

**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, February 24, 1995

Time: 9:00 a.m.

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

Present: Marcus Nishikawa, Chair, Oahu Member  
Barbara Dew, Vice Chair, Oahu Member  
Charles Aki, Hawaii Member  
Michael Ching, Kauai Member  
Alvin Imamura, Maui Member  
Stanley Kuriyama, Public Member  
Carol Mon Lee, Public Member  
Nora Nomura, Public Member

Calvin Kimura, Supervising Executive Officer  
Christine Rutkowski, Executive Officer  
Jan Yamane, Real Estate Specialist  
Russell Wong, Real Estate Specialist  
Lee Ann Teshima, Real Estate Specialist  
Benedyne Stone, Condominium Specialist  
Stephen Okumura, Condominium Specialist  
Shari Wong, Deputy Attorney General  
Marlene Young, Special Deputy Attorney General  
Irene Kotaka, Secretary

Nicki Ann Thompson, Hawaii Association of Realtors  
John L. Sabey  
Kenneth M. Arrick  
Mary Jane Stoner, Malia Ltd.  
William Tanaka, Jr., Marc Hotels and Resorts  
Mardi Kersting  
Mary E. Deutsch  
James E. Smith  
Michael D. Sakatani

Excused: Theo Butuyan, Public Member

Call to Order: The Chair called the meeting to order at 9:12 a.m., at which time quorum was established.

Chair's Report: No report was presented.

Adjudicatory Matters: The Chair called for a recess from the meeting at 9:12 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, Hawaii Revised Statutes:

**David S. Elber, REC 94-17-L**

Upon a motion by Commissioner Ching, seconded by Commissioner Nomura, it was voted on and unanimously carried to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Commission's Final Order.

**Mary Jane Stoner, Principal Broker, Malia Limited, REC 93-37-L**

Mary Jane Stoner was present to request that the Commission not publish her Settlement Agreement in its publications as she does not feel that it is construed to be a disciplinary action.

Upon a motion by Commissioner Nomura, seconded by Commissioner Imamura, it was voted on and unanimously carried to deny Ms. Stoner's request for non-publication of the Settlement Agreement; that the Commission will study the issues raised by Ms. Stoner and others further; and that the Commission shall refer this issue for discussion to the Education Review Committee meeting.

Following the Commission's review, deliberation and decisions in these matters, pursuant to Chapter 91, HRS, the Chair announced that the Commission was reconvening its scheduled meeting at 9:50 a.m., pursuant to Chapter 92, HRS.

Executive Officer's Report:

**Minutes of Previous Meetings - December 21, 1995**

Upon a motion by Commissioner Ching, seconded by Commissioner Imamura, it was voted on and unanimously carried to approve the minutes of the December 21, 1995 meeting.

Committee Reports:

**Condominium and Cooperative Review Committee**

Upon a motion by Commissioner Lee, seconded by Commissioner Imamura, it was voted on and unanimously carried to accept the report of the February 8, 1995 Condominium and Cooperative Review Committee meeting, as follows:

1. HREREC Report (distributed written report)
  - a. Condominium Bulletin - (1) Spring - mail out in April 1995; (2) Summer - mail out by end of June 1995.
  - b. Condominium Board of Directors Guide

(1) Comments received on "Building Community Relations in Associations" chapter. HREREC confirmed that 2,000 copies of each chapter will be provided to REC. (2) The next chapter will be on insurance.

