defray the expenses incurred, by Commission

and staff in attending the Education Committee meeting on Kauai.

9. Approve, from the Education Fund, the sum of \$10,000 to \$11,000 as seed money to develop a Condominium Mediation Training Module intended to benefit the public, licensees and is intended to improve and make more effective the administration of the real estate industry subject to the review and recommendations of the Attorney General and further subject to repayment by the Condominium Education Fund of the "seed money", within a reasonable time period.
10. Recommit to the Curriculum Review Subcommittee the following issues for future study and subsequent committee recommendations to the Commission through the Education Committee:
 - a. Frequency and attendance policy at instructor's workshop(s)
 - b. Make up, purpose, functions, nomination for the Advisory Curriculum Review Group
11. Approve the following continuing education instructors:
 - a. John R. Dwyer - Contracts and Finance
 - b. Laverne L. Bessert - Laws Update and Ethics
 - c. Rose C. Kirland - Finance
12. Defer decision making on the Vicki J. Levin's application until more information is received.
13. Approve the following continuing education instructor applicants subject to the applicant's submission of documentation confirming the indicated qualifications:
 - a. Robert Garrity - Contracts
 - b. Laverne Bessert - Contracts

CURRICULUM REVIEW SUBCOMMITTEE

Upon a motion by Commissioner Nishikawa, seconded by Commissioner Sodehara, it was voted on and unanimously carried to approve the recommendations of the June 21, 1989 Curriculum Review Subcommittee Meeting as follows:

1. Approve the drafting of a proposed rule requiring continuing education instructors to take a two-day instructor workshop as a condition of certification and for renewal in 1991. The first day of the workshop shall be on teaching techniques and the second day of the workshop shall be one day of core module updates.
2. Approve the drafting of a proposed rule requiring a one day instructor's workshop covering core module updates for all continuing education instructors renewing their certification in 1993 and beyond.
3. Approve the drafting of an additional rule proposal requiring new teachers to submit a video tape of their teaching ability (approximately 10 minutes) and audit live the module/course proposing to teach or attend a Center presentation.
4. Approve the drafting of a proposed rule requiring that a video of new elective courses be submitted to the Commission for review, together with the syllabus and course materials.
5. Approve the drafting of a proposed rule that new teachers qualify to teach an elective course by submitting a video of the applicant's teaching ability and audit, where available, the video of an approved course proposing to teach.
6. Commission to request that the Center include in its scope of study, investigation, and rewrite of the broker and salesperson prelicense curricula, a review and consideration of the following:

- a. ETS Job Survey (ACT & ASI)
 - b. Survey - educational courses (Hawaii)
 - c. Survey - other States requirements
 - d. Areas of failure - ETS Tests
 - e. Review of RPT code guidelines
 - f. Brainstorming sessions - brokers
 - g. Industry group input (problems with other professions)
 - h. Survey (if needed) Brokers (sales, pb/bic, all other brokers)
 - i. Review teaching approaches
 - j. Review broker violations/grievances
 - k. Determine areas in which salespersons are not receiving assistance from the pb or bic
7. Request that the Center in conducting the broker and salesperson prelicense curricula do the following:
- a. Develop task and responsibilities
 - b. Develop curriculum objectives - feasibility study - constraints, testing, delivery or providers political opposition, cost, legal constraints
 - c. Develop rules
 - d. Write curriculum outline
 - e. Hearing or legislation
 - f. Recommendations for changing the scope of the exam

CONTINUING EDUCATION

The Assistant Information Officer reported that as of May 31, 1989, approximately 4,300 licensees have taken the continuing education courses.

Eileen Luko, of the Hawaii Association of Realtors, reported that they did not cancel any courses for the island of Maui. They have had difficulty in finding instructors on the island of Maui.

