

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, June 28, 1996

Time: 9:00 a.m.

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

Present: Barbara Dew, Chair
Charles Aki, Hawaii Member
Michael Ching, Kauai Member
Alvin Imamura, Maui Member (Early Departure)
Carol Mon Lee, Public Member
Helen Lindemann, Oahu Member
Nora Nomura, Public Member

Calvin Kimura, Supervising Executive Officer
Christine Rutkowski, Executive Officer
Aileen Chikasuye, Senior Real Estate Specialist
Russell Wong, Real Estate Specialist
Lee Ann Teshima, Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Benedyne Stone, Condominium Specialist
Shari Wong, Deputy Attorney General
Irene Kotaka, Secretary

Camille Chun-Hoon, Special Deputy Attorney General
Steve W. Gilbert, Hawaii Real Estate Research and Education Center
Randall Sakumoto, Esq., BWT, Inc.
Randy Graham, BWT, Inc.
Jen-L Wong, BWT, Inc.
Philip H. Wilia, Applicant
Louis Z. Fishman, Applicant
Nicki Thompson, Hawaii Association of Realtors
Ellen Kaneshige, Hawaii Association of Realtors
Steve Dixon, Kohala Pacific Industries/Kohala Ranch Realty

Excused: Stanley Kuriyama, Vice Chair, Oahu Member
Theo Butuyan, Public Member

Call to Order: The Chair called the meeting to order at 9:08 a.m., at which time quorum was established.

Chair's Report: The Chair thanked outgoing Condominium Specialist, Stephen Okumura, for his hard work and presented him with a Certificate of Appreciation.

The Chair also wished Commissioner Butuyan well in his future endeavors as his term on the Commission expires.

Executive Officer's
Report:

Announcements, Introductions, Correspondence and Additional Distributions

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

8. Committee Reports
 - a. Laws and Rules Review Committee - Recovery Fund FY1997 Budget
 - c. Education Review Committee - Continuing Education Elective Courses - Disclosures in Hawaii Residential Transactions

Additions to the Agenda

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

5. Licensing - Questionable Applications
Intersource Realty, Inc.
R. Christian Geise
Kona Brokers, Inc.
8. Committee Reports
 - d. Auditor's Extension Request

Minutes of Previous Meetings

Upon a motion by Commissioner Nomura, seconded by Commissioner Imamura, it was voted on and unanimously carried to approve the minutes of the April 26, 1996 Real Estate Commission meeting.

Licensing -
Questionable
Applications:

B.W.T., Inc.

Randall Sakumoto, attorney for B.W.T., Inc., was present to answer any questions regarding the application for Condominium Hotel Operator registration, real estate broker exemption application of B.W.T., Inc.

Mr. Sakumoto stated that he had submitted written testimony and that he would summarize the highlights of the written testimony.

B.W.T., Inc. owned 42 units in 1992, which were acquired in 1991. They applied for a CHO registration in 1991 to 1994. They have done the same thing every year. In December 1995, they did nothing different from what was done previously. The review was different this year and in May 1996, they received a deficiency notice noting that the language in the declaration did not permit CHOs in the project. B.W.T., Inc. decided to take the steps that were necessary to comply with the Commission's request that the declaration be amended. They have made a request to amend the declaration to the Board of Directors at the Royal Kuhio. It is a time consuming and cumbersome project. Only two percent of the units are owner-occupied. Most of the owners do not live in Hawaii. In order to amend the declaration, they need to get approval of 80% of the owners.

They started this process when it was brought to their attention. They are requesting that the Commission defer decision making on their application.

Mr. Sakumoto was asked if there were other CHOs who are operating in the building. Mr. Sakumoto stated that there might be time share operations in the building. They have been trying to contact the owners through the management company. Mr. Sakumoto stated that the project is 97% investor-owned and that one-third of the owners are Japanese, which requires that the notice and the amendments to the declaration be translated into Japanese.

