

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: Wednesday, March 31, 1999

Time: 9:00 a.m.

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

Present: Alvin Imamura, Chair
Nora Nomura, Vice Chair (Late Arrival)
Charles Aki, Member
Michael Ching, Member
Mitchell Imanaka, Member
Helen Lindemann, Member
John Ohama, Member

Calvin Kimura, Supervising Executive Officer
Christine Rutkowski, Executive Officer
Pamela Garrison, Senior Real Estate Specialist
Lee Ann Teshima, Real Estate Specialist
Russell Wong, Real Estate Specialist
Morris Atta, Condominium Specialist
Shari Wong, Deputy Attorney General
Irene Kotaka, Secretary

Franklyn E. De Foe

Excused: Alfredo Evangelista, Member
Iris Okawa, Member

Call to Order: The Chair called the meeting to order at 9:05 a.m., at which time quorum was established.

Executive Officer's Report: **Announcements, Introductions, Correspondence and Additional Distribution**

Additional Distribution

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

4. Committee Reports
 - d. Legislative Report 99-5
7. Licensing - Questionable Applications
 - a. Fred P. Cooper
 - c. Franklyn E. De Foe

Minutes of Previous Meetings

Upon a motion by Commissioner Aki, seconded by Commissioner Ohama, it was voted on and unanimously carried to approve the minutes of the February 26, 1999 Real Estate Commission meeting as circulated.

Chair's Report:

No Chair's report was presented. The Chair wished everyone present a "Happy Easter!"

Committee Reports:

Laws and Rules Review Committee

Upon a motion by Commissioner Ohama, seconded by Commissioner Aki, it was voted on and unanimously carried to accept the report of the March 10, 1999 Laws and Rules Review Committee meeting as follows:

1. **Accept** the minutes of the March 10, 1999 meeting.
2. Hawaii Real Estate Research & Education Center Contract Termination Transition Professional Responsibility Course – Committee members to consider the future of this program and initial recommendations for decision making at the April 14, 1999 meeting. Initial recommendations include termination of the program and possible distribution of the curriculum to any CE provider as materials for the development of a CE course.
3. Program of Work, FY99 – Neighbor Island Outreach – The May committee meetings on the island of Hawaii, will be held on Friday, May 14, 1999, in the Natural Energy Laboratory of Hawaii Authority's Conference Room, located at 73-4460 Queen Kaahumanu Highway, Kailua-Kona, Hawaii. The first neighbor island outreach for FY00 will be held at the Outrigger Wailea Resort on Thursday, July 8, 1999.
4. Program of Work, FY99 - Licensing Renewals - **Recommend acceptance** of the report on the current real estate licensees (March 1999) by license type and island.
5. Special Issues - James Worley Concerns and Marie Hansen Concerns - **Recommend** that staff issue an appropriate response to both parties.
6. Next Meeting: Wednesday, April 14, 1999
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Education Review Committee

Upon a motion by Commissioner Imanaka, seconded by Commissioner Lindemann, it was voted on and unanimously carried to accept the report of the March 10, 1999 Education Review Committee meeting as follows:

1. Minutes of February 10, 1999 Meeting – **Accept** as amended.

2. Hawaii Real Estate Research and Education Center Report
 - a. Acting Director's Report
 - 1) Continuing Education 99-00 Core Course - First meeting of advisors/reviewers has been held and they have tentatively come up with six sections. Mr. Gilbert is now waiting for feedback from the advisors/reviewers and will create another draft. He will report on the status of this project in April.
 - 2) Evaluation and Education System for CE and Prelicensing Instructors – Mr. Gilbert distributed the "Final Report Real Estate Instructor Evaluation in 1998". Included in the report were recommendations on the future of this program.
 - b. Program of Work, FY99 - Termination Transition - **Recommend approval** to delegate a focus group consisting of the Commission Chair, Chair and Vice Chair of each standing committee, and a staff member, to meet and discuss/review the termination transition process of the program of work with the Hawaii Real Estate Research and Education Center. First meeting to be held at 1:00 p.m. on Wednesday, March 31, 1999.

3. Continuing Education Administration, Curriculum, Courses, Providers and Instructors - Applications - 1999-2000 Continuing Education Providers, Instructors, and Courses Ratification List – **Recommend Approval** of the following registrations/certifications:

<u>Courses</u>	<u>Effective Date</u>
"Using HAR Standard Forms" (Author/Owner: Hawaii Association of Realtors)	02/5/99
"GRI 101" (Author/Owner: Hawaii Association of Realtors)	02/5/99
"GRI 201" (Author/Owner: Hawaii Association of Realtors)	02/5/99
"GRI 301" (Author/Owner: Hawaii Association of Realtors)	02/5/99
"Essentials of Finance" (Author/Owner: Hawaii Association of Realtors)	02/5/99
"Essentials of the DROA" (Author/Owner: Hawaii Association of Realtors)	02/5/99
"Essentials of Listing" (Author/Owner: Hawaii Association of Realtors)	02/5/99

4. Prelicensing Education Administration, Curriculum, Schools, Instructors, and Equivalency – Applications - 1999-2000 Prelicensing Education Schools and Instructors Ratification List - **Recommend Approval** of the following registrations/certifications:

<u>School</u>	<u>Effective Date</u>
Century 21 Real Estate School (Ralph S. Foulger, Principal) (Salesperson/Broker Curriculum)	01/11/99

- | | <u>Instructor</u> | <u>Effective Date</u> |
|----|--|---|
| | Martha Lee Ruggles
(Salesperson/Broker Curriculum) | 02/18/99 |
| 5. | Administration of Examinations - ASI - Test Development, State Content Outline - There were no comments and/or recommendations provided for the upcoming test development session, in writing or otherwise. | |
| 6. | Program of Work, FY99 | |
| | a. | Annual Report, Quarterly Bulletin, and School Files - Publication Policies for Bulletin/Annual Report and Web - Recommended to adopt the following publication policies for the <i>Bulletin/Annual Report</i> and Web: |
| | | 1. Cease publishing the list of license ratifications in the <i>Bulletin</i> . Instead, publish the list on the Web following each Commission meeting. |
| | | 2. Continue publishing Administrative Actions summaries in the <i>Bulletin</i> , but also publish on the Web following each Commission meeting. |
| | | 3. Provide more detailed coverage on law and rule in the <i>Bulletin</i> and place the text of relevant Acts or rules on the Web. |
| | | 4. Place articles previously published in the <i>Bulletin</i> , but which are still relevant, on the Web as standalone articles. |
| | | 5. Limit printing and distribution of the <i>Annual Report</i> to the Legislature, Governor, and licensees who request a copy (subject to availability). |
| | b. | Neighbor Island Outreach - The May committee meetings on the island of Hawaii will be held on Friday, May 14, 1999, in the Natural Energy Laboratory of Hawaii Authority's Conference Room, located at 73-4460 Queen Kaahumanu Highway, Kailua-Kona, Hawaii as follows: |
| | | 10:00 a.m. Laws and Rules Review Committee |
| | | 11:00 a.m. Education Review Committee |
| | | 1:30 p.m. Condominium Review Committee |
| 7. | ARELLO, REEA and Other Organizations - REEA 1999 Annual Conference, June 3 - 5, 1999, Pittsburgh, PA - Recommend Approval to send one (1) Commissioner and one (1) staff member, subject to travel approval and budget. Commission Chair and SEO to determine participants. | |
| 8. | Next Meeting: Wednesday, April 14, 1999
10:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
250 South King Street
Honolulu, Hawaii | |

Condominium Review Committee

Upon a motion by Commissioner Imanaka, seconded by Commissioner Lindemann, it was voted on and unanimously carried to accept the report of the March 10, 1999 Condominium Review Committee meeting as follows:

1. **Minutes of February 10, 1999** -- Accept minutes.
2. **HREREC Report** -- Hawaii Condominium Bulletin - FY99 Vol. 7, Number 3, (Fall 1999) issue is targeted for distribution by March 31, 1999.
3. **CPR Registration, Public Reports, Extensions Issued -- Recommend approval** to ratify issuance of effective dates for public reports and extensions for the month of February 1999.
4. **Program of Work, FY99**
 - a. **Neighbor Island Outreach** -- The May committee meetings on the island of Hawaii will be held on Friday, May 14, 1999, with this committee meeting at 1:30 p.m., in the Natural Energy Laboratory of Hawaii Authority's Conference Room, located at 73-4460 Queen Kaahumanu Highway, Kailua-Kona, Hawaii.
 - b. **Interactive Participation with Organizations -- CAI's 46th National Conference -- Recommend approval** to send one Commissioner and one staff member to CAI's 46th National Conference to be held in Denver, Colorado, May 20 - 22, 1999, subject to budget and department approval. Commission Chair and Supervising Executive Officer to decide on participants.
 - c. **HREREC Termination Transition -- Recommend approval** to delegate to committee members, Mitchell Imanaka and John Ohama, the task of investigating the scope of what HREREC condominium materials, equipment, and publications could be feasibly transferred to REC upon the termination of HREREC's contract, and report its findings with recommendations to the Condominium Review Committee.
5. **Open Forum**

There were no comments, recommendations, or concerns received from the following: Community Association Institute Hawaii Chapter, Alakahi Foundation, Hawaii Council of Association of Apartment Owners, Hawaii Independent Council of Apartment Owners, Hawaii State Bar Association / Real Property & Financial Services Section, Land Use Research Foundation, Condominium Council of Maui, Hawaii Association of Realtors / Institute of Real Estate Management Hawaii Chapter / Oahu Arm Committee, Others.
6. **Next Meeting:** April 14, 1999
1:30 p.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Legislative Report 99-5

A copy of Legislative Report 99-5 was distributed to the Commissioners for their information. The SEO highlighted the bills that would have an impact on the Commission.

Commissioner Nomura arrived.

Licensing and Registration - Ratification:

Upon a motion by Commissioner Nomura, seconded by Commissioner Aki, it was voted on and unanimously carried to ratify the attached list.

