

REAL ESTATE COMMISSION
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Section 92-7(b), Hawaii Revised Statutes.

Date: Friday, August 30, 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
Stanley Kuriyama, Vice Chair (Late arrival)
Charles Aki, Hawaii Member
Michael Ching, Kauai Member
Alfredo Evangelista, Public Member
Carol Mon Lee, Public Member
Helen Lindemann, Oahu Member
Nora Nomura, Public Member

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

Lori Beth Wong, Time Share Administrator
Rodney Nishida, Esq., Ayabe Chong Nishimoto Sia & Nakamura
Jane O. Nguyen, Applicant
Scott E. O'Brien, Applicant
Elijah Thomas, Applicant
Kathryn Tubman, Applicant

Excused: Alvin Imamura, Maui Member

Call to Order: The Chair called the meeting to order at 9:01 a.m., at which time quorum was established.

Chair's Report: No report was presented.

Executive Officer's Report: **Additions to the Agenda**

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

3. Executive Officer's Report
 - a. Announcements, Introductions, Correspondence and Additional Distributions - 1996 Annual Report Photo and Bio

6. Licensing - Questionable Applications
Jeannine Poling
Paul H. Maeda, Maeda Realty
8. Recovery Fund Report
Ana Garcia, et al. v. Benjamin Chapman, District Court of the First Circuit, Civil No. 1RC95-4289

The following additional distribution was made prior to the meeting:

9. Committee Reports
 - a. Laws and Rules Review Committee - Letter from David Shibata, dated August 22, 1996

Minutes of Previous Meetings

The minutes of the June 28 and July 26, 1996 Real Estate Commission meetings were distributed to the Commissioners for their review and approval.

Licensing and Registration - Ratification:

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

<u>Brokers</u>	<u>Effective Date</u>
Jan D. Newhart 2600 Pualani Way, #2303 Honolulu, HI 96815-3939 Jan D. Newhart, pb	07/19/96
Felcon Enterprises, Ltd. 1325 S. Kihei Road, Suite 230 Kihei, HI 96753 Felix B. Osorno, pb	07/10/96
Rebecca L. Tillery 469 Ena Road, #2601 Honolulu, HI 96815 Rebecca L. Tillery, pb	07/25/96
Gary T. Mack 6817 Kahuna Road Kapaa, HI 96746 Gary T. Mack, pb	07/31/96
Andrea Lehman 2499 Kapiolani Boulevard, #3504 Honolulu, HI 96826 Andrea Lehman	07/31/96
Tengan Realty, Inc. 379-E Kamehameha Highway Pearl City, HI 96782 Linda S. Tengan, pb	07/23/96
Kohala Coast Properties, Inc. 65-1230 Mamalahoa Highway, Suite A-10	06/13/96

Kamuela, HI 96743 Kenneth L. Hughes, pb	
M. Joan Bartlett 45-075 Lilipuna road Kaneohe, HI 96744 M. Joan Bartlett, pb	08/02/96
Retail Strategies Inc. 1210 Auahi Street, Suite 212 Honolulu, HI 96814 James E. Fleming, pb	07/09/96
Paul Y. M. Kang 1717 Mott Smith Drive, #2411 Honolulu, HI 96822 Paul Y. M. Kang, pb	07/26/96
Alfred P. Santoro Aloha-Great Hawaii Homes 344 Molehu Drive Honolulu, HI 96818 Alfred P. Santoro, pb	08/07/96
Phoebe Lau Phoebe Lau, Realtor 6154-B Makaniolu Place Honolulu, HI 96821 Phoebe Lau, pb	08/08/96
Asset Real Estate & Management, Inc. 75-5706 Kuakini Highway, Suite 101 Kailua-Kona, HI 96740 Barrie Parker, pb	08/02/96
Lahaina Ticket Company, Inc. 180 Dickenson Street Lahaina, HI 96761 Dennis H. Oseto, pb	07/02/96
Joseph S. North, Jr. The J. S. North Company 1050 Lunalilo Street, #805 Honolulu, HI 96822	08/12/96
PEMCO, Ltd. 1600 Kapiolani Boulevard, Suite 1306 Honolulu, HI 96814 Mary L. Long, pb	07/30/96