Condominium Specialist Stone clarified item 6 in Mr. Sakumoto's letter, dated June 19, 1996. She stated that documents had been provided to the Commission revealing that CHO activity was not allowed in the building. With regard to the May 2, 1996 notice to B.W.T., Inc., each deficiency notice informs the applicant that they have ten days in which to respond to the deficiency. A notice was sent in April, which made the deadline May 8, 1996.

The Executive Officer informed Mr. Sakumoto that in 1991, when the initial application was submitted, the applicant was required to submit all of the documents. Subsequently, to streamline the process, the applicants did not have to resubmit the documents upon re-registration as long as there had been no changes. Further, each year applicants for the real estate broker exemption submit a separate application form for real estate broker exemption. By signing the form, the applicant certifies that they are operating exclusively in condominium projects specifically authorized as hotels by county ordinances and specifically permitted by the project's declaration and bylaws. Since documents can be amended, the Commission might want to require that the applicants submit the most current documents for review during subsequent registration periods. B.W.T., Inc. is not a registered CHO. If the Commission defers consideration, B.W.T., Inc. will still be considered unregistered.

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

Philip Hale Wilia

Executive Session:

Mr. Wilia requested that his application be considered in executive session. Upon a motion by Commissioner Lee, seconded by Commissioner Nomura, it was voted on and unanimously carried to enter into executive session pursuant to Section 92-5(a)(1), HRS, "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 Ching, seconded by Commissioner Aki, it was voted on and unanimously carried to move out of executive session.

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

Louis Z. Fishman

Louis Z. Fishman was present to answer any questions the Commission may have regarding his application for a real estate salesperson's license. Mr. Fishman was asked if he would like his application to be considered in executive session and he declined the offer.

Mr. Fishman stated that he was denied a real estate salesperson's license three years ago. At the time of his application, he was working on Kauai after the hurricane and could not come before the Commission to explain his situation. He stated that he was denied licensure based on his reputation for dishonesty, untruthfulness and a lack of fair dealing.

The Deputy Attorney General corrected Mr. Fishman, stating that he had not proven that he had a reputation for honesty, truthfulness and fair dealing.

Mr. Fishman stated that he is a man of honesty, truthfulness and fair dealing. He has not been accused of anything. He stated that he submitted his application to California, asking for his license to be reinstated. His California license was revoked and he is in the process of reinstating his license. He stated that if the Commission contacted the person in California, they would not find any evidence that he does not have a reputation for honesty, truthfulness and fair dealing.

Real Estate Specialist Teshima asked Mr. Fishman if he had submitted any letters to Angela Torrens. Mr. Fishman stated that he will continue dealing with California regardless of the decision that the Commission makes today.

Real Estate Specialist Teshima asked Mr. Fishman if he received the "Criteria of Rehabilitation" from the California Department of Real Estate. Mr. Fishman stated that he did receive it. Mr. Fishman stated that his Petition application details the activities that he has participated in since 1989 to the present.

Mr. Fishman stated that the Findings of Fact and the decision which was issued in 1989 by the California Department of Real Estate still stands. He will be appearing before the California Real Estate Commission in August 1996.

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

Kohala Pacific Industries, Inc., Kohala Ranch Realty

Steven B. Dixon, proposed principal broker of Kohala Pacific Industries, Inc., Kohala Ranch Realty, was present to answer any questions regarding the real estate corporation application of Kohala Pacific Industries, Inc., Kohala Ranch Realty. Mr. Dixon was asked if he wished to have the application considered in executive session. Mr. Dixon declined the offer.