- c. Condominium Association Budget and Reserves - (1) Workshops are being planned for Hilo, Kaua'i, Maui, Kona and Honolulu in the month of April. HREREC was informed that because of state budget constraints, the condominium specialists may not be able to attend the neighbor island workshops. The condominium specialists **shall** submit travel request through SEO to Director for approval. (2) HREREC to incorporate approved reserve rules into the Reserve Guide.
  - d. Condominium Seminars - HREREC has received a request from Hawaii Chapter CAI for cosponsorship of the "ABC's" course, CAI's basic course for board members.
2. Condominium Governance and Management
- a. AOA Registration Requirements - Nancy T. Roney, Village Realty Corp. - Discussion regarding comments that the application form being cumbersome and turning into a "survey". Under Chapter 436B, HRS, and based on informal discussion with the deputy attorney general, all applications must be submitted on a form as prescribed and provided by the Commission. As a practical matter, if the REC staff had to review every self-created application form for accuracy/format/ consistency, the fee for that application will have to increase to reflect the increased workload, as required by section 26-9. Furthermore, one of the major intent of the legislation requiring registration was to have a centralized public access to material information about condominium associations/projects of which is the responsibility of REC. The material information includes, among others, reserves, maintenance fees, special assessments, lease to fee, etc. for each registered AOA. Finally, the applications serve an educational purpose, i.e., to educate condominium board members about the larger condominium community of which they are a part and to make them aware of the requirements of which they must comply. Specialist Stone to provide a response to Ms. Roney. Commissioner Kuriyama requested that all Commissioners be provided a copy of the registration form for their review. Note: The 1995 registration form was distributed to Commissioners on 11/16/94 and 1/11/95.
  - b. CAI Legislative Action Committee Legislative Proposals - John Morris provided a brief summary of the bills and will look into if CAI can donate materials from previous seminars to the REC.
  - c. "Condominium Association Does Not Have Power to Fine Through Its Rules" - Community Association Law Reporter - New Jersey case law which held that where the statute or project bylaws did not allow for monetary penalties, monetary penalties could not be imposed upon an owner. Discussed the difference in language of Hawaii statute which allows penalties and the fact that even with this permission, notice should always be given.

3. Project Registration, Public Reports, and Sales to Owner-Occupants
  - a. Country Club Village Phase 4 - Interpretation of §514A-102, HRS - **RECOMMEND** (1) that the Commission accept the registration because the developer substantially complied with the statutory requirement and that (2) a RICO referral be made against the developer for making amendments to the owner-occupant announcement without first notifying and submitting for review to the Commission such amended owner-occupant announcement prior to publication. Specialist Shiroma to follow-up.
4. Program of Work
  - a. Rulemaking, Chapter 107 - Specialist Okumura to check about placing a revision date on the front cover of the approved rules, which will be mailed out with the next issue of the condominium bulletin.
  - b. Condominium Association Registration - 250 registered.
  - c. Condominium Managing Agents Registration - 25 registered and 60 deficient, most due to RICO checks.
5. Next Meeting: Wednesday, March 8, 1995  
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 Kuriyama, seconded by Commissioner Lee, it was voted on and unanimously carried to accept the report of the February 8, 1995 Laws and Rules Review Committee meeting, with an amendment to item 4.b., as follows:

1. SEO's Report - Minutes of Previous Meetings - **Recommend approval** of the minutes of the January 11, 1995 meeting.
2. Hawaii Real Estate Research & Education Center Report
  - a. Broker Experience Certification - **Recommend** that staff evaluate and identify issues raised by current broker experience certification program, analyze and integrate HREREC's recommendations, and recommend steps towards revision of the broker experience certification program. Staff to present its findings by memo to the Laws and Rules Review Committee at the March 8, 1995 meeting.
  - b. Advertising Brochure - Edited draft has been forwarded to HREREC by Commission staff.
  - c. HREREC Laws & Rules Manual and Reference Manual
    - (1) Laws & Rules Manual - HREREC to send out acts as available annually, with an assimilation of the acts to be incorporated in the text biennially.
    - (2) Reference Manual - 1993-1994 chapter rewrites completed; however, as a cost-cutting measure,

manual will not be issued until the 1994-1995 chapter rewrites are completed, subject to reconciliation of the budget amounts allocated for the 1993-1994 chapter rewrites. Target completion date is the end of this fiscal year.