Carl Leroy Frazier Cornerstone Properties 615 Piikoi Street, Suite 1801 Honolulu, HI 96814 Carl Leroy Frazier, pb	08/09/96
Howard Ka Wo Ching 5279 Oio Drive Honolulu, HI 96821 Howard Ka Wo Ching, pb	08/19/96
<u>Tradenname</u>	<u>Effective Date</u>
Mauna Kea Properties, Inc., Mauna Kea Realty IPM, Inc., Island Property Management	07/10/96 08/12/96
<u>Site Office</u>	<u>Expiration Date</u>
Finance Realty, Ltd. Makakilo Ridge 92-1375 Kuamu Street Kapolei, HI 96707	03/18/97
Castle & Cooke Homes Hawaii, Inc. Island Bungalows 95-225 Aahu Place Mililani, HI 96789	12/27/96
Iwado Realty, Inc. Keawakapu Views Subdivision 147 Ponana Street Kihei, HI 96753	01/17/97
Gentry Realty, Ltd., a Hawaii Corporation SummerHill Construction Lot No. 25 Ewa Beach, HI 96706	01/26/97
Herbert K. Horita Realty, Inc. Royal Kunia Phase 1 - Site 12 Lot 232 off Road "R" Waipahu, HI 96797	02/09/97
Castle & Cooke Homes Hawaii, Inc. Mililani Mauka, Unit 115 92-205 Ho'onui Place Mililani, HI 96789	12/14/96
Castle & Cooke Homes Hawaii, Inc. Mililani Mauka, Unit 116 95-1096 Ala'oki Street Mililani, HI 96789	12/14/96

Castle & Cooke Homes Hawaii, Inc. Northpointe & Northpointe Terrace 95-1005 Kaapeha Street, Apt. 19, Bldg. 3 Mililani, HI 96789	01/15/97
Sherian L. Bender, Sherian Bender Realty Kaanapali Alii 50 Nohea Kai Drive Lahaina, HI 96761	02/12/97
Wailea Realty Corporation Wailea Pualani Estates 380 Kualono Place Kihei, HI 96753	02/14/97
Watt Hawaii Realty, Inc. A'elo Villages of Kapolei Kealanani Avenue, Lot #311 Kapolei, HI 96707	02/09/97
Maui Realty Partners, Inc. Kahana Ridge Realty Kahana Ridge 4400 Honoapiilani Highway Kahana, HI 96761	03/18/97
The Makai Club Makai Club Cottages Makai Club at Princeville 4180 Lei O' Papa Road Princeville, HI 96722	02/17/97
Properties Unlimited, Inc. The Bluffs 3032 Kahaka Place Kailua, HI 96734	01/25/97
Maui Realty Company, Inc. Kua Aina Ridge 15 N. Hiena Place Pukalani, HI 96768	01/24/97
Castle & Cooke Homes Hawaii, Inc. Havens of I'i Vistas 95-1035 Koolani Drive, #72 Mililani, HI 96789	01/17/97
Finance Realty, Ltd. Westhills Subdivision 92-1332 Palahia Street Kapolei, HI 96707	01/30/97

Schuler Realty/Oahu, Inc. Village on the Green at Waikele, Phases 1A, 1B and 2A 94-730 Lumiauau Street, #HH1 Waipahu, HI 96797	04/27/97
Schuler Realty/Oahu, Inc. Westview at Makakilo Heights, Phases II and IIIA 92-1210 Palahia Street, #V101 Kapolei, HI 96707	06/23/97
Properties Unlimited, Inc. Honuakaha 545 Queen Street, Room 238 Honolulu, HI 96813	01/30/97
Gamrex, Inc. Kona Vistas Subdivision 76-117 Kamehamalu Street Kailua-Kona, HI 96745	02/03/97
Malama Realty Corp. Piilani Village 817 Mahealani Place Kihei, HI 96753	02/05/97
Properties Unlimited, Inc. Iwalani - Villages of Kapolei 5 Kama'aha Avenue Ewa, HI 96707	02/05/97
Schuler Realty/Oahu, Inc. The Tropics at Waikele, Phases 1 and 2 94-1070 Kikepa Street Waipahu, HI 96797	03/07/96
Towne Realty Brokerage Services, Inc. The Terraces at Lauanani Valley 95-920 Wikao Street, Unit 201 Mililani, HI 96789	03/15/97
Pahio Vacation Ownership, Inc. Pahio at Bali Hai Villas 4970 Pepelani Loop Princeville, HI 96722	03/15/97
Pahio Vacation Ownership, Inc. Pahio at the Shearwater 3730 Kamehameha Road Princeville, HI 96722	03/15/97
Pahio Vacation Ownership, Inc. Pahio at Ka'eo Kai 3970 Wyllie Road	03/15/97

