

**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, November 24, 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  
Charles Aki, Member  
Patricia Choi, Member  
Alfredo Evangelista, Member  
Mitchell Imanaka, Member  
John Ohama, Member  
Iris Okawa, Member (Late Arrival)

Calvin Kimura, Supervising Executive Officer  
Christine Rutkowski, Executive Officer  
Pamela Garrison, Senior Real Estate Specialist  
Naomi Cole, Real Estate Specialist  
Cynthia Yee, Senior Condominium Specialist  
Gina Watumull, Condominium Specialist  
Shari Wong, Deputy Attorney General  
Jay Paige, Deputy Attorney General  
Irene Kotaka, Secretary

David S. Elber  
Christina Espinosa  
Gerald Frederick  
Kenji Sasaki  
Christopher Singleton  
Cay Singleton  
Nicki Thompson, Hawaii Association of REALTORS  
Stephen Gelber  
Bonnie Moore, Esq.  
Ricardo Pomar  
Nancy Peterson Elber

Excused: Michael Ching, Member

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

Chair's Report: The Chair wished all those present a "Happy Thanksgiving!"

Commissioner Okawa arrived.

Executive Officer's  
Report:

**Announcements, Introductions, Correspondence and Additional  
Distribution**

The EO reported that the agenda that was filed should have listed the following questionable applications as "Requests for Reconsideration":

Christina V. Espinosa  
Cay Singleton  
Christopher Singleton

**Additional Distribution**

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

6. Licensing – Questionable Applications
  - e. Cay Singleton
  - f. Christopher Singleton

**Announcements**

The SEO reported that he had received a telephone call from HREREC informing him that the University of Hawaii had made a grave error and the refund check should be on its way this week. The funds will be redeposited back into the appropriate trust account.

Chapter 91, HRS,  
Adjudicatory  
Matters:

The Chair called for a recess from the meeting at 9:07 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

**In the Matter of the Application for A Real Estate Salesperson's  
License of Henry G. Zapata, REC-LIC-92-9**

Deputy Attorney General Wong was excused from the meeting. Deputy Attorney General Paige advised the Commission in her place.

Commissioner Nomura moved to accept the Hearings Officer's Findings of Fact, to amend the Conclusions of Law by adopting the Respondent's Written Exceptions, to reject the Hearings Officer's Conclusions of Law, to issue the Commission's Proposed Final Order adopting the Respondent's written exceptions, and to provide the petitioner with a period of 30 days to submit written information as previously requested in an October 29, 1993 letter and that the Commission is authorized to require him to meet present standards of licensure, including completion of the prelicense education requirement and licensing examination. Commissioner Ohama seconded the motion.

Upon a motion by Commissioner Imanaka, seconded by Commissioner Evangelista, it was voted on and unanimously carried to accept the

original motion but to extend the period to 60 days in which the petitioner is to provide the written information.

Deputy Attorney General Wong returned to the meeting.

Following the Commission's review, deliberation and decisions in these matters, pursuant to Chapter 91, HRS, the Chair announced that the Commission was reconvening its scheduled Commission meeting at 9:24 a.m.

### **Minutes of Previous Meetings**

Upon a motion by Commissioner Evangelista, seconded by Commissioner Imanaka, it was voted on and unanimously carried to approve the minutes of the October 28, 1999 Real Estate Commission meeting as circulated.

### Committee Reports:

#### **Laws and Rules Review Committee**

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

1. Minutes of Previous Meetings – Accept minutes of October 13, 1999.
2. Next Meeting: Wednesday, December 8, 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 Aki, seconded by Commissioner Ohama, it was voted on and unanimously carried to accept the report of the November 10, 1999 Education Review Committee meeting as follows:

1. Minutes of October 13, 1999 meeting – Accept.
2. Next Meeting: Wednesday, December 8, 1999  
10:00 a.m.  
Kapuaiwa Room  
1010 Richards Street, Second Floor  
Honolulu, Hawaii

#### **Condominium Review Committee**

Upon a motion by Commissioner Evangelista, seconded by Commissioner Aki, it was voted on and unanimously carried to accept

the report of the November 10, 1999 Condominium Review Committee meeting as follows:

1. Minutes of October 13, 1999 - **Accept** minutes as corrected.
2. AOA Registrations - **Recommend approval** to ratify effective dates for AOA registrations for 1999 - 2001 Registrations through October 31, 1999.
3. Developer's Public Reports, Extensions Issued
  - a. October 1999 - **Recommend approval** to ratify issuance of effective dates for developer's public reports and extensions for the month of October 1999.
  - b. Lanikai Place - Registration No. 1871 - **Recommend approval** to accept the developer's request to defer the matter to the January meeting of the CRC.
  - c. Beretania North - Maunakea Tower - **Recommend approval** to issue an informal non-binding interpretation, that Chapter 514A, HRS, is inapplicable at this time to bulk sales and at such time that individual sales do occur, the requirements of Chapter 514A, HRS, will apply; based on the circumstances being conceptually similar to the circumstances of the Commission's decision of April 26, 1996 where the Commission approved the developer's request for an exemption from the public report requirement for the other tower of the project, Kukui Tower.
4. Condominium Specialists Office for the Day – **November 12, 1999, Kahului, Maui**
5. Next Meeting: Wednesday, December 8, 1999  
**11:00 a.m.**  
Kapuwaiwa Room  
1010 Richards Street, Second Floor  
Honolulu HI 96813

Licensing and  
Registration -  
Ratification:

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

Licensing – Questionable  
Applications:

**David S. Elber**

David S. Elber was present at the meeting and was represented by his attorney, Bonnie Moore. Also present was Nancy Elber, Mr. Elber's wife, and Ricardo Pomar.

