

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, July 30, 1993

Time: 9:00 a.m.

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

Present: Marcus Nishikawa, Chairperson, Oahu Member
Barbara Dew, Vice-Chairperson, Oahu Member
Jerry Hirata, Hawaii Member
Alvin Imamura, Maui Member
Yoshiko Kano, Kauai Member (Early Departure)
Stanley Kuriyama, Oahu Member

Calvin Kimura, Supervising Executive Secretary
Jan Yamane, Senior Real Estate Specialist
Russell Wong, Real Estate Specialist
Lee Ann Teshima, Real Estate Specialist
R. Victoria Shiroma, Condominium Specialist
Benedyne Stone, Condominium Specialist
Irene Kotaka, Secretary

Rodney S. Nishida, Attorney for the Real Estate Recovery Fund
Cynthia Yee, Hawaii Real Estate Research & Education Center
Robert L. Paris, Touchstone Realty Corp.
Brayton W. Norton, Applicant
Jerrold Guben, Attorney for Brayton Norton
David Rogers, Scully Rogers, Ltd.
Judy Tobin, Applicant

Excused: Theo Butuyan, Public Member
Francine Duncan, Public Member
Carol Mon Lee, Public Member

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

Chairperson's Report: No report was presented.

Supervising Real estate recovery fund matters are not covered under the provisions of Adjudicatory

Executive Secretary's Report: Matters, Chapter 91, Hawaii Revised Statutes.

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

9. Licensing - Questionable Applications
BNB
Mary M. Love dba MJ Properties
Goh & Associates, Inc.
Barney B. Menor

Additional Distribution: The following were distributed to the Commissioners for their consideration:

6. Committee Reports
 - b. Laws and Rules Review Committee - Working as a Real Estate Salesperson and a Time Share Outside Public Contact for Two Different Brokers
 - c. Education Review Committee Report and Recommendations

Licensing: **Questionable Applications**

Touchstone Realty

Mr. Robert Paris, proposed principal broker of Touchstone Realty, was present to answer any questions that the Commissioners may have regarding the application for real estate corporation.

No questions were asked of Mr. Paris.

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

Brayton W. Norton

Mr. Norton and Jerrold Guben, Mr. Norton's attorney, were present to provide oral testimony on Mr. Norton's application for a real estate salesperson's license.

Mr. Guben stated that Mr. Norton had not recalled that he had been served a complaint by RICO. RICO had informed him that the complaint had been closed, with no action taken. Mr. Norton had omitted references to the 1991 and 1993 complaints. He had interpreted the question to pertain to any real estate related complaints. It was an honest oversight on his part. Mr. Guben submitted two copies of the July 27, 1993 letter from RICO, the July 2, 1991 letter to Mr. Norton, from RICO, and Mr. Norton's July 5, 1991 response to RICO, to clear the record.

The Supervising Executive Secretary stated that the Commission has received additional information regarding Mr. Norton's contractor's license. Mr. Norton's contractor's

license has been revoked and a final order has been issued by the Contractor's License Board. Mr. Norton's "B" license was revoked on March 19, 1993 and his C-33 license was revoked on June 18, 1993. On the previous matter, there was a stayed six-month suspension, fine and restitution. His failure to pay the fine and restitution resulted in a revocation of his license.

Mr. Guben stated that a claim has been filed against Mr. Norton's insurance company for the amount of restitution. Mr. Norton is hoping that his insurance company and the insurer of Norton Homes, Inc. will pay for the claim. They have not appealed the order. Mr. Norton did not have the \$50,000 to pay for the restitution that was necessary.

Mr. Norton was informed that the Commission would have to examine Mr. Norton's reputation for honesty, truthfulness, financial integrity and fair dealing when it makes its decision.

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

Executive Session:

Upon a motion by Commissioner Dew, seconded by Commissioner Kano, it was voted on and unanimously carried to enter into executive session, pursuant to Section 92-5(a)(4), "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities and liabilities;"

Upon a motion by Commissioner Dew, seconded by Commissioner Kano, it was voted on and unanimously carried to move out of executive session.