Princeville, HI 96722

Pahio Vacation Ownership, Inc. 03/15/97
 Pahio at Kauai Beach Villas
 4330 Kauai Beach Drive
 Lihue, HI 96766

Schuler Realty/Oahu, Inc. 04/04/97
 Country Club Village at Salt Lake,
 Buildings 1, 4 and 5
 3054 Ala Poha Place, #306
 Honolulu, HI 96818

Gerald P. Hokoana, Aikane Properties 04/09/97
 The Cliffs at Kahakuloa
 Kuakini Street
 Kahakuloa, Maui, HI

Schuler Realty/Oahu, Inc. 02/22/97
 KulaLei
 91-543 Kuhialoko Street
 Ewa Beach, HI 96706

Gentry Realty, Ltd. 02/02/97
 Coronado, Phases C and E
 91-1070 Polea Street, Building 20
 Ewa Beach, HI 96706

Branch Office

Effective Date

Mauna Kea Properties, Inc. 07/10/96
 Mauna Kea Beach Hotel
 62-100 Mauna Kea Beach Drive
 Kamuela, HI 96743
 Lee H. Taylor, pb
 Kathrin G. Kohler, bic

Education Waiver Certificate

Expiration Date

Joseph J. Adorni 07/17/97
 Alan Earl Armbruster 07/25/97
 Christopher Wayne Irwin 07/26/97
 Alan J. Craig 08/06/97
 James Ross Patrick 08/06/97
 Sandra Marie Presser 08/06/97

Real Estate Broker Experience Certificate

Expiration Date

Karen E. Lau 07/19/97
 Betsy K. Wickstrom 07/23/97
 Schuyler E. Cole 07/25/97
 Kim Denise Sain-Brady 07/25/97
 Suzanne Meek 07/25/97
 Julie K. Mercer 07/30/97
 Sai Ming Paul Wong 08/06/97

Margaret L. Roegiers	08/12/97
Julie A. Lisle	08/14/97
Valerie J. Jackson	08/14/97

<u>Real Estate Broker (upgrade)</u>	<u>Effective Date</u>
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Wendy W. Lee	07/02/96
Sharron A. Quigley	06/26/96
Susan S. Ichimasa	07/11/96
Patricia M. Bovard	06/07/96
Richard L. Cox	06/26/96
Linda M. McCabe	07/26/96
Mary Pat Larsen	08/02/96
Schuyler E. Cole	08/05/96

<u>Condominium Hotel Operator</u>	<u>Effective Date</u>
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James R. Buckley, Pacific Trader Properties Princeville Center, Suite C-201 Princeville, HI 96722	01/01/96
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The Prudential Maui Realtors, Inc. dba Maui Beach Front Rental 181-P Lahainaluna Rd. Lahaina, HI 96761	8/7/96
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<u>Condominium Hotel Operator</u>	<u>Effective Date</u>
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Margaret Jean Norrie dba Margaret Norrie Realty P.O. Box 365 Kihei, HI 96753	7/22/96
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The Estates at Turtle Bay, Inc. P.O. Box 366 Kahuku, HI 96731	7/26/96
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Ala Kai Realty, Inc. 688 Kinoole St. #102 Hilo, HI 96720	08/14/96
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Castle Resorts & Hotels, Inc. 745 Fort Street, Tenth Floor Honolulu, HI 96813	08/13/96
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<u>Condominium Managing Agent</u>	<u>Effective Date</u>
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Aiea Realty, Inc. 99-128 Aiea Heights Dr. #403 Aiea, HI 96701	7/31/96
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Ala Kai Realty, Inc. 688 Kinoole St. #102 Hilo, HI 96720	08/14/96
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Castle Resorts & Hotels, Inc.
745 Fort Street, Tenth Floor
Honolulu, HI 96813

08/13/96

Licensing - Restoration of
Forfeited License:

Jane Oshiro Nguyen

Jane Oshiro Nguyen was present at the meeting to answer any questions the Commissioners may have regarding her application for restoration of her real estate salesperson's license. Ms. Nguyen was asked if she would like her application considered in executive session and she declined.

