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: Thursday, October 28, 1999

<u>Time:</u> 9:00 a.m.

<u>Place:</u> Kapuaiwa Room

HRH Princess Victoria Kamamalu Building

1010 Richards Street, Second Floor

Honolulu, Hawaii

Present: Nora Nomura, Vice Chair

Michael Ching, Member Patricia Choi, Member Alfredo Evangelista, Member John Ohama, Member Iris Okawa, Member

Christine Rutkowski, Executive Officer

Pamela Garrison, Senior Real Estate Specialist

Naomi Cole, Real Estate Specialist Russell Wong, Real Estate Specialist

Cynthia Yee, Senior Condominium Specialist

Morris Atta, Condominium Specialist Gina Watumull, Condominium Specialist Shari Wong, Deputy Attorney General

Irene Kotaka, Secretary

Erica Piccolo, Special Deputy Attorney General

Lance Miyasato
Tracy Manhan
Deborah Lesa
Christina Espinosa
Toti Manhan
Steve Struckman
Anthony Roy
Robert Smolenski

Excused: Alvin Imamura, Chair

Charles Aki, Member Mitchell Imanaka, Member

<u>Call to Order:</u> The Vice Chair called the meeting to order at 9:03 a.m., at which time

quorum was established.

<u>Chair's Report:</u> No report was presented.

Executive Officer's Report:

Announcements, Introductions, Correspondence and Additional Distribution

Additions to the Agenda

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

- 4. Committee Reports
 - c. Community Associations Institute Seminar
 - "Board Meetings and Operations" Request for CEF Subsidy
 - 2) Request for Withdrawal of Subsidy for the "Ask the Experts" Seminar
- 6. Licensing Questionable Applications

Broker Experience Certificate

Cecelia M. Christenson Bette L. Gerloff

Additional Distribution

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

- 5. Licensing and Registration Ratification
- 6. Licensing Questionable Applications
 - d. Christina V. Espinosa
 - e. Anthony R. Roy
 - j. Janie I. Henderson

To prevent a possible lack of quorum, the Commissioners were asked if they had any matter on the agenda in which they needed to excuse or recuse themselves. There were no anticipated conflicts.

Committee Reports:

Laws and Rules Review Committee

Upon a motion by Commissioner Ching, seconded by Commissioner Okawa, it was voted on and unanimously carried to accept the report of the October 13, 1999 Laws and Rules Review Committee meeting as follows:

- Minutes of Previous Meetings Accept minutes of September 8, 1999
- 2. Program of Work, FY00 Legislative Acts and Resolutions Broker Experience Certificate Recommend that in assuring consumer protection and recognizing that licensee records typically have breaks in license association, the Commission proposes the following amendment to Chapter 99, HAR:
 - Clarity/define that "Has experience as a full-time real estate salesperson associated with a Hawaii-licensed real estate broker for the three year period immediately

prior to the licensing examination . . ." includes those licensees whose records show an affiliation with a Hawaii-licensed broker for the three year period immediately prior to the licensing examination, provided that license records showing broker affiliation breaks for any period totaling thirty (30) days or less during the three-year period shall not disqualify the individual from obtaining a broker experience certificate.

- Delegate to staff to process applications as above provided that the break in license record is not attributable to a disciplinary action.
- 3. Budget and Finance Report Real Estate Recovery Fund Recommend acceptance of the Report as of June 30, 1999.
- 4. Next Meeting: Wednesday, November 10, 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 Ohama, seconded by Commissioner Ching, it was voted on and unanimously carried to accept the report of the October 13, 1999 Education Review Committee meeting as follows:

- 1. Minutes of September 8, 1999 meeting Accept.
- Continuing Education Administration, Curriculum, Courses, Providers, and Instructors Applications
 - a. Provider: Lishan Z. Chong dba Pacific Real Estate Institute **Recommend approval**.
 - b. Course: "A Licensee's Guide to Working with Seniors,"
 Author/Owner: Tim C. Corliss, (Provider: Hawaii
 Association of REALTORS), Instructor: Tim C. Corliss,
 Course Categories: Investment; Finance –
 Recommend approval effective October 13, 1999, as
 one (1) elective continuing education credit (3 hours)
 subject to the following attendance provision: 1)
 Students taking the course must attend and complete, at
 a minimum, Day Two of the two (2) day course.
- 3. Program of Work, FY00 Real Estate Specialists Office for the Day

October 15, 1999 -- Lihue, Kauai November 5, 1999 -- Hilo, Hawaii November 12, 1999 -- Kahului Maui

Budget and Finance Report – Real Estate Education Fund –
June 1999 – Recommend acceptance of the June 1999 Real
Estate Education Fund Report.

