

**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, April 28, 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  
Charles Aki, Member  
Michael Ching, Member  
Patricia Choi, Member  
Alfredo Evangelista, Member  
Mitchell Imanaka, Member  
Iris Okawa, Member

Christine Rutkowski, Executive Officer  
Pamela Garrison, Senior Real Estate Specialist  
Naomi Cole, Real Estate Specialist  
Cynthia Yee, Senior Condominium Specialist  
Shari Wong, Deputy Attorney General  
Irene Kotaka, Secretary

Erica Piccolo, Special Deputy Attorney General  
Richard Marshall, Office of Administrative Hearings  
Craig Dela Cruz, Regulated Industries Complaints Office  
Debi Tulang Desilva, Regulated Industries Complaints Office  
Robert Middleton  
William E. Berg

Excused: John Ohama, 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**

**Additions to the Agenda**

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

6. Licensing – Questionable Applications
  - f. Big Island Housing Foundation

### **Additional Distribution**

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

4. Committee Reports
  - d. Legislative Report
6. Licensing – Questionable Applications
  - a. Richard E. Watson
  - e. Eve K. Dameron
7. Chapter 91, Hawaii Revised Statutes, Adjudicatory Matters
  - a. In the Matter of the Real Estate Broker's License of Paul T. Shiraki, REC 99-53-L, February 25, 2000 Transmittal of Petitioner's Written Exceptions

### Committee Reports:

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

Upon a motion by Commissioner Ching, seconded by Commissioner Okawa, it was voted on and unanimously carried to accept the report of the April 12, 2000 Laws and Rules Review Committee meeting as follows:

1. Minutes of Previous Meetings
  - a. **Accept** minutes of March 8, 2000.
  - b. **Preliminarily accept** the draft of the March 24, 2000 Real Estate Commission minutes subject to Commission's approval at the April 28, 2000 Real Estate Commission meeting.
2. Program of Work, FY00
  - a. Case Law Review – **Recommend** that information on the Debs v. Coldwell Banker Case be referred to the Education Review Committee for inclusion in the next continuing education core course.
  - b. Program of Work, FY01 – **Recommend** that the Commissioners notify staff of any proposed amendments to the proposed Program of Work, FY01 for the Laws and Rules Review Committee, the Education Review Committee and the Condominium Review Committee as soon as possible for discussion at the May 12, 2000 Committee meetings.
  - c. Licensing Renewal – November 30, 2000 Application Deadline – **Recommend** that REB staff work with the Hawaii Association of REALTORS in disseminating information to HAR members of the licensees who have completed their continuing education requirements.
3. ARELLO, Other Organizations and Jurisdictions - Ohio Division of Real Estate  
**Recommend declining** the Ohio Division of Real Estate's offer to enter into a license reciprocity agreement as the Hawaii Real Estate Commission does not have the legal authority to recognize or approve any out-of-state license recognition agreement as Chapter 467, HRS, does not have any language on license recognition of out-of-state licensees.

4. Next Meeting: Friday, May 12, 2000  
9:00 a.m.  
Conference Rooms A, B & C  
State Office Building  
3060 Eiwa Street, Second Floor  
**Lihue, Kauai**

Program of Work, FY00 – Division and Department Programs  
RICO Real Estate Advisory Membership List

Upon a motion by Commissioner Ching, seconded by Commissioner Aki, it was voted on and unanimously carried to approve the list of returning RICO Advisory Committee members.

Executive  
Officer's Report:

**Minutes of Previous Meetings**

Upon a motion by Commissioner Nomura, seconded by Commissioner Imanaka, it was voted on and unanimously carried to approve the minutes of the March 24, 2000 Real Estate Commission meeting as circulated.