- d. IDW and New Course Briefings - HREREC to plan a Commission sponsored IDW in April 1995 for certified prelicense and continuing education instructors, and new instructor applicants. Date of IDW and topics subject to further discussion at the next Education Review Committee meeting on February 23, 1995.
3. Program of Work - Rule Making, Chapter 53, Fees - Defer further discussion regarding staff recommendation of money order, cashiers check or certified check requirements to the February 24, 1995 Real Estate Commission meeting.
4. Special Issues
  - a. Bob Tanaka Request - **Recommend approval** of staff's recommendation to advise Mr. Tanaka to seek declaratory relief.
  - b. Hawaii Association of REALTORS Seller Disclosure Bill - **Recommend** that the Real Estate Commission supports the intent of House Bill No. 994 and the companion bill, Senate Bill No. 532, which seeks to clarify Hawaii Revised Statutes chapter 508D, "Mandatory Seller Disclosures in Real Estate Transactions".
  - c. Century 21 Aloha Properties Request - **Recommend** that staff respond to Century 21 Aloha Properties that use of telemarketers as described in their letter of January 26, 1995 violates the licensing laws.
5. ARELLO and Other Organizations - **Recommend** that due to budgetary constraints and fiscal austerity, the Real Estate Commission will not participate in the annual forum of the Federation of Associations of Regulatory Boards (FARB), New Orleans, February 10 - 12, 1995.
6. Budget and Finance Report - **Recommend approval** of transferring income derived from the Real Estate Recovery Fund investments to the Real Estate Education Fund as required by statute. **Recommend deferral** of acceptance of the September 30 and December 31, 1994 Real Estate Recovery Fund reports to the February 23, 1995 Education Review Committee.

#### Education Review Committee

Upon a motion by Commissioner Imamura, seconded by Commissioner Dew, it was voted on and unanimously carried to accept the report of the February 23, 1995 Education Review Committee meeting, as follows:

1. Real Estate Specialist's Report - Minutes of Previous Meetings - Meeting of January 26, 1995 - **Recommend approval** of minutes.
2. Hawaii Real Estate Research and Education Center Report - Program

of Work and Budget, FY95

- a. IDW and New Course Briefings - **Recommend approval** of planning the IDW for early May 1995.
  - b. HREREC to explore cost involved in providing work products in compatible formats.
3. Continuing Education Administration, Curriculum, Courses, Providers, and Instructors

- a. **Recommend approval** of the attached list of 1995 reregistered and recertified providers, instructors and courses.
  - b. **Recommend deferral** of instructor application for Jeffrey S. Grad, pending receipt of requested information.
  - c. **Recommend approval** of A. Bernard Bays, Esq., request for approval of the HBR IDW, January 19-20, 1995, for IDW credit.
4. Prelicensing Education Administration, Curriculum, Schools, and Instructors
- a. Application and Certification - **Recommend approval** of the attached lists of 1995 reregistered and recertified real estate schools and instructors.
5. Prelicensing Examination
- a. ASI - EXPro
    - (1) Revised 1995 Candidate Handbooks - **Recommend approval** of ASI's proposed new distribution procedure.
    - (2) Oahu Site - Revised Testing Schedule - **Recommend approval** of the revised testing schedule, subject to staff monitoring attendance for three (3) months and reporting back to the Education Review Committee. Subject further to a feasibility study of offering evening examination sessions. Staff to disseminate the revised testing schedule to all real estate schools.
    - (3) Request for Additional Testing Sessions - Kauai - **Recommend** that staff report back to John Stapleton, Hawaii Institute of Real Estate, and express ASI's willingness to schedule additional testing sessions, subject to availability and an additional fee.
    - (4) Walk-In Procedures - **Recommend denial** of ASI's request to institute walk-in procedures.
  - b. Uniform Section Waiver, ARELLO Exam Certification Program
    - (1) **Recommend approval** of participation in the ARELLO Examination Certification Program, provided that: 1) the \$1.00 paid to ARELLO remains the same with no additional costs; 2) the amount of the fee paid by the examination candidate remains the same; and 3) participation requires no amendments to the current contract and does not incur any additional costs.
    - (2) **Recommend approval** of participation in ASI's ARELLO Disciplinary Data Bank program.
  - c. IREM Recommended Property Management Licensing Curriculum for Inclusion in Prelicensing Exams - **Recommend** that staff obtain IREM's available licensing curriculum and test questions for review only. Inclusion of questions in Hawaii's examination subject to further review and discussion at item writing.
7. ARELLO and REEA Report
- a. ARELLO - **Recommend approval** of participation of one (1)



commissioner or staff member at the ARELLO Western District Meeting, June 14-17, 1995 in Jackson, Wyoming. Commission Chair to designate participant.