CONDOMINIUM AND COOPERATIVE REVIEW COMMITTEE

Upon a motion by Commissioner Yanagawa, seconded by Commissioner Takeya, it was voted on and unanimously carried to approve the recommendation of the June 29, 1989 Condominium and Cooperative Review Meeting as follows:

1. Deny Pacific Shores General Partnership request of June 15, 1989 to waive the owner-occupant requirement for the proposed condominium project as the Commission has no authority to waive such requirements.

Upon a motion by Commissioner Takeya, seconded by Commissioner Yanagawa, it was voted on and unanimously carried to approve the recommendation of the June 29, 1989 Laws and Rules Review Committee Meeting as follows:

1. Approve the adoption of the Condominium Managing Agent Guidelines for Fidelity Bonding to meet the requirements for the Condominium Hotel Operators Guidelines for Fidelity Bonding, with the exception of those sections directly related to condominium managing agent activity only for propose rule making.
2. Condominium hotel operators and applicants be notified of Act 144, that the exemption applies to condominium apartments in a "hotel zone" only, and that the condominium documents expressly permit hotel or transient occupancy.
3. The Committee review the real estate broker licensing, tradename, and advertising rules to determine its applicability and if any amendments are needed and also to determine if the advertising rules and statutes should be broadened to include other types of advertising and not only real property.
4. Commission staff to write a letter on behalf of the Commission commending Charles Clark of the Georgia Real Estate Commission and Les Tyrell, President of NARELLO, for their tenacity in addressing

the issue of the pending federal legislation regarding real estate appraisers.

5. Commission staff to work with the Chairman and Executive Director of the Kentucky Real Estate Commission for a presentation on mandatory errors and omissions insurance, and if possible, for the August 1989 meeting, with a final decision to be made at the July 1989 meeting.
6. Commission staff to submit Dr. Nicholas Ordway's report on Fair Housing for the NARELLO Fair Housing Award.
7. The Hawaii delegation to the NARELLO Annual Conference voice their concerns over the \$1 per exam taker contribution to NARELLO.

REAL ESTATE APPRAISALS

Commissioner Sodehara requested that the Licensing Administrator and the Commissioners met with industry representatives and appraisal groups, informing them of how the registration/licensing of real estate appraisers/appraisals will be handled. He reiterated to those present that the Commission will do its best to ensure that the registration/licensing of real estate appraisers/appraisals is in place prior to July 1, 1991 so that the people of Hawaii will not suffer because of not being able to obtain a certified appraisal.

Commissioner Sodehara stated that the Governor has signed into law Act 188. As a result, the Department will have to draft a proposed bill relating to appraisal regulation. Rules will need to be promulgated, funding will have to be established, staffing discussed, and instructors and curriculum will have to be certified.

Recovery Fund
Report:

Tax Intercept Appeal Procedures

The Assistant Information Officer reported that the Commission has been reporting payments made from the Real Estate Recovery Fund to the Department of Accounting and General Services (DAGS) Tax Intercept Program. When a refund is due to a terminated licensee, DAGS intercepts the check, makes it payable to the Real Estate Commission, and forwards it to the Commission for repayment of the recovery fund debt.

The Commission received its first request for an appeal and must make a decision as to how the appeal will be handled.

The following questions were raised:
Who will conduct the hearing? Will it be the Commission or the Office of Administrative Hearings? Who will represent the Commission? If it is a joint tax return, how will the division be determined?

The Deputy Attorney General stated that the agency receiving the money has the responsibility of conducting the hearing. The Office of Administrative Hearings could conduct the hearing and file the Findings of Fact, Conclusions of Law, and Recommended Order to be presented to the Commission.

Mr. Maile asked who would have the burden of proof? He stated that whoever is requesting a hearing would normally have the responsibility of proving that they are justified in requesting a refund and the burden of proof is on them.

The law provides that in the cases of a joint tax return, the amount not due to the licensee must be paid to the joint filer. Who will determine what portion is to be charged against the licensee? The Department of Taxation will not provide the Commission with a certified copy of the tax return.