5. Next Meeting: Wednesday, November 10, 1999

10:00 a.m. Kapuaiwa Room

1010 Richards Street, Second Floor

Honolulu, HI 96813

Condominium Review Committee

Upon a motion by Commissioner Evangelista, seconded by Commissioner Ching, it was voted on and unanimously carried to accept the report of the October 13, 1999 Condominium Review Committee meeting as follows:

- 1. Minutes of September 8, 1999 Accept minutes.
- AOAO Registrations Recommend approval to ratify effective dates for AOAO registrations for 1999 - 2001 Registrations through September 30, 1999.
- CPR Registration, Developer's Public Reports, Extensions Issued
 - Developer's Public Reports, Extensions Issued -September 1999 - Recommend approval to ratify issuance of effective dates for public reports and extensions for the month of September 1999.
 - b. 87-1206 Farrington Hwy., Waianae, Oahu, Hawaii Recommend approval of the issuance of an informal non-binding interpretation, based on the unique facts of this request, where a public report has never been obtained, that the current owners of apartments A, B, and C of this 5 apartment condominium project and their successors shall not be required to obtain a public report; and that the current owners of apartments A, B, and C consult with their attorneys in complying with the mandatory seller disclosure law of chapter 508D, HRS.
- 4. Program of Work, FY99
 - a. Condominium Seminars:
 - CAI Hawaii Seminar "Ask the Expert" Request for CEF Subsidy - Recommend approval as a CEF subsidized seminar.
 - 2) CAI Hawaii Seminar Evaluations Recommend to defer.
 - Substitution of Speakers -- Recommend approval to allow CAI Hawaii to substitute a previously selected speaker with another speaker that is equally qualified.
 - **b.** Condominium Specialists Office for the Day:
 October 15, 1999 Friday
 November 5, 1999 Friday
 November 12, 1999 Friday
 Kahului, Maui
- 5. Condominium Organizations 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 Condominium and Cooperative 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. CEF Budget and Finance Report--Recommend acceptance.
- Next Meeting: Wednesday, November 10, 1999
 1:00 p.m.
 Kapuaiwa Room
 1010 Richards Street, Second Floor
 Honolulu HI 96813

Community Associations Institute Seminar

Upon a motion by Commissioner Evangelista, seconded by Commissioner Ching, it was voted on and unanimously carried to approve CAI's request for CEF subsidy of the January 15, 2000 seminar entitled, "Board Meetings and Operations".

Upon a motion by Commissioner Evangelista, seconded by Commissioner Ching, it was voted on and unanimously carried to accept CAI's withdrawal of its request for CEF subsidy of the seminar entitled, "Ask the Expert".

Executive Officer's Report:

Minutes of Previous Meetings

Upon a motion by Commissioner Evangelista, seconded by Commissioner Okawa, it was voted on and unanimously carried to approve the minutes of the September 24, 1999 Real Estate Commission meeting as circulated.

<u>Licensing and</u> <u>Registration –</u> Ratification: Upon a motion by Commissioner Evangelista, seconded by Commissioner Choi, it was voted on and unanimously carried to ratify the attached list.

<u>Licensing – Questionable</u> Applications: The Vice Chair asked those present to indicate if they wished to have their applications considered in executive session. Deborah Lesa, Tracy Manhan and Christina Espinosa requested that their applications be considered in executive session.

Anthony R. Roy

Mr. Roy informed the Commissioners that the crime took place in 1985. He was indicted in 1987 and sentenced in 1989. The crime occurred several years before he went to prison. He stated that his life is more stable now. He has a wife and children.

Commissioner Evangelista asked Mr. Roy if he was convicted in May 1989. Mr. Roy confirmed that the date was correct. Commissioner Evangelista pointed out that the Application for Contractor's License, which Mr. Roy completed before a notary in 1994 contained the

question, "Has any person listed under "Personnel of Applicant" ever been convicted of a felony within the last 5 years?" Mr. Roy had answered that question, "no". Mr. Roy was informed that the conviction would have occurred within the last five years since the application was filed on January 20, 1994 and the conviction occurred in May 1989. Mr. Roy was asked to explain the discrepancy. Mr. Roy asked if he could see a copy of his application. After viewing the application, Mr. Roy stated that he had filled out the application wrong and he may have figured out the time wrong.