Mr. Dixon stated that he was not aware of doing anything that was against

the rules. He stated that he has an unpaid judgment and summarized the circumstances which lead to the judgment. Mr. Dixon stated that this is a time when people do not like lawyers or real estate agents, of which he is both. He stated that the plaintiff made an offer to buy two properties before he bought it. He stated that the property was on the open market and it was listed with the third broker. He called the owner and was told that she didn't want to discuss it with him. He called the real estate agent. He also called Blue Sky Hawaii to make sure that the seller had clear title to the property. He stated that he had asked the seller if he had ever entered into an agreement to sell the property. The seller told him that he had not. The plaintiff sued the seller, alleging that the seller did not own the property because the plaintiff owned the property. The plaintiff claimed that Mr. Dixon and his wife interfered. The trial found that the seller did own the property. The judgment was issued against he and his wife in favor of the plaintiff. He does not understand what happened. Mr. Dixon stated that the jury was unable to find for the plaintiff that the seller owned the property because there were deeds and mortgages that had written offers. They were unable to find against the seller. The inconsistent verdict resulted in them appealing the case to the Supreme Court.

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

Mr. Dixon was asked if he was aware that Chapter 436B, HRS requires that the licensee is required to notify the Commission within 30 days when any judgments are entered against a licensee caused by the licensee's conduct in the practice of the licensed profession. He stated that he had heard that, but was not conscious of it.

The Chair and Commissioner Lindemann were excused from the meeting due to a conflict of interest. Commissioner Lee was appointed Chair Pro Tem and presided over the meeting.

Licensing and
Registration -
Ratification:

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

Brokers

Horizon/Glen Outlet Centers, Ltd. Partnership
Cynthia Rubenstein Real Estate, Inc.
Gina K. Heidler
Janet Realty, Inc.
Shuko International Corporation dba Shuko Realty
Hawaii Commercial Real Estate Services, Inc.
Maui Resort Rentals, Incorporated
Marian J. Nasir
Ivan Wai Kin AuYoung
Tropic Shores Realty, Inc.
John Holly dba Accord Realty
KBTR International Corporation

Tradenname

Makahiki Nui Management Corp. dba Makahiki Properties (fka Makahiki Nui

Management Corp. dba Sunset Realty)
Kenneth H. Flood dba Net Realty
Lennart H. I. Husen dba Naalehu Realty
John A. Eagle dba Eagle Realty
Glenn T. Honda dba Island Sites

Site Office

CBPP, Ltd. dba Coldwell Banker Pacific Properties
Windward Acres
1133 Waimanu
Nuuanu Parkside
Harbor Court
Seaside Suites
Nauru Tower
Cooke Land Company, Inc. - Maunaloa Village
The Prudential Locations, Inc.
Kahului Ikena
Piilani Village
Castle & Cooke Homes Hawaii, Inc.
Mililani Mauka, Unit 116
Mililani Mauka, Unit 115
Unit 111 - Ku'ulako
Maryl Development, Inc. - Sandalwood at Waimea
The Bay Club Ownership Resort, Inc. - The Bay Club at Waikoloa Beach
Resort
Savio Realty Ltd. Better Homes and Gardens - Ka Momi Nani Heights (Pacific
Palisades Cluster)
Day-Lum, Inc. dba Coldwell Banker Day-Lum Properties - Lyman Gardens
Senior Community
Schuler Realty/Oahu, Inc.
The Signatures at Waikele (parcel 18)
Highland View at Waikele (parcel 10A)
Royal Pines at Waikele (parcel 16)
Westview at Makakilo Heights, Phases I and II
Schuler Realty/Maui, Inc. - Iao Parkside

Corporation Name

Associated Financial Profiles, Inc. fka Financial Profiles, Inc.

Condominium Managing Agent

City Properties, Inc.
Commercial Properties of Maui Management, Inc.

Condominium Hotel Operator

Destination Resorts Hawaii, Inc.