Licensing - Questionable Applications:

Franklyn E. De Foe

Mr. De Foe stated that having been a new licensee, he suggested that the number of hours of continuing education for new licensees should be increased to 40 hours in their first year of being licensed as opposed to five hours. He would highly recommend that new licensees have extensive training during their first year of licensure. He stated that brand new licensees entering into the real estate profession experience a major shock. He would recommend that the Commission increase the number of hours of education such as having to complete the Real Estate 101 course.

Mr. De Foe was asked if he wished to have his application considered in executive session. Mr. De Foe accepted the offer.

Executive Session:

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

Licensing - Questionable Applications:

Franklyn E. De Foe

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

Executive Session:

Upon a motion by Commissioner Aki, 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;".

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

Licensing -
Restoration of
Forfeited Licenses:

Gregory L. Smith

Salesperson

After a review of the information submitted by the applicant, Commissioner Aki moved that restoration be approved upon submitting evidence of successfully passing the real estate salesperson's licensing examination. Commissioner Imanaka seconded the motion.

Licensing -
Questionable
Applications:

Fred C. Cooper

Commissioner Ching recused himself from the meeting.

After a review of the information submitted by the applicant, Commissioner Ohama moved to approve Fred P. Cooper's application for a real estate salesperson's license. Commissioner Lindemann seconded the motion. The motion was voted on and carried.

Commissioner Ching returned to the meeting.

Eileen Winters

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

Franklyn E. De Foe

After a review of the information presented by the applicant, Commissioner Nomura moved to approve Mr. De Foe's request for reconsideration and to accept the additional information submitted by Mr. De Foe. Commissioner Ohama seconded the motion. The motion was voted on and unanimously carried.

After a review of the information presented by the applicant, Commissioner Nomura moved that the Commission not amend its decision and the February 26, 1999 decision remains the decision of record. Commissioner Ohama seconded the motion. The motion was voted on and unanimously carried.

Delegation to staff:

Upon a motion by Commissioner Ching, seconded by Commissioner Ohama, it was voted on and unanimously carried to delegate to staff to continue processing to approvals, applications in which the applicant answers "YES" to the application question concerning conviction of a crime where there has not been an order annulling or expunging the conviction and that the conviction was only one DUI supported by documents submitted by the applicant verifying that all requirements have been completed.

Next Meeting: Friday, April 30, 1999
9:00 a.m.
Kapuwai 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 10:10 a.m.

Reviewed and approved by:



Christine Rutkowski
Executive Secretary

April 30, 1999
Date

- [] Approved as circulated.
[] Approved with corrections; see minutes of _____ meeting.

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON MARCH 31, 1999

<u>Brokers - Corporations and Partnerships</u>	<u>Effective Date</u>
Maui Hawaii Properties, Inc. Charles P. McClelland, PB	02/25/99
Global Investment Counselors, Inc., First Hawaiian Realty Edward Blottenberger, PB	02/18/99
<u>Brokers - Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Sea Cliff Realty, LLC Robert P. Chancer, PB	02/08/99
Quintus Vacation Management, LLC Karon L. Hansen, PB	03/01/99
Core Realty, LLC Roy E. Pyles, PB	03/11/99
Timeshare Liquidators of Hawaii, LLC Jeanne M. Childs, PB	03/15/99
<u>Brokers - Sole Proprietor</u>	<u>Effective Date</u>
Maria D. Barnes, Maria D. Barnes Realty	02/22/99
Amado C. Quemado, 1001 Realty Company	02/16/99
Roberta K. Brown, Roberta K. Brown Realtor	02/25/99
Laureto N. Drapesa, Central Oahu Real Estate & Management	03/01/99
Elizabeth C. Pearmain, Pearmain Realty	04/01/99
<u>Trade Name</u>	<u>Effective Date</u>
Donald Eugene Swanson, Maui Buyer Realty (fdba South Maui Oceanfront Properties)	02/25/99
Leland H. Y. Louie, Hawaii Golden Realty	03/09/99
Stuart H. Oda, Ululani Realty	03/04/99
<u>Corporation Name</u>	<u>Effective Date</u>
Charter Realty, Inc. (fka Charter Financial Services, Inc.)	02/26/99
<u>Education Waiver Certificate</u>	<u>Expiration Date</u>
David Dana Monaghan	02/24/00
Katrina V. Arledge	02/24/00
Thomas J. Kling	02/24/00
Charles Joseph Buckingham	03/01/00
Raymond G. Mason	03/04/00
Sulejman Bjelak	03/12/00
John J. Sheehan	03/12/00
Scott Brannan Phillips	03/15/00
Alan Lyman Harris	03/15/00
Deborah J. Parry	03/16/00
Robert Dwayne Eheler, Jr.	03/16/00
Judy L. Higgins	03/18/00
Diane G. Romeu-Kirley	03/22/00
<u>Real Estate Broker Experience Certificate</u>	<u>Expiration Date</u>
Richard R. Seto-Mook	02/19/00
Cecilia M. Christenson	02/22/00
Claire C. Gibo	02/24/00
Teresa M. Nelson	02/26/00
Joann C. Matsuo	03/01/00
Myron N. Kiriu	03/01/00
Tamara L. Medeiros	03/01/00

