

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, August 30, 1991

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
Theo Butuyan, Public Member
Barbara Dew, Oahu Member
Jerry Hirata, Hawaii Member
Yoshiko Kano, Kauai Member
Carol Mon Lee, Public Member
Marcus Nishikawa, Oahu Member

Calvin Kimura, Supervising Executive Secretary
Christine Rutkowski, Executive Secretary
Cynthia Yee, Real Estate Specialist
Russell Wong, Real Estate Specialist
Lynn Miller, Real Estate Education Specialist
Janet Nakayama, Recording Secretary

Rodney Maile, Senior Hearings Officer
John Ramsey, Consultant
Judy Gorman, Hawaii Association of Realtors
Monta Koch, Applicant
Victoria Meyer, Applicant
Bruce Szathmary, Applicant
Simeon C. Ramos, Jr.
Ronald M. Kohn, Applicant
Gary L. Pinkston, Applicant

Excused: Stanley Kuriyama, Oahu Member
Douglas Sodetani, Maui Member

Call to Order: Chairman Yanagawa called the meeting to order at 9:15 a.m., at which time quorum was established.

Chairman's Report: No report was presented.

Executive
Secretary's
Report:

No report was presented.

Additions to
the Agenda:

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

5. Committee Reports
 - b. Condominium and Cooperative Review Committee
 - c. Laws and Rules Review Committee

7. Licensing - Restoration of Forfeited Licenses
Over Two Years - Salespersons
01/01/87 Roger M. Grande
01/01/89 Betty Jean Sandlin

Request for Reconsideration
Stephen A. Goddard

8. Licensing - Questionable Applications
Mark P. Miller

Approval of
Minutes:

The approval of the minutes of the June 28, 1991 and July 26, 1991 meetings was deferred until the next Commission meeting.

Disciplinary

SCULLY ROGERS, LTD. RANDY M. ROGERS AND MARION ROGERS, AKA
Cases: **SCULLY ROGERS, RE-88-74**

Upon a motion by Commissioner Kano, seconded by Commissioner Butuyan, it was voted on and carried, with Commissioner Dew opposed and Commissioner Hirata abstained from voting due to nonparticipation in July 1991 meeting, to approve the Hearings Officer's Recommended Order that the real estate broker's license of Randy Rogers be suspended for a period of six months; that the real estate broker's license of Marion Rogers aka Scully Rogers be suspended for a period of one year; and that Scully Rogers, Ltd. be ordered to pay a fine of \$2,500.00 within 60 days from the date of the Commission's Final Order.

For the record, Commissioner Dew stated she will be submitting a statement on her reasons for her opposition to be made part of the minutes.

FRANKLIN E. FARINAS, REC-LIC-91-1

Upon a motion by Commissioner Nishikawa, seconded by Commissioner Kano, it was voted on and unanimously carried to approve the Hearings Officer's Recommended Order that the condition imposed by the Commission for restoration of Petitioner's real estate broker's license was appropriate and in accordance with the Rules and, therefore, Petitioner's request for modification of such terms should be denied.

TERRANCE W.H. WONG, REC-90-296

Chairman Yanagawa was excused from the meeting due to a conflict of interest. Vice-Chairman Nishikawa presided over the meeting.

Upon a motion by Commissioner Kano, seconded by Commissioner Dew, it was voted on and unanimously carried to approve the Settlement Agreement After Filing of Petition and Commission's Final Order.

SIMEON C. RAMOS, JR., RE 89-29, RE 89-52

Vice-Chairman Nishikawa was excused from the meeting due to a conflict of interest. Commissioner Dew, Chairman Pro Tem, presided over the meeting.

Mr. Ramos was present at today's Commission meeting to request for reconsideration of the Commission's Final Order dated June 20, 1991.

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

Commissioners Yanagawa and Nishikawa returned to the meeting. Chairman Yanagawa resumed presiding over the meeting.

Committee
Reports:

EDUCATION REVIEW COMMITTEE

Upon a motion by Commissioner Dew, seconded by Commissioner Kano, it was voted on and unanimously carried to approve the recommendations of the August 14, 1991 Education Review Committee Meeting, as follows:

1. Approve the increase of the Education Fund by \$3,000 for use in the purchasing of necessary computer software to comply with the department's computer policies.
2. Approve in principal for consideration by the 1992 State Legislature, the proposed continuing education legislation relating to the repeal of the continuing education drop dead provision.