Committee  
Reports:

**Education Review Committee**

Upon a motion by Commissioner Aki, seconded by Commissioner Choi, it was voted on and unanimously carried to accept the report of the April 12, 2000 Education Review Committee meeting as follows:

1. Minutes of March 8, 2000 - **Accept.**
2. Continuing Education Administration, Curriculum, Courses, Providers, and Instructors
  - a. Applications
    - 1) 1999-2000 Continuing Education Providers and Courses Ratification List – **Recommend approval** of the attached list. However, "Accredited Buyer Representative" and "Essentials of International Real Estate" approved with two, 3 1/3 elective credit hours each. All 3 elective credit hour courses subject to the following conditions: 1) Course must be advertised as a 3 hour continuing education course; 2) Instructor must announce that the course is a 3 hour continuing education course; and 3) Continuing education certificates of completion must be issued noting 3 continuing education hours.
    - 2) "Risk Reduction: Protect Yourself and Your Client," Author/Owner: Hawaii Association of REALTORS®, (Provider: Hawaii Association of REALTORS®, Instructor: Law Firm of Pitluck Kido Sato & Stone, Course Category: Risk Management, Credit Hours: 3 – **Recommend approval** subject to the following conditions: 1) Course must be advertised as a 3 hour continuing education course; 2) Instructor must announce that the course is a 3 hour continuing education course; and 3) Continuing education

- certificates of completion must be issued noting 3 continuing education hours.
- 3) Oahu Zoning Districts and Classifications,” Author/Owner: Philip Hale Wilia and Dower School of Real Estate, (Provider: Dower School of Real Estate), Instructor: Philip Hale Wilia, Course Category: Other - Land Use, Credit Hours: 3 1/3 – **Recommend approval.**
  - 4) “Buyer Representation in Real Estate,” Author/Owner: Dianna Wilson Brouthers and Roger Turcotte/The Real Estate Education Company, (Provider: Seiler School of Real Estate), Instructor: Ricardo D. Seiler, Course Category: Other – Buyer Representation in Real Estate, Credit Hours: 3 – **Recommend approval** subject to the following conditions: 1) Course must be advertised as a 3 hour continuing education course; 2) Instructor must announce that the course is a 3 hour continuing education course; and 3) Continuing education certificates of completion must be issued noting 3 continuing education hours.
  - 5) “Real Estate and Taxes! What Every Agent Should Know,” Author/Owner: Vernon Hoven/The Real Estate Education Company, (Provider: Seiler School of Real Estate), Instructor: Ricardo D. Seiler, Course Category: Other – Real Estate Taxes, Credit Hours: 3 – **Recommend approval** subject to the following conditions: 1) Course must be advertised as a 3 hour continuing education course; 2) Instructor must announce that the course is a 3 hour continuing education course; 3) Continuing education certificates of completion must be issued noting 3 continuing education hours; and 4) Instructor must announce that professional tax advice should be sought and must cover HARPTA and FIRPTA as course topics.
- b. Request to Change Continuing Education Course Title – “Listing Problem Areas” – **Recommend approval** for continuing education elective course title change of “Listing Problem Areas” to “Risk Reduction When Listing.”
3. Next Meeting: Friday, May 12, 2000  
10:00 a.m.  
Conference Rooms A, B and C  
State Office Building  
3060 Eiwa Street, Second Floor  
Lihue, Kauai

### **Condominium Review Committee**

Upon a motion by Commissioner Imanaka, seconded by Commissioner Evangelista, it was voted on and unanimously carried to accept the report of the April 12, 2000 Condominium Review Committee meeting as follows:

1. Minutes of March 8, 2000 - **Accept** minutes.
2. Condominium Governance and Management
  - a. AOA Registrations - **Recommend approval** to ratify effective dates for AOA registrations for 1999 - 2001 registrations through March 31, 2000.
  - b. Mediation & Arbitration
    - 1) Mediation Services of Maui, Inc. – Contract Renewal – Subject to the review, advice, and approval of the deputy attorney general **recommend approval** to automatically renew its Agreement for Consultant Services for fiscal year 2001, subject to the same terms and conditions of the existing contract, provided the compensation provision shall be amended to include a three tier level of compensation, dependent on the extent of services rendered, with compensation not to exceed \$250 per case (\$50 set up fee upon intake; \$100 upon making a final determination that mediation is appropriate and parties are or are not willing to proceed, and \$100 upon the completion of mediation with or without an agreement).
    - 2) Mediation Center of the Pacific, Inc. fka Neighborhood Justice Center of Honolulu, Inc. – Contract Renewal -- Subject to the review, advice, and approval of the deputy attorney general **recommend approval** to automatically renew its Agreement for Consultant Services for fiscal year 2001, subject to the same terms and conditions of the existing contract, provided the compensation provision shall be amended to include a three tier level of compensation, dependent on the extent of services rendered, with compensation not to exceed \$250 per case (\$50 set up fee upon intake; \$100 upon making a final determination that mediation is appropriate and parties are or are not willing to proceed, and \$100 upon the completion of mediation with or without an agreement).
    - 3) Community Associations Institute Hawaii Chapter – Contract Renewal - Subject to the review, advice, and approval of the attorney general, **recommend approval**, to automatically renew its Agreement for Consultant Services for fiscal year 2001, subject to the same terms and conditions of the existing contract.
3. Developer's Public Reports, Extensions Issued -- **Recommend approval** to ratify issuance of effective dates of the developer's public reports and extensions issued for the month of March 2000.
4. Program of Work, FY00
  - a. Public Hearing for Proposed Chapter 53 Fee Rules - Thursday, May 11, 2000 Kaupuiwa Room
  - b. Neighbor Island Outreach - May 12, 2000 Kauai; State Office Building

5. Next Meeting: Friday, May 12, 2000  
1:00 p.m.  
State Office Building  
Conference Rooms A,B,C  
3060 Ewa Street 2<sup>nd</sup> floor  
Lihue, Kauai

### **Legislative Report**

A copy of the SEO's Legislative Report No. 6 was distributed to the Commissioners for their information. Senior Condominium Specialist Yee provided an oral summary of the status of legislation affecting the Commission.

#### Licensing and Registration - Ratification:

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

#### Licensing – Questionable Applications

#### **William E. Berg**

Mr. Berg was asked if he wished to have his application considered in executive session. Mr. Berg answered in the affirmative.

#### Executive Session:

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

#### Recess: Reconvene:

The Chair recessed the meeting at 9:23 a.m.  
The Chair reconvened the meeting at 9:30 a.m.

#### Chapter 91, HRS, Adjudicatory Matters:

The Chair called for a recess from the meeting at 9:30 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 Paul T. Shiraki, REC 99-53-L**

Craig Dela Cruz, RICO Attorney, and Richard Marshall, Hearings Officer, were present for oral arguments. Mr. Shiraki was not present.

The EO reported that the Request for Oral Argument was timely filed according to the memo received from the Administrative Hearings Officer. The Commission expressed concerns that Mr. Shiraki was not present. However, Mr. Shiraki did receive notice of the hearing. The Commission proceeded with the oral arguments.

Oral arguments were presented by Craig Dela Cruz.

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

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 10:06 a.m.

Executive Session:

Upon a motion by Commissioner Evangelista, seconded by Commissioner Imanaka, 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 Ching, 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 10:30 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 Robert H. Middleton dba Kauai Isle Real Estate, REC 97-150-L**

Commissioners Ching and Evangelista recused themselves from the meeting.

Debi Tulang-Desilva, RICO Attorney, Robert H. Middleton, and Richard Marshall, Hearings Officer, were present for oral arguments.

Oral arguments were presented by the parties.

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

Commissioners Ching and Evangelista returned to the meeting.

**In the Matter of the Real Estate Brokers' Licenses of Clark Realty, Corp., Putman D. Clark, and Adele Eggel, REC 96-102-L**

Upon a motion by Commissioner Ching, seconded by Commissioner Nomura, 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, Condominium Hotel Operator's Registration, and Condominium Managing Agent's Registration of Paradise Management Corp. and the Real Estate Broker's License of Gerald L. Larson, REC 98-131-L and CPR 98-4-L**

Upon a motion by Commissioner Imanaka, 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. The Commission orders that

Respondent Larson complete either the "Introduction to Broker Management" course or the "Residential Property Management: Laws and Rules" course within four months from the date of the Commission's Final Order.

**In the Matter of the Real Estate Broker's Licenses of George W. Stott, Jr., Stott Real Estate, Inc., dba The Stott Team and Michael A. Stott, REC 99-71-L**

Upon a motion by Commissioner Ching, seconded by Commissioner Imanaka, 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 Salesperson's License of Nida S. Raquel, REC 98-115-L**

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

**In the Matter of the Real Estate Broker's License of Alyce C. Phillips dba Alyce Paradise Realty, REC 98-105-L**

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

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

Commissioner Imanaka moved that this matter be deferred.  
Commissioner Evangelista seconded the motion.