Upon a motion by Commissioner Nishikawa, seconded by Commissioner Yanagawa, it was voted on and unanimously carried to take this matter under advisements.

Licensing:

RESTORATION

Gordon Damon

Mr. Damon was present to answer any questions that the Commission may have regarding his application for restoration of his real estate broker's license.

Upon a motion by Commissioner Yanagawa, seconded by Commissioner Kano, it was voted on and unanimously carried to consider the additional information that Mr. Damon submitted subsequent to his application for restoration.

Mr. Damon stated that Dr. Ordway is in the process of creating a manual for those interested in a real estate career. Mr. Damon suggested that he may be able to assist Dr. Ordway in writing the portions involving commercial leasing management and sales.

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

QUESTIONABLE APPLICATIONS

INA Investments and Development Inc.

Mr. Larry Chime, proposed principal broker for INA Investments and Development Inc. was present to answer any questions the Commission may have regarding the application for real estate corporation.

Mr. Chime stated that although "INA" does coincide with the first three letters of the owners last name, it was not intentionally selected. He stated that "INA" was selected because it sounded catchy and seemed to have international overtones.

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

The Landmark Property Corporation

Ms. Linda Gee, proposed principal broker of The Landmark Property Corporation, was present to answer any questions the Commission may have regarding the application for real estate corporation.

Ms. Gee stated that she has submitted to the Commission a letter from James W. Lovell (James W. Lovell Associates, Inc. dba Landmark Properties Management) and M & M Land Co., Ltd. dba Landmark Property Management, permitting her to use the name, "The Landmark Property Corporation."

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

John Rowley

Mr. Rowley was present, along with his office manager, Rene Ornellas, to present a chronology of events surrounding his application for real estate broker's license.

Mr. Rowley stated that he had mailed his application for real estate broker's license approximately 1 to 1-1/2 weeks after receiving his examination results. The postal service lost his application twice because the Licensing Branch never received his application. He resubmitted his application and later received a deficiency notice due to his failing to submit a cashier's check or money order.

Ms. Ornellas stated that upon receipt of the deficiency notice, she requested a cashier's check and immediately mailed the check, along with the deficiency notice to the Licensing Branch. They did not retain a copy of the deficiency notice.

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

Properties Unlimited dba Real Estate Unlimited

Will Motokane and Mary Taira were present at the meeting.

Mr. Motokane stated that they have been trying since January 1989 to obtain approval of the name change. The parent company on the mainland changed the corporate name to Properties Unlimited. In conformance with the parent company, they have attempted to change the real estate broker's name to Properties Unlimited dba Real Estate Unlimited. The name change was registered with the Business Registration Division.

The Commission denied their initial application for name change because another real estate broker is licensed as Properties Unlimited, Inc.

Under Hawaii's real estate licensing laws and rules, the corporate name, along with the tradename, would have to be listed in any advertising.

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

Executive
Session:

Upon a motion by Commissioner Sodekani, seconded by Commissioner Yanagawa, it was voted on and unanimously carried to enter into executive session at 11:24 a.m., pursuant to Chapter 92-5(a)(1), "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in Section 26-9 or both;"

Upon a motion by Commissioner Kano, seconded by Commissioner Yanagawa, it was voted on and unanimously carried to move out of executive session at 12:55 p.m.

Licensing: RESTORATIONS

Marciel, Victor V. Jr.	Broker
Ventura, Lolita	Broker

After a review of the information submitted by the applicant, Commissioner Yanagawa moved that restoration be approved upon submitting evidence of successfully passing the real estate broker's licensing examination, with a one-time waiver of the education and experience requirements. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Parker, Lana	Salesperson
Davis, William	Salesperson
Kagawa, Agnes	Salesperson
Loucks, Lorne	Salesperson
Peters, Cathleen	Salesperson

After a review of the information submitted by the applicant, Commissioner Yanagawa moved that restoration be approved upon submitting evidence of successfully passing the real estate salesperson's licensing examination, with a one-time waiver of the educational requirement. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Damon, Gordon

After a review of the information presented by the applicant, Commissioner Kano moved to approve immediate restoration of Mr. Damon's real estate broker's license and that he provide 32 hours of service to the Real Estate Research and Education Center and the Real Estate Commission. Commissioner Sodetani seconded the motion. The motion was voted on and unanimously carried.