3. Approve the payment of \$1,028.44 from the Real Estate Education Fund to the Hawaii Association of Realtors for the administering and delivering of the Instructor Development Workshop held September 28 & 29, 1990 subject to the receipt of an original invoice from the Hawaii Association of Realtors.
4. Amend the scope of the contract (effective date June 30, 1989) made between the Real Estate Commission, the Department of Commerce and Consumer Affairs, and the University of Hawaii, to include the University of Hawaii performance of other additional services, administrative support, academic atmosphere, space, staff and expertise in education and research matters that will assist the Real Estate Commission with carrying out other additional fiduciary responsibilities and duties imposed by the Hawaii State legislature and other governmental agencies including, but not limited to, the management of the Condominium Management Education Fund.
5. Accept Dale Clark's withdrawal of his continuing education course category instructor application for the course category of "Home Inspection/Residential Construction."
6. Approve the continuing education instructor application of Rose Kirland for the core and course categories of Finance; defer her application for the core and course category of Contracts because the applicant does not satisfy Administrative Rule 16-99-104 due to insufficient documentation indicating satisfaction of 16-99-104(d) "command knowledge"; and approve her application for the GRI 101 (listing segment) subject to HAR's removal of applicant's provisional certificate status.
7. Defer Duplanty School of Real Estate's continuing education elective course application of "Fundamentals to Escrow Closing" for further documentation.
8. Approve Duplanty School of Real Estate's continuing education elective course application "How to Manage Residential Property" subject to the recommendations made by the C.E. Panel Member and staff. Also, subject to the provider submitting copyright permission waivers or other documentation regarding copyrighted forms to be used as handouts in the course; and the inclusion of a standard language disclaimer as suggested and set forth in the letter sent to provider notifying provider that the course has been approved.
9. Approve the request of Century 21 Real Estate School to hold joint salesperson and broker courses at their Manoa classroom location for a conditional one-year term and that Commission staff should monitor the course. Also, subject to the provider teaching the two separate curriculums (broker curriculum and salesperson curriculum) as certified by the Commission.
10. Approve D. Jeanne Greene's prelicensing salesperson instructor application.

11. Approve the request of Brian Thomas to extend his 3 month deadline to pass the instructor exam until the receipt of notice of his score report for the July 27, 1991 exam. Original deadline to pass the instructor exam was July 25, 1991.
12. Recommend that the Commission delegate the preliminary decision making of all continuing education elective course applications to the Education Committee Chairperson and the Real Estate Specialist to render. Upon approval by the Education Chairperson and Real Estate Specialist, the application will then go before the Commission at its Commission meeting to be ratified. Questionable applications will continue to go before the Education Committee to render a decision, then to the Commission for ratification.

CONDOMINIUM AND COOPERATIVE REVIEW COMMITTEE

Upon a motion by Commissioner Lee, seconded by Commissioner Kano, it was voted on and unanimously carried to approve the recommendations of the August 29, 1991 Condominium and Cooperative Review Committee Meeting as amended:

1. Recommend approval of amended contract with University of Hawaii, RCUH, College of Business, Hawaii Real Estate Research and Education Center for previously approved budget for fiscal years 1991-92 and 1992-93 from the Condominium Management Education Fund.
2. Recommend approval of June Kamioka's request for funding from the Condominium Management Education Fund and out of Cooperative Education budget item to attend and participate in the National Land Council Meeting, November 5-11, 1992, Naples, Florida. Funding to compensate for registration, air travel, ground transportation, per diem, and incidentals.
3. Recommend continuance of discussion on "out of state condominium projects and the uniform land sales practice act" to the September meeting.
4. Recommend that any metes and bounds description or square footage figures of land area shall be clearly and specifically identified as either the condominium project's total land area, common element land area, or limited common element land area.
5. Recommend that condominium documents, public reports, and advertising reflect no references, words (lot, parcel, single family, etc.), square footage of land area unless clearly identified (total land area of the project, common elements, or limited common elements), illustrations, solid lines, etc. which may give the impression, representation, or misrepresentation that the project consists of subdivided lots. In addition, that if dotted lines are utilized to separate limited common elements on plans or illustrations, that a "caveat" appears on the same page that the dotted lines do not represent any subdivided

lot.

6. Recommend that Stephen Okumura and Lynn Petry attend and participate in the CAI National Meeting, October 31 to November 2, 1991, Washington, D.C. with funding from the Condominium Management Education Fund.
7. Recommend that staff respond to Pacific Basin Management Corporation request.
8. Recommend that the next CCRC meeting be changed from October 23 to October 24, 1991, Thursday.