Mr. Roy was asked if a fine was imposed and if he had paid the fine. Mr. Roy answered that he had paid the fine. Mr. Roy was then asked if he was released early from prison. Mr. Roy answered, "yes".

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

Lance I. Miyasato

Mr. Miyasato distributed copies of letters attesting to his character and his real estate experience.

Mr. Miyasato stated that the reason for his not renewing a license in 1998 was because he moved to a new address. He stated that he had informed the post office of his change of address, but he never received the his renewal form and it was never forwarded to him. When he applied for his broker's experience certificate last month, he discovered that his license was forfeited. Upon discovering that his license was forfeited, he immediately stopped his real estate activity and applied for the restoration of his license. He stated that he has over 260 closed real estate transactions. Mr. Miyasato stated that he has included a copy of a letter from Title Guaranty Escrow Services, Inc. and also letters from some of his past clients. He stated that he knows that he made a mistake in not renewing his license but he believes that he has the real estate experience needed to qualify for his real estate broker's license.

Commissioner Choi asked Mr. Miyasato if he has always paid his annual and national dues. Mr. Miyasato answered, "yes". Mr. Miyasato was asked if he had completed his continuing education requirements. He answered that he had.

Commissioner Evangelista asked Mr. Miyasato if he had informed the Commission of his change of address at the same time that he had notified the post office of his address change. Mr. Miyasato stated that he had not informed the Commission.

Mr. Miyasato stated that he did not become aware that his license was forfeited until he received the letter denying his application for a real estate broker's experience certificate.

Commissioner Ching asked Mr. Miyasato if his principal broker had informed him that his license was forfeited. Mr. Miyasato stated that he had not been notified. Commissioner Ching informed Mr. Miyasato that shortly after the renewals are completed, a list is sent out to all principal brokers informing them of the licensees who have successfully renewed their licenses and are currently associated with their firm.

The Senior Real Estate Specialist asked Mr. Miyasato to explain the last few pages that he had distributed as it looked like a list of comparable listings. Mr. Miyasato stated that it was a listing of comparable listings sold. They include the listings that he listed or sold.

The EO informed Mr. Miyasato that for future reference, his license will expire at the end of the year 2000. If he should move and forget to inform the Licensing Branch of his change of address, his pocket card will have the expiration date of his license and the back of the pocket card contains a notice to licensees regarding the renewal of their license. It informs licensees that if they have not received their renewal notice at least by three weeks before the expiration date, they should immediately contact the Licensing Branch.

Mr. Miyasato stated that the renewal slipped his mind at the time because there were so many things going on in his life. If he had known, he would definitely have renewed his license on time. He is current on his taxes.

Mr. Miyasato was asked the name of his broker. He stated he was employed by Jan Mahuna Inc. When asked the size of the office, he informed the Commissioners that it was a small office, just the principal broker and himself.

The Senior Real Estate Specialist reminded Mr. Miyasato that pursuant to §16-99-5(a), HAR, "Each licensee shall file the licensee's residence and mailing address with the commission and shall notify the commission of any change in writing within ten days of the change, on a form provided by the commission." He was reminded to file a Change Form if he should move in the future.

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

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

Executive Session:

Upon a motion by Commissioner Evangelista, seconded by Commissioner Ching, it was voted on and unanimously carried to enter into executive session, pursuant to §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 Ohama returned to the meeting.

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

Chapter 91, HRS, Adjudicatory Matters: The Vice Chair called for a recess from the meeting at 11:08 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate Broker's License of Marvin L. Wong, REC 98-63-L

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

In the Matter of the Real Estate Broker's License of Charles M. Fuchigami, REC 99-4-L

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

In the Matter of the Real Estate Broker's License of Kenneth M. Rothman, fdba Ken Rothman Realty and Real Estate Salesperson's License of Tonya R. Rothman, REC 98-15-L

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

Following the Commission's review, deliberation and decisions in these matters, pursuant to Chapter 91, HRS, the Vice Chair announced that the Commission was reconvening its scheduled Commission meeting at 11:18 a.m.