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

Committee Reports:

Laws and Rules Review Committee

Upon a motion by Commissioner Nomura, seconded by Commissioner Lindemann, it was voted on and unanimously carried to approve the report of

the June 12, 1996 Laws and Rules Review Committee meeting, as follows:

1. **Accept** minutes of May 10, 1996 meeting.
2. Schedule of Non-Accessible Dates for July to December 1996 by Commissioners: Deadline June 30, 1996
3. HREREC Report
 - a. Professional Responsibility Course - final draft will be presented at July 10, 1996 meeting.
 - b. **Recommend approval** of "Request for No-Cost Extension, FY97"
4. Program of Work
 - a. CHO Registration - **Recommend** continued recognition that applicants/sole proprietors, partnership or corporation) may apply for an exemption from a real estate broker's license subject to compliance with §467-30, HRS.
 - b. Program of Work and Budget, FY97 - **Recommend** that committee members review the proposed Laws and Rules Review Committee program of work and budget, FY97 and submit comments to the SEO by June 19, 1996 for agenda distribution and approval at the June 28, 1996 meeting.
5. Next meeting: Wednesday, July 10, 1996
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Condominium Review Committee

Upon a motion by Commissioner Lee, seconded by Commissioner Ching, it was voted on and unanimously carried to approve the report of the June 12, 1996 Condominium Review Committee meeting, as follows:

1. **Accept** minutes of the May 10, 1996 meeting.
2. HREREC Report
 - a. Hawaii Condominium Bulletin - The summer issue is projected for publication in June.
 - b. Board of Director's Guide - Condominium Insurance and Fidelity Bonds Brochure will be distributed with summer issue of Bulletin.
 - c. Condominium Spring Seminars - Seminars completed. Will be submitting written report complete with statistics and evaluation at next meeting.
3. Condominium Governance and Management
Petition for Declaratory Relief; Petitioner AOA O Kukui Plaza - Recommend assigning de novo the petition to the hearings officer for further proceedings in accordance with Subchapter 3 of Chapter 201, Title 16, Hawaii Administrative Rules Administrative Practice and Procedure (Declaratory Relief).
4. Condominium Project Registration, Public Reports, and Sales to Owner-Occupant Announcements
 - a. Public Reports - **Recommend approval** to ratify issuance of

- effective dates for public reports for the month of May 1996.
- b. Amendment to Public Report - **Recommend approval**, without the Real Estate Commission specifying the use of any specific language, that developers disclose in the public report the following material facts:
- whether the developer in arriving at the figure for "Reserves" as specified under the heading "Estimate of Maintenance Fee Disbursement:" has conducted a reserve study in accordance with § 514A-83.6 HRS and Hawaii Administrative Rules replacement reserve rules Subchapter 6, Title 16, Chapter 107, as amended.
- Recommend** further that staff continue to review, study, and research the matter of requiring developers to disclose whether the reserve figures were arrived at in accordance with §514A-83. HRS and related rules.
- c. Material Changes and Short Form Supplementary Public Report
- 1) **Recommend approval** to allow a developer to disclose up to two material changes, which would otherwise render a public report misleading, through a short form supplementary public report subject to the Real Estate Commission retaining its final decision making authority to require a full supplementary public report; and
- 2) **Recommend approval** to delegate to staff the administration of above directive 4.c.1).
5. Registrations--Association of Apartment Owners .
- a. Registration Date. **Recommend approval** to continue to issue an effective date for an AOA's registration as the date when an AOA submits a completed application and the application is approved. A completed application includes payment of a registration fee, possession of the appropriate bond, payment of penalty fees where applicable , CMEF fees and penalty fees where applicable. **Recommend further**, for AOAOs required to pay registration, CMEF, and penalty fees, the discontinuance of issuing registration certificates for prior periods.
- b. Garden Lanai. **Recommend deferring** the matter to the next Condominium Review Committee meeting.
- c. AOAO Registration Report. **Recommend approval** to ratify issuance of effective registration dates for Associations of Apartment Owners for the period beginning November 1, 1995 through May 31, 1996.
6. Mediation Services.
- a. **Recommend approval** of the Neighborhood Justice Center as the provider for mediation services on all islands except Maui.
- b. **Recommend approval** of Mediation Services of Maui, Inc. as the provider for mediation services on Maui.
7. Program of Work and Budget FY97. **Recommend** that committee members review the proposed condominium program of work and budget, FY97 and submit comments to the SEO by June 19, 1996 for agenda distribution and approval at June 28, 1996 meeting.

