

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, February 25, 2000

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 (Early Departure)
Charles Aki, Member
Michael Ching, Member
Patricia Choi, Member
Alfredo Evangelista, Member
Mitchell Imanaka, Member

Calvin Kimura, Supervising Executive Officer
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

Nicki Ann Thompson, Hawaii Association of REALTORS
Mary Begier, Hawaii Association of REALTORS
Robert D. Eheler, Jr.
Anne Denison
Brian Gaston
Akimi S. Mallin
Thomas Caprio
Patricia Kim Park, Esq.

Excused: John Ohama, Member
Iris Okawa, Member

Call to Order: The Chair called the meeting to order at 9:07 a.m., at which time quorum was established.

Executive Officer's
Report:

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

Additions to the Agenda

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

4. Committee Reports
 - c. Condominium Review Committee – CAI Conference
 - d. Legislative Report

Additional Distribution

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

6. Licensing – Questionable Applications
 - b. Harald F. Moll
 - c. Brian E. Gaston

Minutes of Previous Meetings

Upon a motion by Commissioner Ching, seconded by Commissioner Imanaka, it was voted on and unanimously carried to approve the minutes of the January 28, 2000 Real Estate Commission meeting as circulated.

Chair's Report:

No report was presented. The Chair apologized for the slight delay in convening the meeting.

Committee
Reports:

Laws and Rules Review Committee

Upon a motion by Commissioner Ching, seconded by Commissioner Imanaka, it was voted on and unanimously carried to accept the report of the February 9, 2000 Laws and Rules Review Committee meeting as follows:

1. Minutes of Previous Meetings – Accept minutes of January 12, 2000.
2. Special Issues – Request for Individual Licensed Name to be Other Than legal Name – John Riggins
Recommend acceptance of setting the policy that the Commission permit sole proprietors whose trade names conform to the following examples to advertise using the trade name alone.
Licensed name – Jonathan Q. Penguin dba Quincy Penguin Realty
Advertised as:
First full name and full last name –
Jonathan Penguin Realty

- First and middle initials and full last name –
JQ Penguin Realty
Either first or middle initial and full last name –
J Penguin Realty or Q Penguin Realty
Full middle name and full last name –
Quincy Penguin Realty
3. Budget and Finance Report – RERF – **Recommend acceptance** of the Real Estate Recovery Fund Report as of December 1999.
 4. Next Meeting: Wednesday, March 8, 2000
9:00 a.m.
HRH Princess Victoria Kamamalu
Building
1010 Richards Street, Second Floor
Honolulu, HI 96813

Upon a motion by Commissioner Ching, seconded by Commissioner Imanaka, it was voted on and unanimously carried to approve the decision on the licensed name in conjunction with the legal name and advertising as follows:

Under its February decision, the Commission will continue to require licensees to provide their legal names on license applications and report changes to legal names, but licensees will be allowed to choose their license name subject to the following conditions:

1. Individual brokers and salespersons:
 - a. The license name must include the licensee's full surname.
 - b. The license name may include the licensee's initials, the full first name, full middle name, full legal name, or nickname.
 - c. If after being licensed an individual's surname changes, that individual may continue to use the original surname but must report the change in legal name.
2. Sole proprietor brokers:
 - a. The provisions of paragraph 1 above apply.
 - b. Any trade names must be registered with the Business Registration Division and the Commission. The provisions of §467-9, HRS, regarding trade names remains in force.
3. Corporation, partnership, LLC and LLP brokers:
 - a. They must use their legal names.
 - b. Any trade names must be registered with the Business Registration Division and the Commission.
 - c. The provisions of §467-9, HRS, regarding names and trade names remains in force.

New applicants may indicate on their license applications a license name, if different from their legal name, subject to the conditions above. Current licensees who wish to change their license name should submit a change form, check the change name of entity or individual box, and include \$25. Write on the form that you are changing your license name.

Use of Names in Advertising

Also at its February 25, 2000 meeting, the Commission made decisions as to the use of names in advertising. Currently, licensees put their full license name and any trade name in all advertising. Under the Commission's February decision, licensees may advertise in the following manner:

1. Individual brokers and salespersons - either in their license name or legal name.
2. Sole proprietor brokers - either in their license name, legal name, or registered trade name.
3. Corporation, partnership, LLC, and LLP brokers - either in their legal name or registered trade name. Unless required by other laws, they may omit or abbreviate "corporation," "incorporated," "partnership," "limited," "general partnership," "LLC," or "LLP".