<u>Licensing –</u>
<u>Questionable</u>
Applications:

Franklyn Elwood De Foe

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the real estate salesperson's license of Franklyn Elwood De Foe. Commissioner Okawa seconded the motion. The motion was voted on and unanimously carried.

Deborah C. Lesa

After a review of the information presented by the applicant, Commissioner Evangelista moved to deny the real estate salesperson's license application of Deborah C. Lesa, based on §467-8, HRS and §436B-19(1), (8), (12) and (14), HRS. Commissioner Okawa seconded the motion. The motion was voted on and carried. Commissioner Ching voted against the motion.

Brian A. Garrett

After a review of the information submitted by the applicant, Commissioner Okawa moved to approve the real estate salesperson's license application of Brian A. Garrett. Commissioner Choi seconded the motion. The motion was voted on and unanimously carried.

Anthony R. Roy

After a review of the information presented by the applicant, Commissioner Choi moved to approve the real estate salesperson's license application of Anthony R. Roy. Commissioner Okawa seconded the motion. The motion was voted on and unanimously carried.

Tracy R. Manhan

After a review of the information presented by the applicant, Commissioner Evangelista moved to approve the real estate salesperson's license application of Tracy R. Manhan. Commissioner Okawa seconded the motion. The motion was voted on and carried. Commissioner Ching abstained from voting.

Christina V. Espinosa

After a review of the information presented by the applicant, Commissioner Ching moved to deny the real estate salesperson's license application of Christina V. Espinosa, based on §467-8, HRS and §436B-19(1), (8), (12) and (14), HRS. Commissioner Evangelista seconded the motion. The motion was voted on and unanimously carried.

Nathalie C. Mullinix

After a review of the information submitted by the applicant, Commissioner Okawa moved to approve the real estate salesperson's license application of Nathalie C. Mullinix. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Robin A. Norris

After a review of the information submitted by the applicant, Commissioner Okawa moved to approve the real estate salesperson's license application of Robin A. Norris. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Kenneth P. Campbell

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the real estate salesperson's license application of Kenneth P. Campbell. Commissioner Evangelista seconded the motion. The motion was voted on and unanimously carried.

Janie I. Henderson

After a review of the information submitted by the applicant, Commissioner Ching moved to approve to continue processing the real estate salesperson's license application of Janie I. Henderson. Commissioner Choi seconded the motion. The motion was voted on and unanimously carried.

Marilyn N. Walsh

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the real estate broker's experience certificate of Marilyn N. Walsh. Commissioner Ohama seconded the motion. The motion was voted on and unanimously carried.

Alan E. Kobayashi

After a review of the information submitted by the applicant, Commissioner Evangelista moved to deny the real estate broker's experience certificate application of Alan E. Kobayashi, based on Hawaii Revised Statutes, §467-9.5(a)(3)(C). Commissioner Ohama seconded the motion. The motion was voted on and unanimously carried.

Joan M. Larson

After a review of the information submitted by the applicant, Commissioner Evangelista moved to deny the real estate broker's experience certificate application of Joan M. Larson, based on Hawaii Revised Statutes, §467-9.5(a)(3)(C). Commissioner Ohama seconded the motion. The motion was voted on and unanimously carried.

Lance I. Miyasato

After a review of the information presented by the applicant, Commissioner Evangelista moved to deny the real estate broker's experience certificate of Lance I. Miyasato, based on Hawaii Revised Statutes, §467-9.5(a)(3)(C). Commissioner Ohama seconded the motion. The motion was voted on and unanimously carried.

Scot J. Voronaeff

After a review of the information submitted by the applicant, Commissioner Evangelista moved to deny the real estate broker's experience certificate application of Scot J. Voronaeff, based on Hawaii Revised Statutes, §467-9.5(a)(3)(C). Commissioner Ohama seconded the motion. The motion was voted on and unanimously carried.

Cecelia M. Christenson

After a review of the information submitted by the applicant, Commissioner Evangelista moved to deny the real estate broker's experience certificate application of Cecelia M. Christenson, based on Hawaii Revised Statutes, §467-9.5(a)(3)(C). Commissioner Ohama seconded the motion. The motion was voted on and unanimously carried.

Bette L. Gerloff

After a review of the information submitted by the applicant, Commissioner Evangelista moved to deny the real estate broker's experience certificate application of Bette L. Gerloff, based on Hawaii Revised Statutes, §467-9.5(a)(3)(C). Commissioner Ohama seconded the motion. The motion was voted on and unanimously carried.