- b. REEA - **Recommend approval** of participation of one (1) commissioner or staff member at the 16th Annual REEA Conference, June 1-3, 1995 in Louisville, Kentucky. Commission Chair to designate participant.
- 8. Budget and Finance Report - **Recommend approval** of the September 30 and December 31, 1994 Real Estate Recovery Fund Reports, and the September and December 1994 Real Estate Education Fund Report.
- 9. Next Meeting: Thursday, March 23, 1995, 9:00 a.m.  
Kapuaiwa Room  
HRH Princess Victoria Kamamalu Building  
1010 Richards Street, Second Floor  
Honolulu, Hawaii 96813

Executive Officer's Report:

**Additions to the Agenda**

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

- 9. Licensing - Questionable Applications
  - y. Stephen F. Santangelo dba Santangelo Realty
  - z. Company Bruno, A Real Estate Corporation
  - aa. Angela G. Eicke
  - bb. MKS Executive Partners
  - cc. JLB, Inc. dba MDR Maui Diversified Real Estate
  - dd. Fidelity Management, Inc.
  - ee. Mahalo Nui Management, Inc.
  - ff. Paradise Management Corporation
  - gg. REP Management, Inc.

**Additional Distribution**

The following additional materials were distributed to the Commissioners prior to the start of the meeting:

- 4. Chapter 91, Hawaii Revised Statutes, Adjudicatory Matters - Mary Jane Stoner, Principal Broker, Malia Limited, REC 93-37-L
- 6. Committee Reports
  - c. Education Review Committee
- 9. Licensing - Questionable Applications
  - a. James E. Smith
  - i. Garcia & Miguel Properties, Inc.
  - x. Lorraine S. Kohn

Licensing:

**Questionable Applications**

John L. Sabey

Mr. Sabey was asked if he wished to discuss his application in executive session. Mr. Sabey declined the offer.

Mr. Sabey stated that he thought that his traffic violations was a crime, so he answered the question in the affirmative. He stated that he was present to answer any questions that the Commission may have had regarding his application.

Mary Deutsch stated that anything involving a traffic violation was not considered a crime. She also stated that the Commission should grant Mr. Sabey his license.

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

Kenneth M. Arrick

Mr. Arrick was asked if he wished to discuss his application in executive session. Mr. Arrick answered in the affirmative.

Executive Session:

Upon a motion by Commissioner Nomura, seconded by Commissioner Kuriyama, 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 Lee, seconded by Commissioner Aki, it was voted on and unanimously carried to move out of executive session.

Licensing:

**Questionable Application**

Marc Hotels & Resorts, Inc. dba Marc Resorts Hawaii

Mr. William T. Tanaka, Jr., was present to answer any questions the Commission may have had regarding the real estate corporation application, Condominium Hotel Operator registration, and Condominium Managing Agent registration of Marc Hotels & Resorts, Inc. dba Marc Resorts Hawaii. Mr. Tanaka is the proposed Principal Broker and Vice President of the corporation.

Mr. Tanaka stated that he answered yes to the question which asked if there were any prior complaints against him. The complaints occurred when he was associated with the Paulin Pacific Group. They were cited for unlicensed activity in 1991, in which they received an advisory letter from RICO. The complaint arose from a disgruntled employee who was competing against the company for a neighbor island property. The employee used RICO to get Paulin Pacific Group out of the way. She wanted the lease on the front desk and also wanted to use the name of the project which they were using. As a result of the complaint, they were issued an advisory letter. The employee obtained the front desk lease and the right to use the name.

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

Mary E. Deutsch

Ms. Deutsch was present to answer any questions the Commission may have had regarding her real estate salesperson's renewal application.

Ms. Deutsch stated that she has furnished the Commission with information that her traffic violation has been cleared. She stated that she has not been active since 1989. She had a baby and then took care of her mother-in-law for ten years. The situation occurred when her son was in the fifth or sixth grade. She assumed that she only had traffic violations, but she was wrong because some of the violations were criminal violations. She also had a misunderstanding in that she thought that her record had been expunged, but it wasn't. It has now been cleared. She stated she was not convicted of a criminal offense. She stated that she would like to renew her license. She also stated that she needed to complete the continuing education courses before she can activate her license.

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

James E. Smith

Mr. Smith was asked if he wished to discuss his application in executive session. Mr. Smith declined the offer.