Real Estate
Recovery Fund Report:

C & I Associates vs. J.N. Ariyoshi

Upon a motion by Commissioner Dew, seconded by Commissioner Kano, it was voted on and unanimously carried to approve negotiation of a settlement of the above-referenced case.

Committee Reports:

Condominium and Cooperative Review Committee

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Kano, it was voted on and unanimously carried to approve the report of the July 14, 1993 Condominium and Cooperative Review Committee Meeting, as follows:

1. Accept the minutes of the June 9, 1993 meeting, as is.
2. Hawaii Real Estate Research and Education Center Report - Distributed status report to Commissioners via mail.
 - a. Program of Work and Budget FY1994 - Awaiting word of approval from Budget and Finance.
 - b. Hawaii Condominium Bulletin

- (1) Summer 1993 Reference File will be a legislative update. Center has received memorandum from REC staff. Six copies of each issue will be sent to each registered association and two copies to each registered managing agent. REC suggests including a permanent notice about mediation in each issue, due to Advisory Council concerns.
 - (2) Fall 1993 - Reference File will be concerned with non-legal topic; REC suggests questions and answers about insurance and article about reference library.
 - c. Board of Directors Guide
 - (1) Liability Chapter - Center staff has received memorandum and comments from the Vice-Chairperson and from REC staff and will be incorporating comments.
 - (2) Curriculum (for Guide)

Center to consider proxies, elections, annual and board meetings as the topic for Chapter Four. Center to consider house rules and enforcement as the topic for Chapter Five. Suggested that the Center prepare the curriculum as a revolving document, subject to change, and work on scope and objectives for each chapter.
 - d. Condominium Seminars - Center staff to meet with CAI Hawaii representatives on July 22, 1993 at 10 o'clock to finalize details for the Kona seminar.
 - e. Survey of Apartment Owners and Directors - Center anticipates presenting specifications at the next CCRC meeting.
 - f. Condominium Association Budget and Reserves
 - (1) Guide - Updates will be made and mailed pursuant to new legislation.
 - (2) Workshops - Subject to input from Kauai Commissioner. Kauai workshop is scheduled for Saturday, October 23, 1993.
 - g. Five Year Education and Research Plan - Substantially completed and needs to be reformatted; rollover fifth year will include results of survey.
 - h. Media Articles - Center to provide specifics towards the end of the fiscal year.
 - i. Federal Leasehold Study - Project personnel are meeting with Federal officials this week.
3. Program of Work
 - a. Program of Work and Budget, FY1994 & FY1995

Approve Draft #3 of the Program of Work and Budget, FY1994 and Condominium Management Education Fund Budget for FY1994, dated June 15, 1993.
 - b. Condominium Reference Library - Materials have begun arriving for distribution to libraries; publicity will include article in fall issue.
 - c. Condominium Managing Agent Registration - Memorandum of May 28, 1993 REC decision regarding accountants and bookkeepers was distributed for information.

- d. Out-of-State Condominium Projects - Consultant Mitchell Imanaka submitted Draft 1 of the report, summarized report and agreed the work would be completed by the August 15th deadline in the contract. Suggested that the Report on the Registration of Out-of-State Condominium Projects in Hawaii emphasize consumer protection and include:
 - (1) whether consumers have been harmed by the current Chapter 484, HRS, requirements for the registration of out-of-state condominium projects in Hawaii and reference the difficulty in determining such information, if applicable;
 - (2) description of alternative to expanding registration of out-of-state condominiums in that Hawaii registration would be required only if the state where the project is located does not provide comparable, adequate disclosure. A list of states with comparable disclosures is not required.
 - (3) opinion as to whether Hawaii purchasers of out-of-state condominium projects are precluded from recovering from the Real Estate Recovery Fund.
- e. Condominium Specialists Office for the Day - Possible date for Kauai: Monday, October 4, 1993, to follow up on the reserve seminar.
- 5. Project Registration, Public Reports, and Sales to Owner-Occupants
 - a. Request for Owner-Occupant Pre-Sale Notice Exemption - Jeffrey Grad
Recommend that an owner-occupant pre-sale notice should be published for a three-apartment condominium project of which to apartments are residential.
- 6. CAI National Conference, October 7 to 9, 1993 - Approve attendance of Vice-Chairperson, plus designating Condominium Specialist Okumura as alternate, to be determined by Chairperson, funded by CMEF, and subject to PVL approval.
- 7. Next Meeting:
Wednesday, August 11, 1993
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Laws and Rules Review Committee