Next Meeting:

Wednesday, November 24, 1999 9:00 a.m. Kapuaiwa Room HRH Princess Victoria Kamamalu Building 1010 Richards Street, Second Floor Honolulu, Hawaii

Adjournment:		nment:	With no further business to discuss, the Vice Chair adjourned the meeting at 11:20 a.m.		
				Reviewed and approved by:	
				Christine Rutkowski Executive Secretary	
				November 24, 1999 Date	
[Χ	1	Approved as circulated.		
[]	Approved with corrections; see	minutes of	_ meeting.

APPROVED APPLICATIONS FOR REAL ESTATE REAL ESTATE COMMISSION MEETING ON OCTOBER 28, 1999

Brokers - Corporations and Partnerships Hawaiian Gold Coast Properties & Vacation Rentals, Inc. Harriet H. Won, PB	Effective Date 09/27/99
Galaxy, Inc. Colin W. Dunlop, PB	09/29/99
East West Realty, Inc.	09/08/99
Broker – Limited Liability Company & Partnerships Renee Nip Realty, LLC Renee E. Nip, PB	Effective Date 09/09/99
Manoa Properties, LLC Rebecca L. Tillery, PB	09/07/99
Pacific Realty Group, LLC Tony L. Taylor, PB	09/27/99
Island Heritage Realty, LLP Daniel J. Pacheco, Jr., PB	10/08/99
Brokers - Sole Proprietor Peter D. Larsen Charles W. Gill Janice Teply Wright Joseph T. Leng Lana A. Moore Richard L. Ball Douglas L. Belt, Big Island Realty Melissa Yuk Fun Wong, Realty Art Tradename Melvin S. L. Lee, Mel Lee, Realtor Mark D. Hogue, Realty Works Trinidad Enterprises Inc., Pacific Realty Ventures (fdba One Stop Realty) Deborah Sharp, Alohadebbie Properties (fka Deborah d. Harkins, Debbie Harkins & Associates Lynne Investment Co., Ltd., Lynne Realty Charles F. Hosley, Hosley Realty Co.	Effective Date 08/23/99 07/27/99 08/30/99 08/30/99 09/13/99 09/16/99 10/07/99 Effective Date 09/16/99 09/21/99 09/21/99 09/24/99 09/29/99 09/29/99
(fdba Holualoa Realty Co.) Galaxy, Inc., Maui Isle Realty	10/07/99
Equivalency to Uniform Section of Examination Certificate Connie D. Slocum Robert Joseph Grabau	Expiration Date 10/05/00 10/15/00
Education Waiver Certificate Richard Bristow Cinda Allen Christopher F. Geng Ronald R. Morton	Expiration Date 09/14/00 09/22/00 09/22/00 09/22/00

Education Waiver Certificate (Continued) Laurence Murray Brown Lawrance Gilbert Booker Scott David Lorraine Anne Drown John F. Sullivan Steven-Michael Senden Julian Harry Camacho Rodney-James Chapman Robert Joseph Grabau Alec W. Austin Francis B. Gore	Expiration Date 09/29/00 09/29/00 09/29/00 10/04/00 10/04/00 10/04/00 10/06/00 10/07/00 10/15/00 10/15/00
Real Estate Broker Experience Certificate Thomas E. Caprio Judy Y. Nishimura Jo Ann Y. Mau Joan Gilbert Donald L. Garwood Joanna R. Roskowick Bernadette R. Briones Naomi Iha Robert H. Baird Helen Linh On Maureen A. Severson Lyn Savage Glenn W. J. Seto Apolonio R. Ragasa Janet S. Imasaka Glenn K. Tomita	Expiration Date 09/15/00 09/14/00 09/20/00 09/20/00 09/20/00 09/21/00 09/27/00 09/27/00 09/28/00 10/04/00 10/13/00 10/13/00 10/15/00
Real Estate Broker (upgrade) Renee E. Nip Yumi Matsumoto Carmen M. Mitsuyasu Stella Tomacder Brenda D. Raleigh	Effective Date 09/09/99 09/08/99 09/27/99 10/08/99 10/12/99
Restoration of Forfeited Salesperson's License Sunny Hsu Marcee S. Rawley	<u>Date</u> 09/20/99 09/30/99
Condominium Hotel Operator	Effective Date
Capital Investment of Hawaii, Inc., Marina Apartment Rentals & Sales	09/24/99