Education Review Committee

Upon a motion by Commissioner Aki, seconded by Commissioner Evangelista, it was voted on and unanimously carried to accept the report of the February 9, 2000 Education Review Committee meeting as follows:

1. Minutes of the January 12, 2000 meeting - **Accept**.
2. Continuing Education Administration, Curriculum, Courses, Providers, and Instructors – Applications
 - a. 1999-2000 Continuing Education Providers and Courses Ratification List – **Recommend approval** of the attached list.
 - b. Course – “Surveys, Termite & Home Inspections,” Author/Owner: Abe Lee, (Provider: Abe Lee Seminars), Course Category: Property Ownership and Development - **Recommend approval** as a 3-1/3 hour continuing education course.
 - c. Course – “Computers, Internet & the Licensee,” Author/Owner: Abe Lee, (Provider: Abe Lee Seminars), Course Category: Technology and the Licensee - **Recommend approval** as a 3-1/3 hour continuing education course.
Recommend approval of the Course Category, Technology and the Licensee.
3. ARELLO, REEA and Other Organizations – ARELLO Midyear Meeting, April 27 to 29, 2000 – **Recommend approval** for one staff member and one Commissioner to participate at the ARELLO Midyear Meeting, to be held on April 27 to 29, 2000, in Wilmington, North Carolina, subject to REEF budget and DCCA approval. The Chair of the Real Estate Commission and the Supervising Executive Officer shall determine the attendees.
4. Budget and Finance Report – **Recommend acceptance** of the December 1999 Real Estate Education Fund Report.

5. Real Estate Specialist's Office for the Day – **Recommend** that the Real Estate Specialists attending the neighbor island Office for the Day speak with the Executive Officer of the local boards to apprise them of the November 30, 2000 early real estate license renewal deadline so they may assist the Commission in publicizing this information to board members.
6. Interactive Participation with Organizations – **Recommend** that REB staff work with HAR in coordinating its presentation at HAR's upcoming Outreach programs, scheduled for the Summer of 2000.
7. Next Meeting: Wednesday, March 8, 2000
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 Imanaka, it was voted on and unanimously carried to accept the report of the February 9, 2000 Condominium Review Committee meeting as follows:

1. Minutes of January 12, 2000 – **Accept** minutes.
2. Program of Work, FY00
Government and Legislative Participation and Report – Richard Port's Bill and Senator Ihara's Request – **Recommend support** of Senate Bill No. 2527, subject to and provided that language set forth in Senate Bill No. 2527 be modified to reflect the purpose of the bill.
3. AOA Registrations – **Recommend approval** to ratify effective dates for AOA registrations for 1999 – 2001 Registrations through January 31, 2000.
4. Developer's Public Reports, Extensions Issued
 - a. **Recommend approval** to ratify issuance of effective dates of the developer's public reports and extensions issued for the month of January 2000.
 - b. **Recommend acceptance** of the City and County of Honolulu's request by Randall K. Fujiki, Acting Director of Planning and Permitting, dated February 4, 2000, to discontinue requiring developers of condominium projects on Oahu to provide a copy of the condominium project and supporting documents (namely, the notice of intention and questionnaire, condominium map and draft public report) to the City and County of Honolulu due to organizational and personnel changes.
5. Interactive Participation with Organizations – **Acknowledge receipt** of the SEO's Report on the CAI 47th National Conference and Exposition.
6. Condominium Specialists Office for the Day:
Monday, February 28, 2000 Lihue, Kauai
Friday, March 10, 2000 Kailua-Kona, Hawaii
Friday, March 17, 2000 Kahului, Maui

7. CEF Budget and Finance Report – **Recommend acceptance** of the report dated December 1999.
8. Next Meeting: Wednesday, March 8, 2000
1:00 p.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Upon a motion by Commissioner Evangelista, seconded by Commissioner Ching, it was voted on and unanimously carried to approve one Commissioner and one staff member to attend the Community Associations Institute Annual Conference, on May 4 to 6, 2000, subject to approval. The REC Chair and SEO shall determine who will attend.

Legislative Report 2

A copy of the SEO's Legislative Report 2 was distributed to the Commissioners for their information. The SEO highlighted the bills, which may affect the Commission.

Licensing and Registration - Ratification:

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

Licensing – Questionable Applications:

Robert D. Eheler

Mr. Eheler was asked if he wished to have his application considered in executive session. Mr. Eheler declined the offer.

Mr. Eheler stated that he was present to answer any questions the Commissioners may have regarding his real estate salesperson's license application.

There were no questions.

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

Brian E. Gaston

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

Executive Session:

Upon a motion by Commissioner Evangelista, seconded by Commissioner Nomura, it was voted on and unanimously carried to enter into executive session, pursuant to Section 92-5(a),(1), HRS, "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;".

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

Akimi Sue Mallin

Ms. Mallin was asked if she wished to have her application considered in executive session. Ms. Mallin accepted the offer. She also requested that her attorney, Patricia Kim Park, be allowed to remain.

Executive Session:

Upon a motion by Commissioner Evangelista, seconded by Commissioner Nomura, it was voted on and unanimously carried to enter into executive session, pursuant to Section 92-5(a)(1), HRS, "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;"

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

Thomas E. Caprio

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

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;"

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

Upon a motion by Commissioner Nomura, seconded by Commissioner Aki, it was voted on and unanimously carried to take the following applications under advisement:

**Brian E. Gaston
Akimi Sue Mallin
Thomas E. Caprio**

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;"

Vice Chair Nomura was excused from the meeting.

