

**REAL ESTATE COMMISSION**

Professional and 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, April 27, 1990

Time: 9:00 a.m.

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

Present: Peter Yanagawa, Chairman  
Barbara Dew, Member  
Yoshiko Kano, Kauai Member  
Stanley Kuriyama, Member  
Michele Matsuo, Public Member  
Marcus Nishikawa, Member  
Yukio Takeya, Hawaii Member

Calvin Kimura, Executive Secretary  
Cynthia Yee, Real Estate Specialist  
Russell Wong, Real Estate Specialist  
Glenn Grayson, Deputy Attorney General  
Irene Kotaka, Secretary  
Rodney Maile, Senior Hearings Officer

Steven L. King, Licensee  
Michael Abe, Licensee

Absent: Douglas Sodetani, Maui Member

Call to Order: Chairman Yanagawa called the meeting to order at 9:09 a.m., at which time quorum was established. Chairman Yanagawa reported that Commissioner Sodetani had informed him earlier that he would not be present at the meeting and was excused from the meeting.

Chairman's Report: No report was presented.

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Executive Secretary's Report: The Executive Secretary reported that the National Association of Real Estate License Law Officials Annual Convention will not be held in the State of Hawaii in 1992. Instead, NARELLO is looking at a East Coast destination for 1992 and will be considering Hawaii for the 1993 or 1994 Annual Convention.

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

7. Licensing - Restoration of Forfeited Licenses Over Two Years - Salespersons  
01/01/87 - Don L. Metcalf, Jr.  
- Robert E. Witthans

Under Two Years - Salespersons  
01/01/89 - Barry G. M. Fong  
- Thomas E. Kilmer  
- Gus Miller

8. Licensing - Questionable Applications  
David C. Gramlich

Disciplinary Cases: LANGSFORD HOOKER, RE 87-489

Upon a motion by Commissioner Takeya, seconded by Commissioner Matsuo, it was voted on and unanimously carried to reject the First Amended Settlement Agreement.

LILLY C. ANDERSON, PRESTIGE REALTY, INC. DBA PRESTIGE REALTY MANAGEMENT, INC., RE 88-203

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

LOWSON & ASSOCIATES, LTD. DBA KAAPALI VACATIONS, JAMES M. LOWSON, RE 89-405

Upon a motion by Commissioner Takeya, seconded by Commissioner Dew, it was voted on and unanimously

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carried to accept the Settlement Agreement Prior to Filing of  
Petition for Disciplinary Action and Commission's  
Final Order.

Licensing: QUESTIONABLE APPLICATIONS

Due to the presence of the applicants, Chairman  
Yanagawa considered the agenda items out of order.

AME Realty, Inc.

Michael Abe, proposed principal broker of AME Realty, Inc. was  
present at the meeting.

Mr. Abe stated that "AME" stands for rain in  
Japanese.

The Deputy Attorney General asked Mr. Abe if the name of the  
corporation would be pronounced "A.M.E. Realty,  
Inc." when answering the telephone or if the  
corporation would use the Japanese pronunciation of  
"AME". Mr. Abe replied that the telephone would be  
answered with the Japanese pronunciation.

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

RESTORATIONS

Steven L. King

Mr. King was present to request that the Commission  
approve his application for restoration of his  
forfeited real estate salesperson's license.

Mr. King requested that the Commission restore his  
license even though he is named as a respondent in  
the Utah-Waikiki disciplinary case. He stated that  
his license would still be active if he had paid  
the renewal fee. He said that he had placed his  
license on inactive status in April 1988 and had

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moved to the Mainland. He stated that the case against him is still ongoing.

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

Committee EDUCATION COMMITTEE  
Reports:

Upon a motion by Commissioner Nishikawa, seconded by Commissioner Dew, it was voted on and unanimously carried to approve the recommendations of the April 11, 1990 Education Committee Meeting, as follows:

1. Applications for the certification of elective continuing education courses shall be available by the end of July 1990.
2. Approve the proposed rules for implementation of continuing education elective courses and to initiate further rule making.
3. Take under advisement Dr. David Robinson's request to purchase the continuing education modules.
4. Interpret §467-11.5, Hawaii Revised Statutes, as not allowing for any exemptions from the continuing education requirements and deny attorney, Kenneth K. P. Wong's request for exemption from the continuing education requirements.
5. Approve the Memorandum of Agreement between the Hawaii Real Estate Commission and the Maui Community College.
6. The Center to undertake a comprehensive review and evaluation of the current continuing education program and its impact on consumers, licensees, and the general public, and request that the Center consider including in the scope of this project, the suggestions of the Commission's Real Estate Specialist, per her memorandum to the Education Committee on this

topic.