LAWS AND RULES REVIEW COMMITTEE

Upon a motion by Commissioner Kano, seconded by Commissioner Lee, it was voted on and unanimously carried to approve the recommendations of the August 29, 1991 Laws and Rules Review Committee Meeting, as follows:

1. Arthur K. Goto - Broker Salesperson Corporation
Recommend that the matter be deferred until Deputy Attorney General advises.
2. Kamehameha Schools/Bernice Pauahi Bishop Estate - Leasehold Disclosure
Recommend delegation to Executive Secretary to respond.
3. Joy Stevens - Agency
Recommend matter be referred to Hawaii Association of Realtors (HAR) and Honolulu Board of Realtors (HBR) for comments before staff to respond.
4. Helen Lindemann - Real Estate Broker Signs
Recommend that Commissioner Dew participate with HAR on meeting with Department of Transportation.
5. Consumer Federation of America Investigation
Recommend matter be referred to HAR and HBR for information.
6. Certificate of Appreciation - Harry J. Joachim
Recommend approval.
7. NARELLO Report - Proposed Alternative By-Law Amendment

Recommend that matter be delegated to Hawaii delegation with Executive Secretary voting delegate.

8. NARELLO Report - Committee Assignments

Recommend that Executive Secretary work with Commissioners and staff for a representative distribution.

9. Recommend that the next Laws and Rules Review Committee Meeting be changed from October 23 to October 24, 1991, Thursday.

Licensing:

RATIFICATION

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

Real Estate Brokers

Towne Realty Brokerage Services, Inc.
ERA Lewis Real Estate, Inc.
Gallery of Homes, Inc.
Century 21 Royal Maui Properties, Ltd.
Create 1 Properties Corporation
Property Network, Ltd.
First Home, Incorporated

Tradenames

Irene Jacobs Inc. fka Dilks & Jacobs Inc.
Trans-Pacific Realty Inc. dba Kamalani Realty
Beatrix R. Travis dba Raintree
Leighton Wakata dba Realty Concepts
Online Realty Corp. fka Dempsey West Properties, Inc.
Karen Jeffrey dba Pacific Island Investments
Dorothy S.K. Moody dba Aloha Rainbow Properties
Active Properties, Inc. dba Rent Mart
Richard A. Cadiente dba The Friendly Realtor
Robert L. Cook Jr. dba Bob Cook Realtor

Site Office

Finance Realty Co., Ltd. - Westcliff
Trans-Pacific Realty, Inc. - Kamalani
J.G.L. Enterprises, Inc. - Makakilo Cliffs
Budget Realty Ltd. - Village Pokai Bay

Finance Realty Co., Ltd. - Makakilo Ridge

Condominium Hotel Operators

Village Resorts, Inc.
HCR Associates

Condominium Managing Agents

Village Resorts, Inc.

Condominium Property Regime Public Reports

JULY 1991

Maui Royal Suites, Maui (Final)
Northshore Vistas, Kauai (Final)
Kahale Kai Condominium, Kauai (Final)
Nehoa Park Estates, Honolulu (Final)
Puuowaa, Honolulu (Final)
Moanalua Village, Honolulu (Preliminary)
Kalihiwai Ranch Condominium, Kauai (Final)
1743 10th Avenue, Honolulu (Final)
Makakilo Cliffs, Honolulu (Final)
Evergreen Terrace, Honolulu (Preliminary)
The Greens at Waikoloa, Hawaii (Supplementary)
496 Kaha Street-Phase I, Honolulu (Supplementary)
3012/3012A Kahaloa Drive, Honolulu (Final)
Royal Palm View Estates, Kauai (Final)
Puowaina Terrace, Honolulu (Final)
Nuuanu Parkside, Honolulu (Final)
Ka'eo Kai Phase II, Kauai (5th Supplementary)
1230 Wilhelmina Rise, Honolulu (Final)
Kaulana at Kona, Hawaii (Supplementary)
Maui View Villas, Maui (Preliminary)
3737 Waialae, Honolulu (Final)
Sixty-five Napili Way, Maui (Final)
Executive Plaza, Honolulu (Preliminary)
Kihei View Apartments, Maui (Preliminary)
Kalihiwai Palms, Kauai (Final)
Aliomanu Kai Condominium, Kauai (Final)
Prospect Street Townhouse, Honolulu (Final)
2425 Rose Street, Honolulu (Final)
Keonekai Villages, Maui (Final)
Nalu Nau Court, Honolulu (Supplementary)
Puu Iki, Honolulu (Final)

1515 Pele Street, Honolulu (Final)
Southpointe at Waiakea Phase I, Maui (Preliminary)
Palm Villas II, Increment EE, Honolulu (Preliminary)

Licensing:

QUESTIONABLE APPLICATIONS

Monta Koch

Ms. Koch was present to request that the Commission approve her application for a real estate salesperson's license.