Ms. Nguyen stated that she didn't try to deliberately not pay her fees. She took her continuing education classes and paid her Honolulu Board of Realtors dues and her MLS dues. She thought she did everything that she was supposed to do. She would like to continue with her real estate salesperson's license.

Ms. Nguyen was asked if she was actively selling during the period that her license was forfeited. Ms. Nguyen stated that she thought she had a license and that her license had not expired.

Ms. Nguyen's notarized statement of her activities during the time that her license was forfeited shows that she participated in real estate transactions. Ms. Nguyen was asked if she was being supervised by a principal broker during that time. Ms. Nguyen answered in the affirmative. Ms. Nguyen was asked who her principal broker was. She stated, "Fred Uedoi."

Ms. Nguyen was asked what she has been doing since the time that she discovered that her license was forfeited and since she submitted her application for restoration. Ms. Nguyen stated that she is still with Komo Mai and she wants to continue upon the restoration of her forfeited license.

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

Elijah Thomas

Elijah Thomas was present to answer any questions regarding the restoration of his forfeited real estate salesperson's license.

Mr. Thomas stated that he was with Pro Serve Realty. He thought he had paid everything and that he is in good standing with the Honolulu Board of Realtors. He took some continuing education classes, but he hasn't taken classes this year. Mr. Thomas stated that he discovered that his license was forfeited when Pro Serve merged with Realty Executives. He had a photocopy of his pocket card. He stated that he has been up front about his activities in 1995/96. He has engaged in no real estate activities since he found out he was forfeited. Upon discovering that he was forfeited, he cancelled the listings that he was involved with. He would like to restore his license as his family is dependent upon his income.

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

Licensing - Questionable
Applications:

Kathryn E. Petty-Tubman

Kathryn E. Petty-Tubman was present to request to answer any questions the Commission may have regarding her application for a real estate salesperson's license. Ms. Petty-Tubman was

asked if she would like her application to be considered in executive session and she declined.

Ms. Petty-Tubman stated that the judgment which was issued was not related to a real estate purchase and that her involvement in the judgment was only because she was married to her husband. Her husband did research for a lady in Florida. The lady wanted to get her property rezoned so that she could build a high rise. Her husband was given money to fly to Florida to get the property rezoned. They were asked to sign a promissory note. They signed the promissory note without legal advice. Her husband flew to Florida and got the zoning changed. At that time, the economy was not doing good. The original idea to build the high rise did not go forward. The lady called them for the note on the expenses that were incurred by her husband. They paid \$10,000 towards the \$25,000 owed. They did not have money to pay her and have not been able to continue to pay her. They would like to resolve the judgment. Ms. Petty-Tubman stated that she wasn't involved and that her only involvement was that her name was on the note. They have already paid \$10,000.

Ms. Petty-Tubman stated that they are working with their CPA to deal with the IRS. Their CPA filed an Offer in Compromise over a year ago, but then told them to wait until they had submitted their tax returns to resubmit. Their CPA has told them that they should offer \$5-6,000 to the IRS. Ms. Petty-Tubman stated that it was important for her to get her license. She passed her test in May and has been waiting since to obtain her license. She stated that if she had known that she would have to deal with it, she would have dealt with it earlier. She stated that it is her goal and her desire to get it done with in a timely fashion.

Ms. Petty-Tubman, in her June 5, 1996 letter to the Commission, states that the tax liens are her husband's. She has always paid her personal income taxes. She stated that the documents submitted are her husband's liens, although her name appears on it. She stated that in 1985 when she first got married, she had no debts. When she got married, she told her husband that they had to deal with it. They went over the outstanding tax obligations and was trying to get him to deal with it. They are working with their CPA to get everything in order.

The tax lien documents submitted by Ms. Petty-Tubman shows tax liens against Richard and Barbara Tubman, for the years 1983, 1984, 1986, and 1987; against Richard Tubman in 1985; and against Richard and Kathryn Tubman in 1990. Ms. Petty-Tubman stated that Barbara Tubman was Richard Tubman's first wife.

Ms. Petty-Tubman stated that the CPA is anticipating that the IRS will accept their Offer in Compromise.

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

Scott O'Brien

Scott O'Brien was present to answer any questions the Commission may have regarding his application for a real estate broker's license.