7. The Annual Symposium shall be scheduled for May 17 and 18, 1990, at the Hawaiian Regent Hotel.
8. A letter shall be sent out to industry and other interested parties requesting their comments about the Commission's Program of Work at the Education Committee Meeting on May 9, 1990. Industry and other interested parties shall be asked to submit written testimony if they do not wish to attend the Education Committee Meeting.
9. Allow an applicant in licensing restoration cases to take courses that are in excess of the Small Business Management Program's "Real Estate Essentials" classroom hours as a minimum standard, subject to Commission approval.
10. Approve the recommendation that the Executive Secretary, attend the NARELLO Western District Meeting, in Park City, Utah, from June 27 to 29, 1990.
11. The Real Estate Specialist to respond to Christine Iwamoto's letter requesting a substitution of the Real Estate Principles course for the continuing education modules and informing her that the Commission presently finds no courses equivalent to the Commission-directed and approved modules. The Commission shall respond to similar future requests for course substitutions in the same manner as answered in Christine Iwamoto's request.

#### Advisory Council Nomination

Upon a motion by Commissioner Nishikawa, seconded by Commissioner Matsuo, it was voted on and unanimously carried that Commissioner Dew shall express the Commission's concerns regarding the nomination of Chris Hart, Maui Planning Director,

to the Advisory Council. The Commissioners wanted to ensure that the Advisory Council be made aware of Mr. Hart's impending retirement, to see that this would not adversely affect the Advisory Council.

#### LAWS AND RULES REVIEW COMMITTEE

Upon a motion by Commissioner Takeya, seconded by Commissioner Matsuo, it was voted on and unanimously carried to approve the recommendations of the April 26, 1990 Laws and Rules Review Committee Meeting, as follows:

1. Approve the rescheduling of the meeting dates and locations for the month of June, as follows:

Thursday, June 21, 1990

Laws and Rules Review Committee Meeting -  
9 a.m.

Condominium and Cooperative Review Committee  
Meeting - 10 a.m.

Hawaiian Electric's King Street Office  
Auditorium, 900 Richards Street, Second  
Floor, Honolulu, Hawaii

Friday, June 22, 1990

Real Estate Commission Meeting - 9 a.m.

Hawaiian Electric's King Street Office  
Auditorium, 900 Richards Street, Second Floor,  
Honolulu, Hawaii

2. The Commission requests that the Real Estate Specialist work out with RICO for a summary of cases utilizing plain language and graphs.

#### CONDOMINIUM AND COOPERATIVE REVIEW COMMITTEE

Upon a motion by Commissioner Matsuo, seconded by Commissioner Nishikawa, it was voted on and unanimously carried to approve the recommendations of the April 26, 1990 Condominium and Cooperative Review Committee Meeting, as follows:

1. Defer action on the seminar proposal of the Hawaii Council of Associations of Apartment Owners until they submit (i) resumes of the

proposed seminar speakers and of Mrs. Nancy Tomczak, the proposed coordinator of the seminars and (ii) more specific information on how the charge for the time of Mrs. Tomczak was calculated and what is included in that charge.

2. The Condominium Specialist shall work with Commissioner Sodemani, Chairman of the Budget and Finance Committee, to develop a proposed budget for the condominium management and education fund.
  3. Approve Cindy Miller's proposal to produce booklets on directors' and owners' rights and responsibilities.
4. Inform Mr. Grad that the information he submitted relating to Hauula Homestead Road was insufficient for the Commission to approve his request to create a condominium project on non-contiguous lots.
- 5.A condominium project developer, filing a notice of intention with the Commission, shall include a title report which was issued no more than 60 days prior to the date of the filing, and pursuant to existing laws, the developer shall provide a supplementary report if any undisclosed material changes in title for the project occurs after the issuance of a public report.

#### Policy Proposal - Filing of CPR

The Condominium and Cooperative Review Committee had recommended that simultaneously with the filing of the notice of intention with the Commission, the developer shall file with the building or planning department of the island where the project is to be located: a copy of the executed notice of intention and questionnaire, the condominium map, and the proposed public report for the project.

Chairman Yanagawa was concerned that the respective building or planning departments may be under the impression that the proposed documents submitted to them may

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be documents approved by the Commission.



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Upon a motion by Commissioner Matsuo, seconded by Commissioner Takeya, it was voted on and unanimously carried to amend the recommendation to read as follows:

The developer of a condominium project shall, at the time of filing with the Commission, be required to provide a copy of the executed notice of intention and questionnaire, the condominium map, and the proposed public report for the project to the building or planning department of the island on which the project is located. Commission staff shall also develop guidelines to notify the building or planning departments that the documents submitted by the developer are only drafts and have not as yet been approved by the Commission.