Mr. Smith stated that he is an attorney in several jurisdictions. He also stated that he knows the meaning of fiduciary and knows the responsibilities involved in maintaining a fiduciary relationship. Mr. Smith stated that his convictions were based on two business ventures which turned sour. One conviction was local and the other involved pornography. He did not intend to hurt anyone. For the past three years, he has been involved in insurance and is a general insurance agent. He has not done any harm to anyone in that field. He also stated that he did not think that the opportunity would present itself that the Commission would be afraid that he would breach his fiduciary duty. He also stated that he hoped the Commission would approve his license.

The Executive Officer informed Mr. Smith that the Commission would have concerns with the fiduciary responsibilities. The Commission laws states that they could have cause to not grant a license if the person did not possess a record of competency, financial integrity, honesty, truthfulness, and fair dealing.

Since his release from prison, Mr. Smith stated that he has tried many things. However, the thing that seemed to work the most for him was being

an insurance agent. His becoming a general agent shows that they respect him as someone who works truthfully and honestly with the client. He has several letters from his business associates and friends. Each of them have asked that they be contacted directly. Ricardo Pomar, of The Land Company, has indicated that he would be willing to help Mr. Smith if there was anything else which needed to be done in order for him to be licensed.

Mr. Smith was asked in which jurisdictions is he licensed to practice law. Mr. Smith stated that he is licensed in Virginia, the U.S. Tax Court, U.S. Patent and Trademark Office, U.S. Court of Appeals, and the Supreme Court.

Mr. Smith was asked why his conditions for parole were signed this year when he was released from prison in 1991. Mr. Smith stated that he was on parole for five years. He will be on probation for five years. He has been working with the U.S. Probation Office for the last five to six years.

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

### **Ratification**

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Lee, it was voted on and unanimously carried to approve the ratification of the following licensing applications and registrations:

#### Brokers

Tom & Associates, Inc.  
Gregory G. Ogin dba Kona Kohala Commercial Realty  
Tim L. Poell  
RCI Management, Inc.  
Rodrigo E. Castro dba Rodrigo E. Castro Realty  
Paragon Global Group Corporation dba Hawaii Power Brokers  
Victor Eugene Ragland dba Ragland Realty  
Jerry Young & Associates, Inc.  
Ethel D. Leon  
Ruth A. Gabbard dba Gabbard Hawaii Properties  
Nami Ann Matsumoto Foree  
Ian A. MacDonald  
Linda L. Varao dba Dawn Realty, Kapaa  
Kikuo Yanagi  
One Kalakaua Realty Inc.  
Villiers Real Estate, Inc.  
Antonio R. Bacungan dba Tony Bacungan Realty  
Thelma A. K. Kihano dba Kihano Properties & Management  
Hawaii Affordable Properties, Inc.  
Howard R. Hampton, Jr.  
Quality Resort Management, Inc.  
Island Realty, Inc.  
Renee M. Miller

#### Branch Office

Pahio Vacation Ownership, Inc. (Princeville, Hawaii)  
LCF, Inc. (Honolulu, Hawaii)  
Lynne Investment Co., Ltd. dba Lynne Realty (Honolulu, Hawaii)

Bay Realty, Inc. dba Timeshare Resales Hawaii (Kailua-Kona, Hawaii)

Bay Realty, Inc. dba Timeshare Resales Hawaii (Koloa, Hawaii)  
Bay Realty, Inc. dba Timeshare Resales Hawaii (Honolulu, Hawaii)

Site Office

Westview at Makakilo Heights - Schuler Realty / Oahu, Inc.  
Kekuilani Villas, Village IV at Kapolei - TNR Development dba Island Pacific Homes  
Kekuilani Village IV at Kapolei - TNR Development dba Island Pacific Homes  
Village on the Green at Waikele, Phase 1A - Schuler Realty / Oahu, Inc.  
Nauru Tower - McCormack Real Estate dba Coldwell Banker McCormack Real Estate  
Pacific Shores - Bretz Properties  
Manoa Hillside Estates - Pacific Island Properties, Inc.  
Kaimana at Kehalani - C. Brewer Homes, Inc.  
Halelani at Leiali'i (Phase I-A) - C. Brewer Homes, Inc.  
Nuuanu Parkside - McCormack Real Estate, Inc. dba Coldwell Banker McCormack Real Estate  
Seaside Suites - McCormack Real Estate, Inc. dba Coldwell Banker McCormack Real Estate  
One Kalakaua - Helen Price, Inc.  
One Kalakaua - June Ito  
One Kalakaua - Alice P. Clay  
One Kalakaua - McCormack Real Estate, Inc. dba Coldwell Banker McCormack Real Estate  
Harbor Court - McCormack Real Estate, Inc. dba Coldwell Banker McCormack Real Estate

Trade Name

Advantage Real Estate Management Corp. dba ARM  
Bay Realty, Inc. dba Timeshare Resales Hawaii

Corporation Name

Mary Worrall Associates, Inc. fka Worrall-McCarter, Inc.