Upon a motion by Commissioner Sodetani, seconded by Commissioner Kano, it was voted on and unanimously carried that any brochures or products of work completed by the licensees who are providing service at the Real Estate Research and Education Center become the property of the Real Estate Commission and that credit be given to the Commission.

QUESTIONABLE APPLICATIONS

INA Investments and Development, Inc.

After a review of the information presented by the applicant, Commissioner Takeya moved to deny the application for real estate corporation of "INA Investment and Development, Inc.," as the name includes a non-broker. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Helen Baker Properties, Inc.

After a review of the information submitted by the applicant, Commissioner Yanagawa moved to approve the application for real estate corporation of "Helen Baker Properties, Inc." Commissioner Takeya seconded the motion. The motion was voted on and unanimously carried.

The Landmark Property Corporation

Commissioner Yanagawa was excused from the meeting due to a conflict of interest.

After a review of the information presented by the applicant, Commissioner Kano moved to approve the application for real estate corporation of "The Landmark Property Corporation", upon receipt of documentation and change forms from James W. Lovell Associates, Inc. dba Landmark Properties Management and M & M Land Co., Ltd. dba Landmark Property Management deleting the tradenames. Commissioner Takeya seconded the motion. The motion was voted on and unanimously carried.

Commissioner Yanagawa returned to the meeting.

Jayne A. Henley dba Grand Resorts Realty

After a review of the information submitted by the applicant, Commissioner Sodemani moved to approve the place of business of Jayne A. Henley dba Grand Resorts Realty, subject to the conditions placed upon it by the Planning Department, County of Maui. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Excelsior Marketing, Inc.

After a review of the information submitted by the applicant, Commissioner Yanagawa moved to approve the place of business of Excelsior Marketing, Inc., subject to the conditions placed upon it by the Planning Department, County of Maui. Commissioner Takeya seconded the motion. The motion was voted on and unanimously carried.

June Ludwick

After a review of the information submitted by the applicant, Commissioner Kano moved to approve the reinstatement of Ms. Ludwick's real estate broker's license. Commissioner Yanagawa seconded the motion. The motion was voted on and unanimously carried.

Thomas C. Patas

After a review of the information submitted by the applicant, Commissioner Sodehara moved to defer decision making on Mr. Patas's application for reinstatement until further information is received on the payment of the judgment ordered against Mr. Patas. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Steven L. Wolf

After a review of the information submitted by the applicant, Commissioner Takeya moved to approve Mr. Wolf's request for reinstatement of his real estate broker's license. Commissioner Yanagawa seconded the motion. The motion was voted on and unanimously carried.

Brandon R. Hayes

After a review of the information submitted by the applicant, Commissioner Kano moved to approve the real estate salesperson's application of Brandon R. Hayes. Commissioner Sodehara seconded the motion. The motion was voted on and unanimously carried.

Dutch N. Dickinson

After a review of the information submitted by the applicant, Commissioner Yanagawa moved to approve the real estate salesperson's application of Dutch N. Dickinson. Commissioner Takeya seconded the motion. The motion was voted on and unanimously carried.

John Rowley

After a review of the information submitted by the applicant, Commissioner Kano moved to approve the real estate broker's application of John Rowley. Commissioner Takeya seconded the motion. The motion was voted on and unanimously carried.

Gwendolyn Au

After a review of the information submitted by the applicant, Commissioner Kano moved to approve Ms. Au's request for an equivalency to the three listings and two closed sales requirement. Commissioner Yanagawa seconded the motion. The motion was voted on and unanimously carried.