Licensing: RATIFICATION

Upon a motion by Commissioner Nishikawa, seconded by Commissioner Takeya, it was voted on and unanimously carried to ratify the following:

Brokers

Touchstone Properties, Ltd.  
Alii Kai Realty, Ltd.  
Business Dimensions, Ltd.  
New American Realty Corporation  
Azabu U.S.A. Corporation  
Land Exchange Incorporated  
The Boston Auction Company, Ltd.  
    dba Hamakua Auction  
K. Saiki & Associates, Inc.  
Pacific Max Co. (Hawaii) Ltd.  
    FM Realty, Inc.  
    World Trade Enterprises, Inc.  
        dba W.T.E. Realty  
    Maui Homes Incorporated  
    Coast Properties Ltd.  
        dba Stahie John Prattas  
    Bishop Group Realty, Inc.  
    Apple Properties, Inc.  
    Harbor Shores Apartments, Inc.  
    Island Homes of Kauai, Ltd.  
    Michael Anthony Marr  
    Kumai Realty Inc.  
    Second City Realtors, Inc.

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Roman Druker  
Michael C. Steward  
T. Red Real Estate Co., Inc.

Branch Offices

Worrall-McCarter, Inc. (Kailua, Oahu)  
Sofos Realty Corporation (Lihue, Kauai)  
Peter D. Osborne dba Hawaii Land and  
Development Co. (Kailua-Kona, Hawaii)

Trade Names

David Tak Wai Ma dba DM Properties  
Antoinette M. DeMello dba T & C Realty  
Anna P. (Cathy) George dba Cathy George &  
Associates  
Shirley Varoa Tiki Bither dba Varoa Tiki VP  
Bruce Butler dba Down to Earth Real Estate  
James B. Edmonds dba Emerald Isle Properties  
Robert L. Horcajo dba Kamaaina Properties  
John R. Wells dba Welco Pacific  
Margaret Pocock dba Citadel Realty  
Robert Moses dba Moses Realty  
Regina Carmen Guy dba Grass Shack Realty  
Nancye Capri dba Capri Properties  
Alfred W. Kirchner dba Al Kirchner Realty  
Sylvia M. Hessler dba Bayview Realty  
Fred O. Harris dba Fred O. Harris Realty  
William J. Vanmanen dba Forefront Properties  
Executive Properties, Inc. dba Executive Properties  
Management  
Peter W. Ogilive dba Kona Alii Realty

Executive Session: Upon a motion by Commissioner Kano, seconded by  
Commissioner Kuriyama, it was voted on and unanimously  
carried to enter into executive session at 10:20  
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 Matsuo, seconded by  
Commissioner Nishikawa, it was voted on and  
unanimously carried to move out of executive  
session at 11:50 a.m.

Licensing: RESTORATIONS

Terry Brooks

Broker

After a review of the information submitted by the applicant, Commissioner Nishikawa 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 Takeya seconded the motion. The motion was voted on and unanimously carried.

Donald G. Bruno

Salesperson

David L. Kirby

Salesperson

William G. Meyer III

Salesperson

Weyline L. K. Surprise

Salesperson

Don L. Metcalf, Jr.

Salesperson

Robert E. Witthans

Salesperson

After a review of the information submitted by the applicants, Commissioner Nishikawa 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 Takeya seconded the motion. The motion was voted on and unanimously carried.

Stanley Akemoto

Broker

Ann M. McDonald

Broker

James A. Patterson

Broker

Bill E. Poff

Broker

After a review of the information submitted by the applicants, Commissioner Nishikawa moved that restoration be approved upon submitting evidence of a Commission-approved real estate course. Commissioner Takeya seconded the motion. The motion was voted on and unanimously carried.

Donald M. Allen

Salesperson

Donald B. Anderson

Salesperson

Ryozo Ariyoshi

Salesperson

Catherine J. Chaney

Salesperson

Lynne L. Coburn

Salesperson

Dean T. W. Ho

Salesperson

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Harry Uhane Jim	Salesperson
Beverly R. Kanda	Salesperson
Boo Young Lee	Salesperson
Swami Nikhilananda	Salesperson
Gail L. Robello	Salesperson
Daniel T. Sayles	Salesperson
Wendy E. Shyer-Sayles	Salesperson
Seann G. Yardley	Salesperson

After a review of the information submitted by the applicants, Commissioner Nishikawa moved that restoration be approved upon submitting evidence of successfully completing a Commission-approved real estate course. Commissioner Takeya seconded the motion. The motion was voted on and unanimously carried.