8. CMEF Budget and Finance Report. **Recommend acceptance** of the report dated March 1996.
9. Next meeting: Wednesday July 10, 1996
10:30 a.m.
Kapuaiwa Room
1010 Richard Street, Second Floor
Honolulu, Hawaii.

Education Review Committee

Upon a motion by Commissioner Imamura, seconded by Commissioner Aki, it was voted on and unanimously carried to approve the report of the June 12, 1996 Education Review Committee meeting, as follows:

1. **Accept** the minutes for the May 10, 1996 meeting.
2. Hawaii Real Estate Research and Education Center Report
 - a. Continuing Education Elective Course on Seller Disclosure--Dr. Nicholas Ordway reported that he had received the Commission's and staff's comments and had incorporated most of the comments into the second draft. However, Dr. Ordway did disagree with staff's comments on "material facts." Dr. Ordway recommended that there be an instructor briefing for this course and that those instructors currently certified to teach the Real Estate Law Update and Ethics course be able to teach this course. Commissioner Ching expressed concerns and was under the impression that the course would concentrate only on the mandatory seller disclosure law (Chapter 508D, HRS), whereas, the course draft presented highlights on all the different disclosures laws, both state and federal. **Deferred** decision making to the June 28, 1996 Commission meeting.
 - b. IDW and New Course Briefings--Steve Gilbert reported that they do not plan to have an IDW for the remainder of FY96.
3. Program of Work and Budget, FY96
 - a. Real Estate Speakership Program--**Recommend approval** of HAR's request for SEO to be a guest speaker and participant at the annual state convention in Las Vegas, Nevada, October 8-10, 1996, subject to travel approval and budget.
 - b. Instructor's Development Workshop--**Recommend approval** of HAR'S Instructor Development Workshop, "Strategies for Becoming an Effective Trainer", Ed Hatch, Instructor, on July 23, 1996, with **two** staff persons to monitor.
4. Program of Work and Budget, FY97--**Recommend** that committee members review the proposed Education Review Committee program of work and budget, FY97 and submit comments to the SEO by June 19, 1996 for agenda distribution and approval at June 28, 1996 meeting.
5. ARELLO, REEA and Other Organizations Report--**Recommend approval** to have two participants at the ARELLO Annual Meeting, October 12-16, 1996, Ottawa, Canada, SEO and another staff person or Commissioner, to be determined by Commission Chair and SEO, subject to travel approval and budget. The justification to have two participants include planning/administering the logistics of being

the host of the 1997 annual meeting, planning the program for the 1997 annual meeting, conducting orientation/tourism sessions, more participation as the numerous regulatory/educational sessions as well as committee meetings are simultaneously held, etc.

6. Budget and Finance Report--**Recommend acceptance** of the Real Estate Education Fund Budget Report for March 1996.

7. Next Meeting: Wednesday, July 10, 1996
1:30 p.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Laws and Rules Review Committee

Program of Work, FY97

Professional Responsibility Course - Mr. Gilbert stated that he would provide a status report at the July 10, 1996 Laws and Rules Review Committee meeting.

Laws and Rules Manual - Mr. Gilbert reported that there was no budgetary figures involved. They will only be sending out the Acts for the past year. The only costs involved is personnel time. This program should be self-supporting and HREREC should look into steps so that it can be self-supporting.

Reference Manual - HREREC has done 12 chapters this year and will be doing 12 chapters next year. The manual will be updated and revised.

Real Estate Seminars - Mr. Gilbert stated that they would like to hold the next series of real estate seminars the week prior to the opening of the Legislature in January 1997. Mr. Gilbert was asked when the Commission would be receiving information on the seminars. Mr. Gilbert responded that the program information would probably be submitted to the Commission in November 1996.