Upon a motion by Commissioner Kano, seconded by Commissioner Imamura, it was voted on and unanimously carried to approve the report of the July 14, 1993 Laws and Rules Review Committee Meeting, as follows:

- 1. Commissioners' 1993 Availability Calendar was distributed.
- 2. Hawaii Real Estate Research and Education Center Report
 - a. Laws and Rules Manual and Reference Manual - working on.
 - b. Advertising Brochure - working on.
 - c. Consumer Guide Series Brochure - updating.

- d. Principal Broker and Broker-in-Charge Brochure - working on.
 - e. Startup Kit for New Licensees - working on.
 - f. Real Estate Summit I - informed and clarified for Fall 1993 presentation.
 - g. Professional Responsibility Course - working on.
 - i. Real Estate Seminars - on hold.
3. Accept financial statements for the Real Estate Recovery Fund, dated April 30, 1993.
 4. Open period for comments and recommendations on the specifications for each program on the final LRRC's Program of Work FY1994, from July 14, 1993 meeting to August 11, 1993 meeting for finalization.
 5. June 9, 1993 CHO pending issues with Deputy Attorney General deferred to next meeting.
 6. Chaney, Brooks and Company Fidelity Bond Coverage - Approve fidelity bond,s subject to receipt of acknowledgement letter from the insurance carrier, describing represented CHO coverage and compliance with the laws and rules.
 7. BNB dba Resort Rentals and Sales - Conditional approval of CHO registration, subject to receipt of a notarized statement from each of the three partners, stating that:
 - a. They have no employees;
 - b. That all funds are handled by the principals (general partners) only who are not considered employees by the fidelity bond provider;
 - c. That they have no other person receiving, depositing, disbursing, or controlling client's trust funds other than the principals;
 - d. That any changes to the above shall terminate the conditional registration, unless registrant submits proof of fidelity bond coverage; and
 - e. That registrant shall report any changes to the above.
 8. Mary Love dba MJ Properties Fidelity Bond Problem - Inform applicant that based upon the circumstances of the applicant, the Commission has no legal authority in the laws or the rules to provide relief, exemption, waiver, or an alternative to the fidelity bond requirement. Applicant should review other suggestions by staff and review other decisions by the Commission.
 9. Anson Tripp - Separate Licensing of Business Intermediaries - Staff to respond.
 10. National Land Council Annual Conference - No attendees due to prioritizing participation and the budget/travel cutbacks.
 11. Worldwide Realty, Inc. - Sale of Certificates - Staff to respond, based on prior Attorney General opinion.
 12. NARELLO, Entries for Education and Fair Housing Awards - HREREC and staff submitted entry for continuing education award, based on Law Update and Ethics 1993-1994 and have no plans for any submission on fair housing.
 13. NARELLO Annual Conference - Approve three attendees, to be funded by REEF, subject to Chairperson designating the Commissioners and staff members and DCCA/PVL approvals.
 14. Next meeting:
Wednesday, August 11, 1993
10:30 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building

1010 Richards Street, Second Floor
Honolulu, Hawaii

Upon a motion by Commissioner Dew, seconded by Commissioner Imamura, it was voted on and unanimously carried that based on consultation with the Deputy Attorney General that a real estate salesperson be associated with a real estate broker cannot be associated with another real estate broker as an OPC (Outside Person Contact), or be subject to disciplinary action.