Condominium Managing Agents

Bill Ramsey, Inc.  
AA Management Corporation  
Nikken Corporation  
Bello Realty, Inc.  
Outrigger Hotels Hawaii  
ILC International, Inc.  
Destination Resorts Hawaii, Inc.  
Bob Tanaka, Inc.  
Certified Management  
Monroe & Friedlander Management, Inc.  
Oishi Property Management Corporation  
Classic Resorts Limited  
Shell Development Corp.  
Village West Realty, Inc. dba Island Property Management



Hotel Corporation of the Pacific, Inc. dba Aston Hotels & Resorts  
Touchstone Properties, Ltd.  
Village Resorts, Inc.  
Investment Properties Corp.  
American Properties Corp.  
PaR Management, inc.  
Management, Inc.  
Sullivan Properties, Inc.  
Windward Properties, Inc.  
City Properties, Inc.  
Iwado Realty, Inc.

The Chair was excused due to a conflict of interest. The Vice Chair presided over the meeting.  
Marcus & Associates, Inc.

The Chair returned to the meeting and resumed presiding over the meeting.

Condominium Hotel Operators

Pluta & Associates, Inc. dba Maui Destination Marketing  
Whalers Realty, Inc.  
Nikken Corporation  
Bello Realty, Inc.  
Outrigger Hotels Hawaii  
Waikiki Beach Condo Specialists, Inc.  
Mary M. R. Love dba MJ Properties  
Johnita Nowell dba J. Nowell Realty  
Kapalua Land Company, Ltd. dba The Kapalua Villas  
Village West Realty, Inc. dba Island Property Management  
Hotel Corporation of the Pacific, Inc. dba Aston Hotels & Resorts  
The Land Mart, Inc. dba Pat's Hotel at Punaluu (Pat's Rentals)  
esach, inc. dba Chase 'N Rainbows Real Estate  
Maui Condominium and Home Realty, Inc.  
B.W.T., Inc.  
Village Resorts, Inc.  
Aloha Resorts International, Inc.  
Country Club Hawaii Realty and Management, Inc.  
R&R Realty & Rentals, Inc.  
Poipu Ocean View Resorts, Inc.  
Jack H. Nowell dba Ridge Realty/Rentals

Condominium Project Registration - Public Reports Issued (November 1994)

Ili'aina Estates, Honolulu (Final)  
2364 Pio Place, Honolulu (Final)  
Hale Kaimana Kai, Honolulu (Final)  
Haena Beach Place, Kauai (Final)  
1846 Makuahine Street, Honolulu (Final)  
Banyan Meadows II Condominium, Kauai (Final)  
Banyan Meadows III Condominium, Kauai (Final)  
Banyan Meadows IV Condominium, Kauai (Final)  
Wahi O Nani, Hawaii (Final)  
2522 Makiki Heights Place, Honolulu (Final)

Makaleha, Phase I, Kauai (Final)  
Paradise Court-Kauai, Kauai (Final)  
Waialele, Kauai (Final)  
Kamakani'olu Condominium Project, Hawaii (Final)  
Hali'a Hale, Hawaii (Final)  
The Palms at Wailea - Phase 2, Maui (Supplementary)  
Hoapili Agricultural Condominium, Kauai (Final)  
Kau'iokahaloa Iki, Honolulu (Final)  
EM Condominium, Honolulu (Final)  
Kahili Nani, Kauai (Final)  
99-816 and 99-816-A Kealaluina Drive, Honolulu (Final)  
Pae Ko Gardens, Honolulu (Supplementary)

Recess: The Chair recessed the meeting at 10:44 a.m.

Reconvene: The Chair reconvened the meeting at 11 a.m.