Mr. Gilbert was asked if there was any moneys which have been carried over from the prior fiscal year and if the moneys carried over could be broken down by programs.

Rulemaking - The Chair requested that the industry be given an opportunity to comment on the proposed rules prior to the public hearing. Prior to the public hearing, the local Boards of Realtors and the Hawaii Association of Realtors will be given a copy of the proposed rules. The Chair also stated that she would like to notify the individuals who offered suggestions on proposed rule amendments. Commissioner Ching also agreed that he would like to have an opportunity to notify those who have participated in the rule making process earlier.

Continuing education - Nicki Thompson reported that the Hawaii Realtor

Journal acknowledged that the process for the continuing education waivers is under way and that it is close to approval.

Licensing renewals - The Commission will work with the local Boards and the Hawaii Association of Realtors to disseminate information on licensing renewals.

Condominium Review Committee

Program of Work, FY97

Hawaii Condominium Bulletin - Mr. Gilbert reported that the fifth issue will not be mailed out until the next fiscal year. Only four issues will be mailed out for this current fiscal year.

Board of Directors Guide - Instead of providing two copies of the Guide, HREREC will only be providing one copy.

Commissioner Lindemann mentioned that the "Welcome to Condominium Living" brochure should be expanded to include other facets of community living.

Survey - The survey was completed, but they have to analyze the raw data.

Chapter 91, HRS,
Adjudicatory Matters:

The Chair called a recess from the meeting at 10:52 a.m. to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

Gaston W. DeDier, REC 95-113-L

Upon a motion by Commissioner Lee, seconded by Commissioner Lindemann, 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.

Recess:

The Chair recessed the meeting at 10:52 a.m.

Reconvene:

The Chair reconvened the meeting at 11:02 a.m.

Committee Reports:

Education Review Committee

Program of Work, FY97

Continuing Education Core Course - The course is ready and can be distributed. Mr. Gilbert reported that they have collected moneys from the agency brochures. They have enough money to reprint 2,000 more copies at no cost to the agency. They have collected \$3,500 from the sale of the agency brochures thus far. It was suggested that the Agency brochure be updated.

Mr. Gilbert reported that the elective course on seller disclosure should be done in two months. If the course is not completed during the summer, Mr.

Gilbert will have to complete the course. It was requested that Dr. Ordway consult with Commissioner Ching to discuss Commissioner Ching's concern that more course be available. Mr. Gilbert stated that he felt that he had enough time to complete the project.

Chair/Director of HREREC - The funding is split between the Condominium Review Committee and the Education Review Committee. Almost all of the positions are acting or interim appointments. Mr. Gilbert reported that they do not anticipate conducting a national search for the Director's position. The hiring of staff is based on the priority of the Commission's programs. The personnel costs are based on four full-time positions.

Annual Report/Real Estate Bulletin - It was recommended that the Commission consider a less expensive format for the annual report, possibly similar to the Real Estate Bulletin. It was also suggested that the Commission consider lessening the frequency of the Bulletins.

Upon a motion by Commissioner Lee, seconded by Commissioner Nomura, it was voted on and unanimously carried that staff work with the respective Chairs and the REC Chair in finalizing the program of work.

Laws and Rules Review Committee

Auditor's Extension Request - Upon a motion by Commissioner Lee, seconded by Commissioner Aki, it was voted on and unanimously carried to approve the request for a six-month extension of time to complete the audit of the Real Estate Education Fund, Condominium Management Education Fund and the Real Estate Recovery Fund for the years ended June 30, 1994 and 1995.

Real Estate Recovery Fund Budget - Upon a motion by Commissioner Nomura, seconded by Commissioner Lee, it was voted on and unanimously carried to approve the Real Estate Recovery Fund budget for FY97.