Mr. Elber was asked if he wished to have his application considered in executive session. He answered in the affirmative, requesting that Bonnie Moore, Nancy Elber and Ricardo Pomar be permitted to stay during the executive session.

Executive  
Session:

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

Licensing – Questionable Applications:

**David S. Elber**

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

Licensing – Questionable Applications:

**Christina V. Espinosa**

Christina V. Espinosa was asked if she wished to have her application considered in executive session. Ms. Espinosa answered in the affirmative. Gerald Frederick, Ms. Espinosa’s proposed principal broker, and Mr. Kenji Sasaki were allowed to remain in the room at Ms. Espinosa’s request.

Executive Session:

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

Licensing – Questionable Applications:

**Christina V. Espinosa**

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

**Christopher Singleton**

**Cay Singleton**

Christopher Singleton and Cay Singleton were present at the meeting and requested that the Commission consider their request for reconsideration together.

The EO reminded the Singletons about ex parte communication with the Commissioners and also presented a copy of the article entitled, “Ex Parte Communication with Commissioners,” which appeared in the July 1997 issue of the Hawaii Real Estate Bulletin.

Christopher Singleton informed the Commissioners that he and his mother were not represented by attorneys. Mr. Singleton distributed a copy of his oral testimony to the Commissioners.

Mr. Singleton thanked the Commission for allowing them the additional opportunity to address the Commission. He apologized for the letter that was sent to the Commissioners by his brother, James Singleton. He stated that sentiments expressed in his brother's letter were not his sentiments.

Mr. Singleton stated that the order from the Hearings Officer in 1995 made no mention of a time deadline to pay their fine. When he applied to the EO for the reinstatement of his licenses, the EO was not aware of the statute either. Nor were the members of the Commission at their first and second hearing. Mr. Singleton asked the Commission to consider the fact that this statute is not common knowledge or practice by even the administrators of the Commission, nor is it taught in law schools and even attorneys are not aware of this statute. Mr. Singleton stated that had he been aware of this, he would have paid the fine earlier.

Mr. Singleton stated that as for the penalty, he has been out of business way longer than required by the Hearings Officer. They have paid their fines, updated their educational requirements and paid thousands in legal fees. They have been punished beyond the Hearings Officer's findings.

His mother, Cay, has practiced real estate for 34 years in Hawaii, helping countless people find their dream homes and properties and in all of those years, she has only had this one complaint, which was over 15 years old when filed. There was no retribution called for at this time. Her crime was in not paying her fine in a timely manner. She has paid her fine and they are profoundly sorry for the delay.

Mr. Singleton has requested that the Commission grant them mercy. They are not criminals. They do not have any lawsuits. In 1989, they built Cook's Landing and have made countless people happy. They have a long, distinguished career in real estate. Mr. Singleton said that they did not act out of malice. They were not aware of the statute. They were guilty of ignorance. He requested that they be allowed to pay the back licensing fees. He asked the Commission to consider what they feel would be just if they were to lose their license under a filing deadline. Mr. Singleton stated that he promises on the Bible that they will never have another complaint. His mother is too old to seek another license. He stated that Betty Dower feels that they are capable of practicing real estate. He stated that God is not vindictive. Their fate is in the hands of the Commission to pass judgment.

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

Mr. Singleton stated that he would like to go forward and help with the economy of Hawaii. They are not criminals. He asked that the Commission accept his apologies no matter what decision is reached.

Executive Officer's  
Report:

**Announcements, Introductions, Correspondence and Additional  
Distributions**

Janelle Sarae, Clerk-Typist II, was introduced to the Commissioners and those present.

Executive Session:

Upon a motion by Commissioner Nomura, 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;".

The Chair recused himself from the discussion of David S. Elber's application. Vice Chair Nomura presided over the meeting during that discussion. The Chair later returned to the meeting.

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

Chapter 91, HRS,  
Adjudicatory  
Matters:

The Chair called for a recess from the meeting at 10:53 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 Richard L.  
Frunzi, REC 99-44-L**

Upon a motion by Commissioner Nomura, seconded by Commissioner Ohama, it was voted on and unanimously carried to accept the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order.

Following the Commission's review, deliberation and decisions in these matters, pursuant to Chapter 91, HRS, the Chair announced that the Commission was reconvening its scheduled Commission meeting at 10:55 a.m.

Licensing -  
Questionable  
Applications:

**Rachel M. Corbett**

After a review of the information submitted by the applicant, Commissioner Evangelista moved to approved the real estate salesperson's application of Rachel M. Corbett. Commissioner Okawa seconded the motion. The motion was voted on and unanimously carried.