Steven L. King

After a review of the information presented by the applicant, Commissioner Nishikawa moved that restoration be approved upon submitting evidence of successfully completing a Commission-approved real estate course. Commissioner Takeya seconded the motion. The motion was voted on and unanimously carried.

Donald L. Hallstrom

After a review of the information submitted by the applicant, Commissioner Takeya moved to deny Mr. Hallstrom's request for reconsideration. Commissioner Takeya quoted from the letter to Mr. Hallstrom, dated February 2, 1989, which stated: "5. That should you fail to take the course or fail to successfully complete the course, you will have to start your licensing process all over by completing the respective pre-licensing requirements; and..."

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

QUESTIONABLE APPLICATIONS

AME Realty, Inc.

After a review of the information presented by the

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applicant, Commissioner Nishikawa, moved to approve the real estate corporation application of AME Realty, Inc. Commissioner Takeya seconded the motion. The motion was voted on and unanimously carried.

Linda K. Okamoto

Discussion on Ms. Okamoto's conditional license was reviewed by the Commission.

Upon a motion by Commissioner Takeya, seconded by Commissioner Matsuo, it was voted on and unanimously carried to refer this matter to Commission staff and that all conditional licenses issued without an expiration date shall expire at the end of the biennium and be reviewed during each renewal period.

Asato Realty, Inc.

After a review of the information submitted by the applicant, Commissioner Nishikawa moved to approve the real estate corporation application of Asato Realty, Inc. Commissioner Takeya seconded the motion. The motion was voted on and unanimously carried.

Takeoka Estate USA, Inc.

After a review of the information submitted by the applicant, Commissioner Matsuo moved to deny the real estate corporation application of Takeoka Estate USA, Inc. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

SGR Investments, Ltd.

After a review of the information submitted by the applicant, Commissioner Nishikawa moved to defer decision making on the real estate corporation application of SGR Investments, Ltd., pending receipt of further information from the applicant. The Commission would like to determine if SGR stands for Sleeping Giant Realty and would like to know if there is any relationship between SGR and

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Sleeping Giant Realty. Commissioner Takeya seconded the motion. The motion was voted on and unanimously carried.

Jayne A. Henley dba Grand Resorts Realty

After a review of the information submitted by the applicant, Commissioner Nishikawa moved to approve the extension of the conditional license of Jayne A. Henley dba Grand Resorts Realty. Commissioner Takeya seconded the motion. The motion was voted on and unanimously carried.

Stephen F. Parker dba Parker and Company

After a review of the information submitted by the applicant, Commissioner Nishikawa moved to approve the extension of site office registration for the Maui Kamaole condominium project. Commissioner Takeya seconded the motion. The motion was voted on and unanimously carried.

CPL Realty

After a review of the information submitted by the applicant, Commissioner Nishikawa moved to approve the extension of site office registration for The Cliffs Club Time Share Project. Commissioner Takeya seconded the motion. The motion was voted on and unanimously carried.

Mililani Town, Inc.

After a review of the information submitted by the applicant, Commissioner Nishikawa moved to approve the site office registration of the Kumu Iki subdivision project. Commissioner Takeya seconded the motion. The motion was voted on and unanimously carried.

Kent M. Hiranaga

After a review of the information submitted by the applicant, Commissioner Kano moved to approve Mr. Hiranaga's request for an equivalency to the three listing contracts requirement in order to obtain a broker's experience certificate. Commissioner

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Takeya seconded the motion. The motion was voted  
on and unanimously carried.

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Frances Riley

After a review of the information submitted by the applicant, Commissioner Kano moved to deny Ms. Riley's request for an extension of her prelicensing school certificate of completion. Commissioner Nishikawa seconded the motion. The motion was voted on and unanimously carried.

Robert K. Brooks

After a review of the information submitted by the applicant, Commissioner Nishikawa moved to approve Mr. Brooks's request for reinstatement of his suspended salesperson's license. Commissioner Takeya seconded the motion. The motion was voted on and unanimously carried.

Reynard H. Burgess

After a review of the information submitted by the applicant, and based on the fact that the conviction was related to his possible performance in the business of real estate, Commissioner Matsuo moved to deny Mr. Burgess's application for a real estate salesperson's license. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Robert R. DeYoung

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

David C. Gramlich

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



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Next Meeting:     Friday, May 25, 1990  
                          Kuhina Nui Room  
                          HRH Princess Victoria Kamamalu Building  
                          1010 Richards Street, Second Floor  
                          Honolulu, Hawaii

Adjournment:     With no further business to discuss, Chairman  
                          Yanagawa adjourned the meeting at 12:20 p.m.

Taken and recorded by:

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Irene S. Kotaka, Secretary

Reviewed and approved by:

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Calvin Kimura  
Executive Secretary

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Date