Education Review Committee

Continuing Education Elective Courses - Disclosures in Hawaii Residential Transactions - Upon a motion by Commissioner Aki, seconded by Commissioner Ching, it was voted on and unanimously carried to accept the Disclosures in Hawaii Residential Transactions elective course, subject to review.

Real Estate Specialist Chikasuye requested that HREREC submit the instructor notes, overheads and other materials relating to the course to the Commission. Mr. Gilbert stated that he will provide the information to the Commission.

Recovery Fund Report:

There was no recovery fund report.

Executive Session:

Upon a motion by Commissioner Lee, seconded by Commissioner Ching, it was voted on and unanimously carried to enter into executive session pursuant to Section 92-5(a)(1), HRS, "To consider and evaluate personal information relating to individuals applying for professional or vocational

licenses cited in section 26-9 or both;"

Commissioner Imamura was excused from the meeting.

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

Licensing -
Questionable
Applications:

B. W. T. Inc.

After a review of the information presented by the applicant and upon advise and counsel of the Deputy Attorney General that the circumstances surrounding this application are unique and warrant special consideration by the Commission, Commissioner Lindemann moved to defer decision making on the application until the October 30, 1996 monthly meeting subject to the receipt of further documents to be submitted by the applicant. Commissioner Nomura seconded the motion. The motion was voted on and unanimously carried.

Jeanne Borowski

After a review of the information submitted by the applicant, Commissioner Nomura moved to approve the real estate salesperson application of Jeanne Borowski. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Mark P. Gray

After a review of the information submitted by the applicant, Commissioner Lindemann moved to approve the real estate salesperson application of Mark P. Gray. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Louis Z. Fishman

After a review of the information presented by the applicant, Commissioner Lindemann moved to deny the real estate salesperson's application of Louis Z. Fishman, based on §467-8(3) and §436-B-19(1), (8), (12), and (13), Hawaii Revised Statutes. Commissioner Nomura seconded the motion. The motion was voted on and unanimously carried.

Sandy Thomas

After a review of the information submitted by the applicant, Commissioner Nomura moved to approve the real estate broker application of Sandy Thomas. Commissioner Lindemann seconded the motion. The motion was voted on and unanimously carried.

Philip Hale Wilia

After a review of the information presented by the applicant, Commissioner Nomura moved to deny the real estate sole proprietor application of Philip Hale Wilia, based on §467-8(3) and §436-B-19(1), (8), and (12), Hawaii

Revised Statutes. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Kohala Pacific Industries, Inc., Kohala Ranch Realty

After a review of the information presented by the applicant, Commissioner Ching moved to deny the real estate corporation application of Kohala Pacific Industries, Inc., Kohala Ranch Realty, based on §467-8(3), and §436B-19(1) and (8), Hawaii Revised Statutes. Commissioner Lindemann seconded the motion. The motion was voted on and unanimously carried.

Marcus A. Lauren

After a review of the information submitted by the applicant, Commissioner Aki moved to deny Marcus A. Lauren's request for an equivalency to the ten Hawaii real estate transactions (three sales closed escrow and three listings closed escrow), based on §16-99-38(a)(2)(A), Hawaii Administrative Rules. Commissioner Nomura seconded the motion. The motion was voted on and unanimously carried.

Intersource Realty, Inc.

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the Condominium Hotel Operator registration of Intersource Realty, Inc. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

R. Christian Geise

After a review of the information submitted by the applicant, Commissioner Nomura moved to approve the real estate salesperson application of R. Christian Geise. Commissioner Lindemann seconded the motion. The motion was voted on and unanimously carried.

Kona Brokers, Inc.

After a review of the information submitted by the applicant, Commissioner Lee moved to approve the real estate corporation application of Kona Brokers, Inc. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Next Meeting:

Friday, July 26, 1996
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Adjournment:

With no further business to discuss, the Chair adjourned the meeting at 11:58 a.m.

Reviewed and approved by:

Christine Rutkowski, Executive Officer

August 30, 1996
Date