Education Review Committee

Upon a motion by Commissioner Hirata, seconded by Commissioner Kano, it was voted on and unanimously carried to approve the report of the July 29, 1993 Education Review Committee Meeting, as follows:

1. Budget and Finance Committee Report
 - a. Accept the July 29, 1993 Dean Witter Reynolds, Inc. Recovery Fund and Education Fund Report.
 - b. Accept the May 31, 1993 Real Estate Education Fund Financial Statements.
2. HREREC Report
 - a. Evaluation System - Accept the July 27, 1993 memorandum and revised draft relating to "A System for Evaluating Real Estate Education in Hawaii."
 - b. Real Estate Summit
 - (1) Accept the July 16, 1993 report on the Real Estate Summit.
 - (2) HREREC work with Commissioner Nishikawa to select the date and the mod of presentation.
 - c. Broker Curriculum and Resources - Commissioner Hirata to work with HREREC.
 - d. Continuing Education 1993-94 Core Course
 - (1) HREREC has supplied providers with second updated materials for the core course.
 - e. Continuing Education 1993-94 Three Elective Courses
 - (1) Accept the finished course, entitled "Basic Real Estate Investment Analysis 1993-94".
 - (2) HREREC has cancelled the contract with the consultant for residential property management course. HREREC will draft course and submit draft by the next ERC meeting on August 26, 1993.
3. Continuing Education Administration, Curriculum, Courses, Providers and Instructors
 - a. Administrative Issues - Remind HREREC to develop objective qualification criteria for instructor certification for 1993-94 core course, as directed by ERC during November 24, 1992 meeting. Commissioner Imamura to work with HREREC and Commission staff to develop and finalize criteria.
 - b. Application and Certification
 - (1) Approve elective course - "Zoning - Issues, Problems,

- Questions, Answers"
- (2) Center for Professional Development
 - (a) Approve Provider Application for the Center for Professional Development to offer "Real Estate Law Update and Ethics 1993-94" and "Zoning - Issues, Problems, Questions, Answers".
 - (b) Defer Center for Professional Development to offer "The Condominium Development Process", pending course application review.
 - (3) Approve instructor application of Louis L. C. Chang, as follows:
 - (a) Core Course - "Real Estate Law Update & Ethics 1993-94"
 - (b) Course Category - Contracts
 - (c) Elective Course - "Real Estate Dispute Resolution"
 - (4) Abraham W. H. Lee
 - (a) Approve instructor certification for Elective Course - "Zoning - Issues, Problems, Questions, Answers"
 - (b) Defer Instructor Certification as follows:
 - 1) Core Course, "Real Estate Law Update & Ethics 1993-94", pending notification from HREREC regarding instructor qualification guidelines.
 - 2) Elective Course - "The Condominium Development Process", pending course certification.
4. Next Meeting:
Thursday, August 26, 1993
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Licensing:

Ratification

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

Real Estate Brokers:

Investment Properties Pacific, Inc.
Maria L. Conway
Pamela A. Kvicala
TNR Development Corporation dba Island Pacific Homes
Ward Ross Smith dba Ross Smith Realty
Steven B. Dixon
Harriet E. Furusho
Action Team Realty, Inc.

The Commercial Group, Ltd.
Mochiron, Inc., a Hawaii Corporation

Site Offices:

H. H. Inc. dba Hawaii Resort & Investment Properties - Sunset Ridge at Waikoloa
Village, Phase II, Increment I
McCormack Real Estate dba Coldwell Banker McCormack Real Estate - Nauru
Tower
Finance Realty Co., Ltd. - Westpark
Sykes & Sykes Properties, Inc. - Halona Kai
Mitsui Rehouse Realty, Inc. - Olaloa Project I and II
McCormack Real Estate, Inc. dba Coldwell Banker McCormack Real Estate - The
Bay Club at Waikoloa Beach Resort
Diana Y. Bretz - Pacific Shores
Residential Resources of Hawaii, Inc. - Poha Kea Point
Nikken Corporation - The Bay Club at Waikoloa Beach Resort
Nancy Montoya, Inc. - Piilani Village
Hannon Realty - Kuhio Banyan Club

Trade Name:

Beachcomber Realty, Inc. (fka Century 21 Beachcomber Realty, Inc.)
Lady Luck, Inc. dba Bluestar Hawaii Realty (fka Lady Luck, Inc. dba Lokahi
Investment Network

Condominium Hotel Operator:

Maui Kai Rental Program
C & C Realty, Inc. dba Turtle Bay Condos

Condominium Project Registration - Public Reports Issued for the month of June 1993:

Halelani Village at Puhi, Phase I, Kauai (Final)
Hale Lani, Hawaii (Final)
Mamalaho Village, Hawaii (Final)
Kanehoa Condominiums, Hawaii (Final)
1629 Kam IV Road, Honolulu (Final)
Onomea Kahakai, Hawaii (Final)
5-5483 Kuhio Highway, Kauai (Final)
The Apiki Condominium, Honolulu (Final)
Uke'e Industrial Court, Honolulu (Preliminary)
Seacliff Plantation - Lot 25, Kauai (Final)
The White Owl Ranch, Kauai (Final)
Sun Rise, Phase B, Honolulu (Final)
Sun Rise, Phase J, Honolulu (Final)
Sun Rise, Phase K, Honolulu (Final)
Crozier Highlands, Hawaii (Final)
511 Puuopae Road Condos, Kauai (Final)
Kohala Estates, Lot 72-B, Hawaii (Final)
2825 Pali, Honolulu (Final)
Onouli 2, Hawaii (Final)
Pupuole Center, Kauai (Final)

Ka'u Aloha Farms, Hawaii (Final)
Hehemanu Breeze Agricultural Condominium Project, Kauai (Final)
Wong Plantation, Hawaii (Final)
One Kalakaua Senior Living, Honolulu (Preliminary)
Kinohou Estates, Lot 14, Hawaii (Final)
Lani Kai Vista, Hawaii (Final)

Questionable Applications

Claudia Klawe

David Rogers, principal broker of Scully Rogers, Ltd., was present to request that the Commission exempt/overturn the rules with regards to Ms. Klawe's period of inactivity from April 29, 1992 to December 21, 1992.

Mr. Rogers stated that he does not have any documentation available because he is unable to retrieve them from his office, which is located in the Bank of Hawaii building in Waikiki.

Mr. Rogers stated that a copy of Ms. Klawe's Change Form was submitted to the Licensing Branch. He called the Licensing Branch in January 1993, but was unable to get the matter resolved over the telephone. On January 13, 1993, he went down to the Licensing Branch and wrote a note, saying that he was there trying to solve the problem with Ms. Klawe's Change Form. In March 1993, he wrote a letter to the Real Estate Commission and did not receive a response. Ms. Klawe moved to the mainland and knew that she needed to show that she was continuously licensed as a real estate salesperson. Mr. Rogers stated that they had found the original Change Form in January 1993 and submitted it to the Licensing Branch. As yet, the matter is still unresolved. If the Commission denies their request to accept Ms. Klawe's Change Form, the State of Utah will not grant Ms. Klawe any credit for her Hawaii experience. Mr. Rogers stated that he felt that they had made an honest effort to rectify the situation. He is appearing before the Commission today to request that the Commission acknowledge Ms. Klawe's license being active from April 29, 1992 through December 21, 1992.

The Supervising Executive Secretary informed Mr. Rogers that the reason why this issue was before the Commission today was to determine if an error had been made. The Commission is bound by the laws and rules, as was explained to Mr. Rogers previously.

Mr. Rogers asked why there had been no response to his previous requests for information.

The Supervising Executive Secretary stated that the Commission did not receive Mr. Rogers' March 31, 1993 letter, which had been addressed to Real Estate Commission, DCCA, 1010 Richards Street, Honolulu, Hawaii 96801. The address and the zip code on the letter were incorrect.

Ms. Klawe had stated in previous communications that she had submitted the Change Form at the same time that her husband had submitted his Change Form. However,

upon further research, it was determined that her husband had filed the Change Form, 04/16/92 with new broker date of 4/10/92, while her Change Form reflects a new broker date of 4/29/92, which would make it impossible, unless predated.

Mr. Rogers stated that when he discovered the error in January 1993, he made several attempts to rectify the situation. He was told that the Commission would accept it if they had made an honest attempt to rectify this matter.

Mr. Rogers was informed that the Commission has to make its decision on the facts presented. The Commission has to follow the laws and rules and has very little discretion in this matter.