**Randolph G. Moore**

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

**David S. Elber**

The Chair recused himself from the meeting. The Vice Chair presided over the meeting.

After a review of the information presented by the applicant, Commissioner Evangelista moved to deny David S. Elber's application for a real estate sole proprietor's license based on §467-8, (3), §436B-19, (1), (8), (12), and (14), HRS. Commissioner Okawa seconded the motion. The motion was voted on and unanimously carried.

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

**Christina V. Espinosa**

After a review of the information presented by the applicant, Commissioner Ohama moved to grant Christina Espinosa's request for reconsideration and to grant a conditional real estate salesperson's license to Christina V. Espinosa on the basis of §436B-19, HRS, such that during the term of probation any violation of the terms of probation shall be grounds for revocation of license, that applicant shall advise her probation officer, any principal broker or broker-in-charge with whom she is associated that such a conditional real estate license has been issued and the terms of the conditions. Commissioner Nomura seconded the motion. The motion was voted on and unanimously carried.

**Cay Singleton**

After a review of the information presented by the applicant, Commissioner Evangelista moved to grant Cay Singleton's request for reconsideration despite its untimely filing and in the interest of judicial economy, the Commission considered the new information. The Commission stands by its previous decision of July 29, 1999, denying the reinstatement of Cay Singleton's real estate salesperson's license. The Commission's July 29, 1999 decision is the decision of record. Commissioner Okawa seconded the motion. The motion was voted on and unanimously carried.

**Christopher Singleton**

After a review of the information presented by the applicant, Commissioner Evangelista moved to grant Christopher Singleton's request for reconsideration despite its untimely filing and in the interest of judicial economy, the Commission considered the new information. The Commission stands by its previous decision of July 29, 1999, denying the reinstatement of Christopher Singleton's real estate broker's license. The Commission's July 29, 1999 decision is the decision of record. Commissioner Okawa seconded the motion. The motion was voted on and unanimously carried.



Next Meeting: Thursday, December 9, 1999  
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 10:57 a.m.

Reviewed and approved by:

\_\_\_\_\_  
Christine Rutkowski  
Executive Secretary

\_\_\_\_\_  
Date

[     ]     Approved as circulated.

[     ]     Approved with corrections; see minutes of \_\_\_\_\_ meeting.

APPROVED APPLICATIONS FOR REAL ESTATE  
REAL ESTATE COMMISSION MEETING ON NOVEMBER 24, 1999

<u>Brokers - Corporations and Partnerships</u>	<u>Effective Date</u>
Maui South Realty Inc. Ernest H. Shrenzel, PB	10/22/99
<u>Brokers – Limited Liability Company &amp; Partnerships</u>	<u>Effective Date</u>
Match-Maker Realty LLP Morgen Bahurinsky, PB	11/09/99
<u>Brokers - Sole Proprietor</u>	<u>Effective Date</u>
Tadashi Kaneko	09/30/99
<u>Tradenname</u>	<u>Effective Date</u>
All Islands, Inc., Century 21 All Islands (fka All Islands, Inc., Century 21 Big Island)	10/19/99
Hawaii Land & Farming Company, Inc., HL&F Realty (fka Hawaii Land & Farming Company, Inc., C. Brewery Realty)	11/08/99
<u>Corporation Name</u>	<u>Effective Date</u>
Gold Coast Real Estate, Inc. (fka Gold Coast Services Real Estate, Inc.)	10/27/99
<u>Branch Office</u>	<u>Effective Date</u>
CBIP, Inc., Coldwell Banker Island Properties Robert Howard Merriman, BIC Douglas R. Fitch, PB	10/18/99
JTU Inc. Kevin K. Uyeda, BIC Martha A. Jones, PB	10/01/99
Bay Realty Inc. Rory K. Keith, BIC James A. Moberg, PB	10/25/99
<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Earl H. Parr, Jr.	11/02/00
<u>Education Waiver Certificate</u>	<u>Expiration Date</u>
Gary Milton Cia	10/21/00
Donald James Archer	10/22/00
Stephen David Manning	10/28/00
William Raymond Telliard	10/29/00
Earl Horiston Parr Jr.	11/01/00
Elizabeth Ann Laurie	11/02/00
<u>Real Estate Broker Experience Certificate</u>	<u>Expiration Date</u>
Stephanie F. Salazar	10/25/00
Vivian K. Fujimoto	10/25/00
Stephanie K. Coble	10/24/00
Aloha K. K. Aiona	10/26/00
Young M. McTernan	11/03/00

Real Estate Broker Experience Certificate

Steven L. Tam  
Grover L. Irwin  
Robert J. Cence  
Kathy Tswei  
Chris A. Handlir

Expiration Date

11/03/00  
11/04/00  
11/09/00  
11/12/00  
11/17/00

Real Estate Broker (upgrade)

Naomi Iha  
Judy Y. Nishimura

Effective Date

10/13/99  
10/22/99

Restoration of Forfeited Salesperson's License

Terrence Sumida  
Scott E. Napier

Effective Date

10/05/99  
10/06/99