Licensing: **Questionable Applications**

Michael D. Sakatani

Mr. Sakatani was asked if he wished to discuss his application in executive session. Mr. Sakatani declined the offer.

Mr. Sakatani had previously submitted a certificate which stated that he has been through a drug and alcohol treatment program. He stated that he has completed his community service. He continues to work with the program, Get Wise Hawaii. He is still going to school and is still working as a waiter.

Mr. Sakatani was asked if he could provide a written confirmation of the payment of his fine. Mr. Sakatani stated that he had a balance of approximately \$50 on his fine and that when he has paid off the fine he will get a receipt stating that it has been paid in full. He stated that he is on a 12-month schedule for substance abuse testing. After the end of the 12 months, he will still be subject to random testing.

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

Executive Session: Upon a motion by Commissioner Nomura, seconded by Commissioner Kuriyama, 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;"

Commissioner Dew was excused from the meeting.

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

Committee Reports:    **Laws and Rules Review Committee**

Chapter 53, HAR - Fees

Upon a motion by Commissioner Ching, seconded by Commissioner Lee, it was voted on and carried to not pursue the requirement that all fees be submitted by cashier's check or personal money order. Commissioner Kuriyama abstained from voting.

Upon a motion by Commissioner Ching, seconded by Commissioner Aki, it was voted on and unanimously carried to proceed with submitting for consideration the following rule changes to Chapter 53, HAR:

1.     Penalty fee schedule previously issued agreed to approve and process; and
2.     Require cashier's check, money order or personal money order for the following license, registration and/or certification fees: real estate salesperson/broker license application; continuing education instructors/providers and courses, real estate prelicense schools and instructors, condominium managing agents and condominium hotel operators.

Licensing:

**Restoration of Forfeited License**

Victor M. Brooks, Jr.  
Colleen Marie Crehan

Broker  
Salesperson

After a review of the information submitted by the applicants, Commissioner Lee moved that restoration be approved upon submitted evidence of successfully passing the respective real estate licensing examinations. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

**Questionable Applications**

James E. Smith

After a review of the information presented by the applicant, Commissioner Imamura moved to approve the issuance of a conditional real estate salesperson's license to James E. Smith on the basis of §436B-19, HRS, that during the term of probation any violation of the terms of probation shall be grounds for revocation of license, that applicant shall advise his probation officer, any principal broker or broker-in-charge with whom he is associated that such a conditional real estate license has been issued and the terms of the conditions. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

James T. Costello

This matter was deferred for further documentation/information.

Kenneth M. Arrick

After a review of the information presented by the applicant, Commissioner Lee moved to approve the real estate salesperson's license application of Kenneth M. Arrick. Commissioner Nomura seconded the motion. The motion was voted on and unanimously carried.

Michael D. Sakatani

After a review of the information presented by the applicant, Commissioner Lee moved to approve the real estate salesperson's application of Michael D. Sakatani. Commissioner Nomura seconded the motion. The motion was voted on and unanimously carried.

Steven R. Perry

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

After a review of the information submitted by the applicant, Commissioner Aki moved to approve the real estate salesperson's application of Steven R. Perry. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Commissioner Ching returned to the meeting.

Troy Nielsen

After a review of the information submitted by the applicant, Commissioner Nomura moved to approve the real estate salesperson's application of Troy Nielsen. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Frances T. Hong

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the real estate sole proprietorship application of Frances T. Hong. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Wayne S. Masuda dba Wayne Masuda Realtor

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the real estate sole proprietorship application of Wayne S. Masuda dba Wayne Masuda Realtor. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Garcia & Miguel Properties, Inc.

After a review of the information submitted by the applicant, Commissioner Nomura moved to approve the real estate corporation application of Garcia & Miguel Properties, Inc. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Harrison Industries, Inc.

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to deny the real estate corporation application of Harrison Industries, Inc., on the basis that "Harrison" represents Harrison Luke, President, who is not a real estate broker associated with the proposed real estate corporation in accordance with §467-9(b), HRS. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Marc Hotels & Resorts, Inc. dba Marc Resorts Hawaii

After a review of the information presented by the applicant, Commissioner Ching moved to approve the real estate corporation application, condominium hotel operator registration, and condominium managing agent registration of Marc Hotels & Resorts, Inc. dba Marc Resorts Hawaii. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

CBC/Betawest L.P.