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

Licensing -
Questionable
Applications:

Robert D. Eheler, Jr.

After a review of the information presented by the applicant, Commissioner Evangelista moved to approve the real estate salesperson's application of Robert D. Eheler, Jr. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Harald F. Moll

After a review of the information submitted by the applicant, Commissioner Ching moved to approve the real estate salesperson's license application of Harald F. Moll. Commissioner Aki seconded the motion. The motion was voted on and carried. Commissioner Evangelista opposed the motion.

Brian E. Gaston

After a review of the information presented at the meeting, Commissioner Ching moved to approve the real estate salesperson's license application of Brian E. Gaston. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Akimi S. Mallin

After a review of the information presented at the meeting, Commissioner Ching moved to deny Akimi S. Mallin's application for a broker experience statement, pursuant to §467-9.5(3)(C), HRS. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Thomas E. Caprio

After a review of the information presented by the applicant, Commissioner Aki moved to approve the real estate broker's license of Thomas E. Caprio. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Next Meeting:

Friday, March 24, 2000
9:00 a.m.
Kapuawai 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 10:30 a.m.

Reviewed and approved by:

Christine Rutkowski
Executive Secretary

Date

[X] Approved as circulated.

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

APPROVED APPLICATIONS FOR REAL ESTATE
 REAL ESTATE COMMISSION MEETING ON FEBRUARY 25, 2000

<u>Brokers - Corporations and Partnerships</u>	<u>Effective Date</u>
Sanford R. Ujimori Realty, Inc. Sanford R. Ujimori, PB	01/01/00
Bratton Realty Advisers, Ltd. Mark D. Bratton, PB	01/18/00

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Long Stay Hawaii, LLC Michiko A. Sanford, PB	01/12/00
IYI Realty, LLC Iris Y Inouye, PB	01/14/00
Vonlee Cham & Associates, LLC Vonlee S. Cham, PB	01/28/00
Beverly L. Pong, Realtor LLC Beverly L. Pong, PB	01/31/00

<u>Brokers - Sole Proprietor</u>	<u>Effective Date</u>
Wanda J. Horibe	12/30/99
Robert W. Lloyd	01/03/00
Chris A. Handlir	01/03/00
Richard S. Cricchio, Help-U-Sell Honolulu Properties	01/03/00
Darrell M. Takanishi, Takanishi Real Estate	01/05/00
Nelson K. Fukuki, Nelson Fukuki Realty	01/05/00
Alejandra O. Soares, Soares Properties	01/10/00
David D. Y. Jeong	01/21/00
Gracelyn Devega, GRJ Realty	01/24/00
Tulane E. Ebisu	01/25/00
Cynthia C. McCormick, McCormick Realty	01/28/00

<u>Tradename</u>	<u>Effective Date</u>
International Investment Services, Inc., Lambert-Rhodes (fka International Investment Services, Inc., Hadsell-Lambert)	01/10/00
Alii Investments Inc., Maile Properties of Kauai (fka Alii Investments Inc., Maile Properties of Kauai/Better Homes and Gardens)	01/27/00
Bay Realty, Inc., Timeshare Resales, Rentals & Exchanges Hawaii (fka Bay Realty, Inc., Timeshare Resales Hawaii)	02/03/00

<u>Corporation Name</u>	<u>Effective Date</u>
Query Properties, Ltd. (fka Leticia Query Realty, Inc.)	12/30/99

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
James B. Foster	02/10/01

Education Waiver Certificate

	<u>Expiration Date</u>
James B. Foster	01/20/01
Dorie Barnhart	01/21/01
John Keller Norris	01/21/01
Jeanne Elaine Jelcick	01/28/01
Kent Arthur Ohmann	01/28/01
John William Floyd	02/01/01
Mehrdad Elie	02/01/01
Bradford C. Jackman	01/31/01
Mustafa Dirilten	02/03/01
Gary Edward Mendenall	02/10/01

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Francis P. Cofran	01/28/01
Jennifer O. Borge	01/31/01
Jan D. Paige	02/02/01
Barbara A. Alarie	02/08/01
Jacqueline E. Werner	02/10/01

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Glenn K. Tomita	01/06/00
Chris A. Handlir	01/03/00
Marilyn N. Walsh	01/19/00
Stephen P. Chin	01/10/00
Brandy Y. Aki	01/10/00
Tamara A. Dorzab	01/05/00
Yun Hee Choi	01/10/00
Janet Lee Anderson	01/28/00

Restoration of Forfeited Salesperson's License

	<u>Date</u>
Barbara J. S. Voltz Hughes	12/27/99
Jixiong Zhu	01/04/00
Carmela De Marco	01/04/00

Condominium Managing Agent

Michael Anthony Harismendy	12/15/99
CB Richard Ellis Hawaii, Inc.	01/21/00
National Mortgage Real Estate Corp., Marina Apartment Rentals & Sales	01/14/00
Real Estate Kauai.Com LLC	02/04/00