Mr. Rogers again stated that they had an agent who they thought was active. He took steps to rectify it. The deficiency notice went out to Ms. Klawe when she received her renewal. The deficiency notice was returned with the Change Form.

Chairperson Nishikawa informed Mr. Rogers that the Commission is bounded by the laws and rules as to what it can and cannot do. There have been instances where the principal broker appeared before the Commission, saying that they had made a mistake because of human error. However, the Commission has to abide by what is written in the laws and rules.

Mr. Rogers stated that the Commission should live under the reality of the problem. He does not feel that Ms. Klawe should be penalized for the actions of others. Mr. Rogers stated that he has paid his fees and that the Commission should respond to his needs. He also stated that they had had a problem with another licensee, Lori Robin, at the same time. Mr. Rogers stated that for the Commission to rule that Ms. Klawe was inactive is not right. Attempts were made in January to rectify the situation. If the Commission denies Ms. Klawe's request, Ms. Klawe would have to meet the education and examination requirement in the State of Utah. Ms. Klawe cannot afford the cost of the course.

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

Judy Tobin

Ms. Tobin was present to request that the Commission consider her request for an equivalency to the three closed listings and three closed sales requirement for the broker experience certificate.

Ms. Tobin stated that she has never participated in sales transactions. She is a property management specialist and would like to be judged based on that. She took her first IREM class, and it was her intent that she obtain a CPM designation. However, she noticed that the second class focused primarily on sales. She stated that the CPM classes are geared towards sales and the properties that she manages are not in the categories for CPM classes.

She manages income property. She wants to keep getting knowledge and experience in

property management and hopes that property management would be regulated on its own merits and based on its standard procedures and forms. She started out as a resident manager and is working her way up to a professional level.

Ms. Tobin stated that she currently handles approximately 50 individually-owned units. She is an independent contractor. When she was employed as a salaried employee at Cen Pac Properties, she managed approximately 250 to 500 rentals.

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

Recess:

Chairperson Nishikawa recessed the meeting.

Reconvene:

Chairperson Nishikawa reconvened the meeting.

Committee
Reports:

Condominium and Cooperative Review Committee

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Hirata, it was voted on and unanimously carried to approve the amended recommendation from the July 14, 1993 Condominium and Cooperative Review Committee Meeting, as follows:

5. Project Registration, Public Reports, and Sales to Owner-Occupants
 - b. Owner-Occupant Affidavit
 - (1) Draft of the revised owner-occupant affidavit subject to the following amendment to paragraph 3:

"We understand that if two or more prospective owner-occupants intend to reside jointly in the same designated unit, only one owner-occupant's name shall be placed on the reservation list for either the chronological system or lottery system."

[The approved amended owner-occupant affidavit is dated 7/14/93].
 - (2) For those projects where the prospective owner-occupant has not yet signed an owner-occupant affidavit, the developer should utilize the "new" affidavit dated 7/14/93.
 - (3) For those projects where the prospective owner-occupant has signed the "old" affidavit form and has not yet closed the sale of the apartment, the developer has the option to:

- (a) utilize the "old" affidavit with buyer reaffirming at closing in accordance with the provisions of the "old" affidavit. Recordation of the affidavit shall not be mandatory; or
- (b) have the prospective owner-occupant sign the "new" affidavit dated 7/14/93 in substitution of the "old" affidavit previously executed. In such event, the prospective owner-occupant may be asked to reaffirm the affidavit in accordance with the provisions of Act 217, SLH 1993. Recordation of the affidavit shall not be mandatory. Developer to retain the "old" affidavit along with the "new" affidavit.

Executive
Session:

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Hirata, it was voted on and unanimously carried to enter into executive session, pursuant to Section 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 Hirata, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to move out of executive session.

Commissioner Kano was excused from the meeting.

Licensing:

Restoration of Forfeited License

Kay C. H. Matsui

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

Barney E. Berlyn

After a review of the information submitted by the applicant, Commissioner Hirata moved to approve Mr. Berlyn's request for an extension to December 31, 1993 and to add the GRI course, which is given in most states, and the real estate salesperson's licensing examination to the options offered to Mr. Berlyn. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Questionable Applications

Timothy L. Gardner

After a review of the information submitted by the applicant, Commissioner Imamura moved to approve Mr. Gardner's application for a sole proprietorship. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Wendy C. Fero

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

Hawaii Real Estate Brokers, Ltd.