After a review of the information submitted by the applicant, Commissioner Aki moved to approve the real estate partnership application of CBC/Betawest L.P. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

West Hawaii Property Services, Inc.

After a review of the information submitted by the applicant, Commissioner Imamura moved to approve the condominium hotel operator re-registration of West Hawaii Property Services, Inc. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Alii Ohana Property Management

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the condominium managing agent re-registration application of Alii Ohana Property Management. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Century 21 Realty Specialists Corporation

After a review of the information submitted by the applicant, Commissioner Nomura moved to approve the condominium managing agent re-registration

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of

Century 21 Realty Specialists Corporation. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

W. E. Denison Corporation dba Marine Surf Waikiki Hotel

After a review of the information submitted by the applicant, Commissioner Aki moved to approve the condominium hotel operator and condominium managing agent re-registrations. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Agent System USA Corp. dba Prestige Management

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the condominium managing agent application of Agent System USA Corp. dba Prestige Management. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Mitcham Management, Inc.

After a review of the information submitted by the applicant, Commissioner Imamura moved to approve the condominium managing agent registration of Mitcham Management, Inc. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Chaney, Brooks & Company

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the condominium hotel operator and the condominium managing agent re-registrations of Chaney, Brooks & Company. Commissioner Nomura seconded the motion. The motion was voted on and unanimously carried.

John L. Sabey

After a review of the information presented by the applicant, Commissioner Ching moved to approve the real estate salesperson's renewal application of John L. Sabey. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Mary E. Deutsch

After a review of the information presented by the applicant, Commissioner Lee moved to approve the real estate salesperson's renewal application of Mary E. Deutsch. Commissioner Nomura seconded the motion. The motion was voted on and unanimously carried.

Joan Rachlin

After a review of the information submitted by the applicant, Commissioner Aki moved to approve Joan Rachlin's request for an equivalency to ten

written transactions, three of which are listings closed escrow and three of which are sales closed escrow (one sale closed escrow). Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Stephen L. Keil

After a review of the information submitted by the applicant, Commissioner Aki moved to approve Stephen L. Keil's request for an equivalency to ten written transactions, three of which are listings closed escrow and three of which are sales closed escrow (two sales closed escrow). Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Lorraine S. Kohn

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to deny Lorraine S. Kohn's request for an equivalency to ten written transactions, three of which are listings closed escrow and three of which are sales closed escrow (ten written transactions - three sales closed escrow and three listings closed escrow). Commissioner Nomura seconded the motion. The motion was voted on and unanimously carried.

Stephen F. Santangelo dba Santangelo Realty

After a review of the information submitted by the applicant, Commissioner Aki moved to approve Stephen F. Santangelo dba Santangelo Realty's application for a real estate sole proprietorship. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Company Bruno, A Real Estate Corporation

After a review of the information submitted by the applicant, Commissioner Lee moved to approve the real estate corporation application of Company Bruno, A Real Estate Corporation. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Angela G. Eicke

This matter was deferred for additional documents/information and delegate to staff to continue processing and approve application upon receipt of documents.

MKS Executive Partners

After a review of the information submitted by the applicant, Commissioner Nomura moved to approve the condominium hotel operator application of MKS Executive Partners. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.





JLB, Inc. dba MDR Maui Diversified Real Estate

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the condominium hotel operator and the condominium managing agent registrations of JLB, Inc. dba MDR Maui Diversified Real Estate. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Fidelity Management, Inc.

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the condominium managing agent registration of Fidelity Management, Inc. Commissioner Imamura seconded the motion. The motion was voted on and unanimously carried.

Mahalo Nui Management, Inc.

After a review of the information submitted by the applicant, Commissioner Imamura moved to approve the condominium managing agent registration of Mahalo Nui Management, Inc. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Paradise Management Corporation

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the condominium hotel operator and condominium managing agent registration of Paradise Management Corporation. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

REP Management, Inc.

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the condominium managing agent registration of REP Management, Inc. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Next Meeting:

Friday, March 24, 1995  
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, the Chair adjourned the meeting at 12:02 p.m.

Respectfully submitted by:

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Christine Rutkowski  
Executive Officer

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Date