Mr. O'Brien stated that he is actively licensed in California and he has 60 lease transactions in Hawaii, 15 of which are included in the packet. He is an office leasing specialist. He does not have an opportunity to participate in sales transactions. He is qualified as a candidate. He has completed his mandatory courses. He is pursuing a CCIM designation. He stated that he has completed his preclicensing courses. He is a partner in a corporation, Hawaii Commercial. His partner and principal broker is Vernon Miura. It is important that he have his license in the event that something should happen to his partner. In his commercial leasing experience, in some cases he represents the landlord and sometimes he represents the tenant. He currently

represents the tenants, but he has represented both parties in the past eight years.

When asked about his prior real estate courses, Mr. O'Brien stated that he was originally from California. His first career was architecture and he had a company with 116 employees. He took course at UCLA in real estate. He has submitted his request to UCLA and UC Berkeley for copies of his transcripts. He took courses in 1982/83. He was licensed in California in 1988. He left architecture to enter the real estate field. He had to retake courses to get into the real estate field.

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

Committee Reports:

Laws and Rules Review Committee

Upon a motion by Commissioner Nomura, seconded by Commissioner Aki, it was voted on and unanimously carried to approve the report of the August 14, 1996 Laws and Rules Review Committee meeting, as follows:

1. HREREC Report
 - a. Professional Responsibility Course - **Recommend approval** of the course subject to finalization by HREREC of recommended changes and staff to work with HREREC on finalization.
 - b. Real Estate Seminars - Although reported previously, there were no evaluations distributed during the 1996 Spring Seminars. For the 1997 seminars, which will be held in January, 1997, HREREC is to provide a list of proposed topics for agenda mail outs for discussion at September 11, 1996 LRRC meeting.
2. Program of Work
 - a. Real Estate Recovery Fund - Tax intercept of judgments over ten years old and Clifford Laughton. **Recommend** that: (a) Judgments be renewed selectively as is currently done; (b) To the extent possible, the tax intercept list should exclude cases in which judgments are over ten years old and which have not been renewed; (c) Mr. Laughton should receive a refund of \$64, however he may not be issued a real estate license until he has repaid the recovery fund in accordance with § 467-18(e), Hawaii Revised Statutes.
3. Special Issues
 - a. C. Brewer Homes, Inc. - Principal place of business and principal broker's island of residence. **Recommend approval**, upon applicant's submission of appropriate change forms, zoning forms and fees, of a conditional license subject to the following conditions:
 - (1) The PB shall commute to the main office on a daily basis;
 - (2) The main office shall, at all times, have a broker in charge who resides on Maui;
 - (3) The PB shall immediately notify the Commission of material changes in circumstances relating to (a) or (b) above;
 - (4) If at any time, the conditions are not met, the conditional license shall terminate without notice and all licenses shall be placed on inactive status; and
 - (5) The conditional license shall expire at the end of the renewal period, however, staff is delegated the authority to continue the conditional license provided the PB submits a written request prior to expiration and certifies that there have been no material changes that relate to the conditions imposed.
 - b. Rush Moore Craven Sutton Morry & Beh, David Shibata - **Recommend** that if the hotel meets the definition of hotel and where the commercial spaces are in the same building of the hotel and the hotel operator is the operator of hotel

- rooms **and** commercial spaces, then they meet the exception of §467-2(4), HRS.
- c. Alabama Real Estate Commission - Staff to respond accordingly.
 - d. Tom Stifler, TNT Realty Inc., Coldwell Banker Aloha Properties - Staff to respond accordingly.
4. Next Meeting: Wednesday, September 11, 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 Ching, seconded by Commissioner Lee, it was voted on and unanimously carried to approve the report of the August 14, 1996 Condominium Review Committee meeting, as follows:

- 1. HREREC Report
 - a. Hawaii Condominium Bulletin - Last bulletin for 1995-1996 completed.
 - b. Board of Director's Guide - Condominium Insurance and Fidelity Bonds guide published.
 - c. Condominium Seminars - Report on Spring Seminar - Evaluation summary submitted.
- 2. Condominium Project Registration, Public Reports, and Sales to Owner-Occupant Announcements
 - Public Reports - **Recommend approval** to ratify issuance of effective dates for public reports for the month of July 1996.
- 3. Registrations - Association of Apartment Owners
 - AOAO Registration Report - **Recommend approval** to ratify issuance of effective registration dates for Associations of Apartment Owners for the period 6/26/96 to 7/30/96.
- 4. Interactive Participation with Organizations
 - a. Community Associations Institute Hawaii Chapter Seminar "CAI's 1996 Legislative and Regulatory Update" August 22, 1996 - **Recommend approval** of Commissioner Carol Mon Lee's attendance and CMEF funding of seminar registration.
 - b. Community Associations Institute 41st National Conference October 10 to 12, 1996 Palm Springs, California - **Recommend approval** that Commissioner Carol Mon Lee, or alternate Commission member or staff, attend the 41st National Conference, October 10 to 12, 1996 in Palm Springs, California.
- 5. Next meeting: Wednesday September 11, 1996
10:30 a.m.
Ka Lanakila Room
1010 Richard Street, Second Floor
Honolulu, Hawaii