Ms. Koch provided an explanation of the circumstances which led to the IRS filing a tax lien against her and her husband for non-payment of their 1989 income taxes. She explained that there is presently a payment plan with the IRS to re-pay the taxes due.

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

Victoria Meyer

Ms. Meyer was present to request that the Commission approve her request to submit her application for a real estate salesperson's license beyond the specified 90 day deadline.

Because of the personal nature of her circumstances to file an application on a timely basis, Ms. Meyer was afforded the opportunity to explain to the Commissioners in an Executive Session which she declined.

Ms. Meyer explained to the Commissioner's that a domestic situation had made it necessary for her to move from her residence, therefore, she did not receive her results. She stated that she had submitted a change of address form to the Post Office to have her mail forwarded and had also requested a duplicate copy of her results from ASI which she received after the 90 day filing deadline.

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

Executive
Session:

Upon a motion by Commissioner Kano, seconded by Commissioner Lee, it was voted on and unanimously carried to enter into executive session at 9:40 a.m., pursuant to Chapter 92-5(a)(1), "To consider and evaluate personal information relating to individuals applying for professional or vocational licensed cited in Section 26-9 or both;"

Upon a motion by Commissioner Nishikawa, seconded by Commissioner Kano, it was voted on and unanimously carried to move out of executive session at 10:16 a.m.

RONALD KOHN

Mr. Kohn was present to request an equivalency to seven months experience and ten transactions in order to obtain a real estate broker's experience certificate.

Mr. Kohn was asked to explain the discrepancy in his employment dates with the firm of Huffman & Drake, Inc. as indicated on the experience certification statement from Douglas T. Huffman.

He explained that he obtained his real estate salesperson's license in Hawaii on September 4, 1990 although his association with Huffman & Drake began on June 11, 1990 in the capacity as a sales manager. He also stated that he has been associated with three other Hawaii brokers although he has not submitted the experience certification statements from these brokers.

The Supervising Executive Secretary asked Mr. Kohn if he would be able to provide further documentation to substantiate the transactions listed on the experience certificate statement from Huffman & Drake, Inc. in order to the aid the Commissioners in their decision making. Mr. Kohn affirmed that he would submit the additional information as soon as possible.

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

GARY L. PINKSTON

Chairman Yanagawa was excused due to a conflict of interest. Vice-Chairman Nishikawa presided over the meeting.

Mr. Pinkston was present to request an equivalency to three listings closed escrow and two sales closed escrow in order to obtain a real estate broker's experience certificate.

Mr. Pinkston summarized his extensive involvement in the real estate business of property development and construction in the state of California for the past 20 years. He stated that this development and construction activity included the design,

engineering, construction, development, and leasing of some five million square feet of industrial and retail projects.

He explained that in his current position as the Executive Vice President and Principal of Global Equity Management, it is his responsibility to review and execute leases for the properties managed by the company. He stated that he felt he could more effectively carry out his job responsibilities as Executive Vice President of Global Equity Management if he had a Hawaii real estate broker's license.

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

Chairman Yanagawa returned and resumed presiding over the meeting.

Recess: Chairman Yanagawa recessed the meeting at 10:47 a.m.

Reconvene: Chairman Yanagawa reconvened the meeting at 10:59 a.m., at which time quorum was established.

Executive Session: Upon a motion by Commissioner Dew, seconded by Commissioner Lee, it was voted on and unanimously carried to enter into executive session at 11:00 a.m., pursuant to Chapter 92-5(a)(1), "To consider and evaluate personal information relating to individuals applying for professional or vocational licensed cited in Section 26-9 or both;"

Upon a motion by Commissioner Nishikawa, seconded by Commissioner Kano, it was voted on and unanimously carried to move out of executive session at 12:10 p.m.

Licensing: **RESTORATION OF FORFEITED LICENSES**

Lisa Tompkins	Salesperson
Roger M. Grande	Salesperson
Betty Jean Sandlin	Salesperson

After a review of the information submitted by the applicants, Commissioner Nishikawa moved that restoration be approved subject to submitting evidence of successfully passing the real estate salesperson's licensing examination with a one-time waiver of the educational requirement and completion of 1989-90 continuing education courses. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Brian Hirokane

After a review of the information submitted by the applicant, Commissioner Dew moved that restoration be approved subject to submitting evidence of successfully passing the

real estate broker's licensing examination by October 31, 1991 and completion of 1989-90 continuing education courses. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Ronald H. Lincoln, Jr.