After a review of the information submitted by the applicant, Commissioner Dew moved to approve the real estate broker corporation application of Hawaii Real Estate Brokers, Ltd. Commissioner Hirata seconded the motion. The motion was voted on and unanimously carried.

Hawaii Real Estate Brokers, Ltd.'s application for a real estate branch office was withdrawn from consideration.

Bertrand Bortnick

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

Touchstone Realty Corp.

After a review of the information submitted by the applicant, Commissioner Imamura moved to approve the real estate broker corporation application of Touchstone Realty Corp. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Major Pacific Realty, Inc.

The real estate broker corporation application of Major Pacific Realty, Inc. was deferred.

Brayton W. Norton

After a review of the information presented by the applicant, Commissioner Hirata moved to deny Mr. Norton's application for a real estate salesperson's license, based on §467-8(3), HRS. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

A & K Valley Corporation dba Valley Real Estate Company

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the condominium hotel operator registration of A & K Valley Corp. dba Valley Real Estate Company. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Kapalua Land Company, Ltd. dba The Kapalua Villas

After a review of the information submitted by the applicant, Commissioner Hirata moved to approve the condominium hotel operator registration of Kapalua Land Company, Ltd. dba The Kapalua Villas. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

H H, Inc. dba Hawaii Resort and Investment Properties

After a review of the information submitted by the applicant, Commissioner Dew moved to conditionally approve the condominium hotel operator registration of H H, Inc. dba Hawaii Resort and Investment Properties for 30 days. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Erin Wakabayashi dba ERA Big Island

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the sole proprietor broker application of Erin Wakabayashi dba ERA Big Island. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Claudia Klawe

After a review of the information submitted by the applicant, Commissioner Imamura moved to deny Ms. Klawe's request, subject to staff's review of the Licensing Branch records. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Pac/Asia Realty and Development, Inc. dba PRD Realty Group

After a review of the information submitted by the applicant, Commissioner Dew moved to approve the addition of the trade name, Pac/Asia Realty and Development, Inc. dba PRD Realty Group. Commissioner Hirata seconded the motion. The motion was voted on and unanimously carried.

Billie S. Levesque

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to deny Billie S. Levesque's request for an equivalency to two closed listings. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Judy C. Tobin

After a review of the information presented by the applicant, Commissioner Hirata moved to deny Ms. Tobin's request for an equivalency to three closed listings and three closed sales. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Morgan Doubleday

After a review of the information submitted by the applicant, Commissioner Dew moved to deny Mr. Doubleday's request to accept the examination report and school completion certificate and that the examination results will be voided as provided for under the laws and the rules. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

BNB dba Resort Rentals and Sales

After a review of the information submitted by the applicant, Commissioner Dew moved to approve the condominium hotel operator registration of BNB dba Resort Rentals and Sales. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Mary M. Love dba MJ Properties

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to conditionally approve the condominium hotel operator registration of Mary M. Love dba MJ Properties for 60 days, upon receipt of the completed fidelity bond certificate/policy. Commissioner Dew seconded the motion. The motion was voted on and unanimously carried.

Goh & Associates, Inc.

After a review of the information submitted by the applicant, Commissioner Hirata moved to approve the real estate broker corporation application of Goh & Associates, Inc. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Barney B. Menor

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the sole proprietor application of Barney B. Menor. Commissioner Hirata seconded the motion. The motion was voted on and unanimously carried.

Acceptance of Minutes: Upon a motion by Commissioner Hirata, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to accept the minutes of the June 25, 1993 Real Estate Commission meeting as circulated.

Next Meeting: Friday, August 27, 1993
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii 96813

Adjournment: With no further business to discuss, Chairperson Nishikawa adjourned the meeting at 11:45 a.m.

Reviewed and approved by:

Calvin Kimura
Supervising Executive Secretary

Date