Education Review Committee

Upon a motion by Commissioner Aki, seconded by Commissioner Lindemann, it was voted on and unanimously carried to approve the report of the August 14, 1996 Education Review Committee meeting, as follows:

1. **Accept** minutes of the meeting of July 10, 1996.
2. HREREC Report---Alicia Oh reported that Dr. Nicholas Ordway met with Commissioner Dew and the Hawaii Association of Realtors regarding a 1996-1997 continuing education elective course on mandatory seller disclosure requirements.
3. Continuing Education Administration, Curriculum, Courses, Providers, and Instructors
 - a. Provider---Lynn W. Carlson. **Recommend approval** as a continuing education provider upon receipt of minimum \$2,000 surety bond or alternative form of school bond in conformance with HAR §16-99-53.1.
 - b. Continuing Education Instructor
 - (1) Lynn W. Carlson
 - (a) **Recommend approval** for the continuing education elective course "Basic Real Estate Investment Analysis".
 - (b) **Recommend approval** for the continuing education elective course "Fair Housing" upon completion of the course as taught by a certified Hawaii instructor and the instructor briefing.
 - (c) **Recommend denial** for the continuing education course "Residential Property Management" and continuing education course categories Investment, Property Management, Finance, Fair Housing, and Real Estate Law Update and Ethics.
 - (2) Abraham W. H. Lee---**Recommend approval** for continuing education course categories Investment and Property Ownership and Development.
 - (3) Jane Muramatsu---**Recommend approval** for continuing education elective course "Disclosures in Hawaii Residential Transactions".
 - (4) George K. Yamashiro---**Recommend approval** for continuing education elective course "Disclosures in Hawaii Residential Transactions".
 - (5) Gary K. Yamashiro---**Recommend approval** for continuing education elective course "Disclosures in Hawaii Residential Transactions".
 - c. Continuing Education Elective Course
 - (1) "Developing Small Properties" (Abe Lee Seminars)---**Recommend approval.**
 - (2) "Residential Landlord-Tenant Code" (Abe Lee Seminars)---**Recommend approval.**
 - (3) "Family Limited Partnerships: Limiting Liabilities, Asset Reduction" (Abe Lee Seminars)---**Recommend deferral** of action on application until the September 11, 1996 ERC meeting.
 - d. Continuing Education Recertification
 - (1) Course---GRI 301 and GRI 401 (Hawaii Association of Realtors). **Recommend approval.**
 - (2) Provider---Waikiki Realty Real Estate School. **Recommend approval.**
 - (3) Instructor
 - (a) Jane Muramatsu---**Recommend approval** for continuing education course category Real Estate Law Update and Ethics and continuing education elective course "Fair Housing".
 - (b) George K. Yamashiro---**Recommend approval** for continuing education course category Real Estate Law

- (c) Update and Ethics and elective course "Fair Housing".
Gary K. Yamashiro---**Recommend approval** for continuing education course category Real Estate Law Update and Ethics and continuing education elective course "Fair Housing".
4. ARELLO, REEA and Other Organizations Report---**Accept** ARELLO Education and Research Fund Report for period April-June 1996.
5. Next Meeting: Wednesday, September 11, 1996
1:30 p.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Executive Officer's Report:

Approval of Minutes

Upon a motion by Commissioner Lee, seconded by Commissioner Aki, it was voted on and unanimously carried to approve the minutes of the June 28, 1996 Real Estate Commission meeting as amended and to approve the minutes of the July 26, 1996 Real Estate Commission meeting as circulated.

Announcements, Introductions, Correspondence and Additional Distributions

The Commissioners were asked to submit their pictures for the 1996 Annual Report and to update their biographies by Friday, September 20, 1996.