After a review of the information submitted by the applicant, Commissioner Kano moved to approve Mr. Lincoln's request to accept the completed real estate course and allow him an extension until September 30, 1991 to complete his last 1989-90 continuing education course. Commissioner Hirata seconded the motion. The motion was voted and unanimously carried.

Augustin J. Lactaen

After a review of the information submitted by the applicant, Commissioner Butuyan moved to approve Mr. Lactaen's request for an extension to complete the real estate course and 1989-90 continuing education courses by the end of November, 1991, subject to receipt of his physician's verification of illness. Commissioner Kano seconded the motion. The motion was voted and unanimously carried.

Stephen A. Goddard

After a review of the information submitted by the applicant, Commissioner Nishikawa moved to deny Mr. Goddard's request for reconsideration. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

QUESTIONABLE APPLICATIONS

Kihei Surfside Rental Association

After a review of the information submitted by the applicant, Commissioner Hirata moved to approve the condominium hotel operator application of Kihei Surfside Rental Association with advisement on 1992 registration requirements. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Oceanview Management Corporation

After a review of the information submitted by the applicant, Commissioner Dew moved to deny the condominium hotel operator application of Oceanview Management Corporation. Commissioner Nishikawa seconded the motion. The motion was voted on and unanimously carried.

Sammy Joe Wilson

After a review of the information submitted by the applicant, Commissioner Butuyan moved to deny the condominium hotel operator application of Sammy Joe Wilson. Commissioner Hirata seconded the motion. The motion was voted on and unanimously carried.

Alexandria Hinnebusch

After a review of the information submitted by the applicant, Commissioner Kano moved to approve Ms. Hinnebusch's request for a home occupation place of business located at 6472 Kaahale Street, Kapaa, Hawaii, subject to the conditions imposed upon her by the County of Kauai. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Colleen Cassell

After a review of the information submitted by the applicant, Commissioner Dew moved to approve Ms. Cassell's application for a real estate salesperson's license. Commissioner Hirata seconded the motion. The motion was voted on and unanimously carried.

Victoria V. Meyer

After a review of the information presented by the applicant, Commissioner Butuyan moved to approve Ms. Meyer's application for a real estate salesperson's license. Commissioner Kano seconded the motion. The motion was voted on and unanimously carried.

Froyam Edel

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

Bruce Szathmary

Upon a motion by Commissioner Kano, seconded by Commissioner Butuyan, it was voted on and unanimously carried to defer decision making on this matter.

Monta Koch

After a review of the information presented by the applicant, Commissioner Dew moved to approve Ms. Koch's application for a real estate salesperson's license.

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

After a review of the information submitted by the applicant, Commissioner Butuyan moved to approve Mr. Aschenbrenner's request for an equivalency to one listing that has and unanimously carried.

Gary L. Pinkston

meeting.

After a review of the information presented by the applicant, Commissioner Nishikawa closed escrow and two sales that have closed escrow. Commissioner Butuyan seconded the motion. The motion was voted on and unanimously carried.

Daniel Beck

After a review of the information submitted by the applicant, Commissioner Butuyan closed escrow requirement. Commissioner Hirata seconded the motion. The motion was voted on and unanimously carried.

Upon a motion by Commissioner Nishikawa, seconded by Commissioner Butuyan, it

Robert Diffley

After a review of the information submitted by the applicant, Commissioner Nishikawa full-time experience. Commissioner Hirata seconded the motion. The motion was voted on and unanimously carried.

After a review of the information submitted by the applicant, Commissioner Hirata Commissioner Butuyan seconded the motion. The motion was voted on and

unanimously carried.

Disciplinary SIMEON C. RAMOS, JR., RE 89-29, RE 89-52
Cases:

Commissioners Yanagawa and Nishikawa were excused from the meeting due to a conflict of interest. Commissioner Dew, Chairman Pro Tem, presided over the meeting.

Upon a motion by Commissioner Lee, seconded by Commissioner Kano, it was voted on and unanimously carried to defer decision making on this matter to the next Commission meeting due to lack of a quorum.

Commissioners Yanagawa and Nishikawa returned to the meeting. Chairman Yanagawa resumed presiding over the meeting.

Next Meeting: September 26, 1991, 9:00 a.m.
 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 12:19 p.m.

Reviewed and approved:

Calvin Kimura
Supervising Executive Secretary

Date