Allen Bowman

After a review of the information submitted by the applicant, Commissioner Takeya moved to deny Mr. Bowman's request for an equivalency to 13 months experience and the 2 listing contracts and 3 sales that have closed escrow requirement. Commissioner Yanagawa seconded the motion. The motion was voted on and unanimously carried.

Properties Unlimited dba Real Estate Unlimited

Commissioner Nishikawa was excused from the meeting due to a conflict of interest.

After a review of the information presented by the applicant, Commissioner Sodetani moved to approve the license and tradename of Properties Unlimited dba Real Estate Unlimited. Commissioner Kano seconded the motion. The motion was voted on with Commissioners Sodetani and Kano voting aye, Commissioners Yanagawa, Takeya, and Damron voting nay. The motion died.

Commissioner Nishikawa returned to the meeting.

Century 21 Associated Kailua-Kona Partnership

After a review of the information submitted by the applicant, Commissioner Takeya moved to approve the real estate partnership application of Century 21 Associated Kailua-Kona Partnership, subject to advisement by the Attorney General. Commissioner Sodetani seconded the motion. The motion was voted on and unanimously carried.

Dave's Realty of Hawaii, Inc.

After a review of the information submitted by the applicant, Commissioner Yanagawa moved to reaffirm its previous decision to deny the real estate corporation application of Dave's Realty of Hawaii, Inc. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Georg J. Huber

After a review of the information submitted by the applicant, Commissioner Takeya moved to approve the real estate salesperson's application of Georg J. Huber. Commissioner Yanagawa seconded the motion. The motion was voted on and unanimously carried.

Clyde Texeira, Jr.

After a review of the information submitted by the applicant, Commissioner Takeya moved to deny Mr. Texeira's application for real estate salesperson as he failed to submit a completed application within 90 days from the date of the examination. Commissioner Yanagawa seconded the motion. The motion was voted on and unanimously carried.

Brendan M. McCarthy

After a review of the information submitted by the applicant, Commissioner Sodetani moved to approve the real estate salesperson's application of Brendan M. McCarthy. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Commissioner Nishikawa was excused from the meeting.

Recovery Fund TAX INTERCEPT
Report:

Upon a motion by Commissioner Takeya, seconded by Commissioner Kano, it was voted on and unanimously carried to approve the following procedures for the tax intercept program:

1. Adopt the Department's Administrative Practice and Procedure, Chapter 201, Hawaii Administrative Rules, for handling the appeals filed for the tax intercept program.
2. Sidney K. Ayabe and Gary W. K. Au Young, Esq., Recovery Fund Counsel, shall represent the Commission at the hearings.
3. Decision making on who should provide the burden of proof shall be made at the hearing.

Committee
Reports:

EDUCATION COMMITTEE - REAL ESTATE CENTER'S
ADVISORY COUNCIL

Commissioner Sodehara moved to accept, with deep regret, the letter of resignation submitted by Kent Keith for his position on the Real Estate Center's Advisory Council, and that the matter be referred back to the Education Committee for appointment of his successor. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Closing
Remarks:

Commissioner Sodehara expressed his gratitude for Chairman Damron's leadership.

Next Meeting:

Friday, July 28, 1989
Kuhina Nui Room, Second Floor
HRH Princess Victoria Kamamalu Building
1010 Richards Street
Honolulu, Hawaii

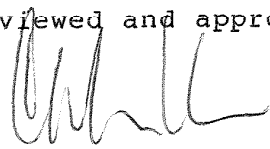
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Adjournment: With no further business to discuss, Chairman
Damron adjourned the meeting at 1:07 p.m.

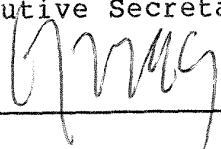
Taken and recorded by:


Irene S. Kotaka, Secretary

Reviewed and approved by:



Calvin Kimura
Executive Secretary



Date