Executive Session:

Upon a motion by Commissioner Ching, seconded by Commissioner Lindemann, 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 Kuriyama arrived.

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

Licensing - Restoration of Forfeited License:

Jane Oshiro Nguyen

Salesperson

After a review of the information presented by the applicant, Commissioner Ching moved that restoration be approved upon submitting evidence of successfully passing the real estate salesperson's licensing examination. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Catherine L. M. Hall

Salesperson

Dean T. Matsuo

Salesperson

Wynn Y. Hamano

Salesperson

After a review of the information submitted by the applicant, Commissioner Aki moved that restoration be approved upon submitting evidence of successful completion of the real estate salesperson's precicensing course. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Licensing - Questionable

Elijah B. Thomas III

Salesperson

Applications:

After a review of the information presented by the applicant, Commissioner Aki moved that restoration be approved upon submitting evidence of successful completion of the real estate salesperson's preclicensing course. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Licensing - Questionable Applications:

B.W.T. Inc.

This matter is deferred to the October 1996 Real Estate Commission meeting.

Vivien H. Lahiri

After a review of the information submitted by the applicant, Commissioner Lee moved to approve the real estate salesperson application of Vivien H. Lahiri.

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

Kathryn E. Petty-Tubman

After a review of the information presented by the applicant, Commissioner Nomura moved to deny the real estate salesperson application of Kathryn E. Petty-Tubman unless, within 60 days, the applicant submits an approved written payment plan with the IRS for all outstanding tax liens and all underlying documents which resulted in the judgment in accordance with §§467-8(3), HRS, and §436B-19(1)(8)(12), HRS. Commissioner Lindemann seconded the motion. The motion was voted on and carried. Commissioner Ching opposed the motion.

Helen M. Ryley, Makakilo Realty

After a review of the information submitted by the applicant, Commissioner Aki moved to approve the real estate sole proprietor application of Helen M. Ryley, Makakilo Realty. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Judith Kay Hentz

After a review of the information submitted by the applicant, Commissioner Lee moved to approve the real estate sole proprietor application of Judith Kay Hentz. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Scott E. O'Brien

After a review of the information presented by the applicant, Commissioner Lindemann moved to approve the real estate broker experience certificate application of Scott E. O'Brien. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Eli Cecil Hanslik

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

After a review of the information submitted by the applicant, Commissioner Lindemann moved to deny the educational waiver application of Eli Cecil Hanslik, based on §16-99-37(a)(4) and (5), HAR, in that the applicant did not provide written verification of having completed at least twelve semester credits in real estate courses at an accredited college or university; and the Commission does not recognize or accept the MAI designation from the Appraisal Institute. Commissioner

Nomura seconded the motion. The motion was voted on and carried.

Commissioner Ching returned to the meeting.

Jeannine Poling

After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the real estate sole proprietor application of Jeannine Poling. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Paul H. Maeda, Maeda Realty

After a review of the information submitted by the applicant, Commissioner Lee moved to approve the real estate sole proprietor application of Paul H. Maeda, Maeda Realty. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Recess:

The Chair recessed the meeting at 10:20 a.m.

Reconvene:

The Chair reconvened the meeting at 10:35 a.m.

Executive Session:

Upon a motion by Commissioner Ching, seconded by Commissioner Aki, it was voted on and unanimously carried to enter into executive session pursuant to Section 92-5(a)(4), HRS, "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 Nomura, seconded by Commissioner Aki, it was voted on and unanimously carried to move out of executive session.

Recovery Fund Report:

John L. Martin, et al., v. Harbinger International Hawaii Marketing, Inc., et al., First Circuit Court, Civil No. 85-3185

Upon a motion by Commissioner Ching, seconded by Commissioner Nomura, it was voted on and unanimously carried to deny the settlement offer of John L. Martin and to authorize the recovery fund attorney to pursue the lien and judgment search and to pursue cost sharing with the plaintiffs.

Ana Garcia, et al. v. Benjamin Chapman, District Court of the First Circuit, Civil No. 1RC95-4289

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Ching, it was voted on and unanimously carried to approve the payment out of the recovery fund for \$16,524.69 against Benjamin Chapman and the judgment shall be assigned to the REC.

Next Meeting:

Wednesday, September 25, 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 11:06 a.m.

Reviewed and approved by:

Christine Rutkowski, Executive Officer

October 30, 1996
Date

960924/isk