Commissioner Imanaka withdrew his motion. Commissioner Evangelista withdrew his second.

Upon a motion by Commissioner Ching, seconded by Commissioner Nomura, it was voted on and unanimously carried to accept the affidavit of Haunani S. Alm and the letter, dated April 27, 2000, from Mr. Wong, and to revoke the real estate broker's license of Marvin Wong. However, the revocation is stayed until June 12, 2000, pending full payment of the \$2,400 outstanding balance of the \$2,500 fine imposed under Settlement Agreement dated October 28, 1999. If the Regulated Industries Complaints Office ("RICO") receives the \$2,400 by June 12, 2000, the revocation will be vacated. If RICO does not receive the \$2,400 by June 12, 2000, the stay of the revocation will be lifted and the revocation of license RB 7503 will be effective June 12, 2000.

**In the Matter of the Real Estate Broker's License of Robert H. Middleton dba Kauai Isle Real Estate, REC 97-150-L**

Commissioners Ching and Evangelista recused themselves from the meeting.



Upon a motion by Commissioner Nomura, seconded by Commissioner Aki, it was voted on and unanimously carried to deny Robert H. Middleton's request for reconsideration of the Commission's Final Order, dated October 28, 1999.

Commissioners Ching and Evangelista 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 11:31 a.m.

Questionable Applications:

**Richard E. Watson**

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

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)(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 Evangelista, it was voted on and unanimously carried to move out of executive session.

Questionable Applications:

**William E. Ryan**

After a review of the information submitted by the applicant, Commissioner Okawa moved to deny William E. Ryan's real estate salesperson's license application unless within 60 days he submits proof of payment or an approved written payment plan with the State of Hawaii, Department of Taxation, concerning the outstanding tax obligation. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

**William E. Berg**

After a review of the information presented by the applicant, Commissioner Ching moved to deny William E. Berg's real estate salesperson's license application unless within 60 days he submits proof of payment or an approved written payment plan with the Internal Revenue Service concerning the outstanding tax obligation. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

**Patrick E. Tuohy**

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

**Eve K. Dameron**

After a review of the information submitted by the applicant, Commissioner Evangelista moved to approve the real estate salesperson's license application of Eve K. Dameron, despite its submission after the 90 day deadline. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

**Big Island Housing Foundation**

After a review of the information submitted by the applicant, Commissioner Okawa moved to approve the real estate corporation application of Big Island Housing Foundation. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Next Meeting:

Friday, May 26, 2000  
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 11:58 a.m.

Reviewed and approved by:

/s/ Christine Rutkowski  
Christine Rutkowski  
Executive Secretary

May 26, 2000  
Date

- [ X ] Approved as circulated.
- [ ] Approved with corrections; see minutes of \_\_\_\_\_ meeting.

APPROVED APPLICATIONS FOR REAL ESTATE  
REAL ESTATE COMMISSION MEETING ON APRIL 28, 2000

<u>Brokers - Corporations and Partnerships</u>	<u>Effective Date</u>
Resident Rentals, Inc. Mary Lou Maclsaac, PB	03/24/00

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Richard Seto-Mook Realty, LLC Richard R. Seto-Mook, PB	03/22/00
Real Estate Emporium, LLC Rachel K. H. Le, PB	04/12/00

<u>Brokers - Sole Proprietor</u>	<u>Effective Date</u>
Richard A. Simon, Simon Properties	03/17/00
Judson G. Banks, Jr.	03/01/00
Marcia I. Moreno	03/09/00
Sam Monet	03/10/00
Mark A. Bowman, Bowman Realty	03/17/00
John Cowie Reilly	03/16/00

<u>Trade Name</u>	<u>Effective Date</u>
Howard Shermer, Kona Sunset Realty	03/28/00
Marcia I. Moreno, MK Real Estate	04/04/00

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Carol M. Paris	03/14/01
Judy Cziotka	03/30/01
Christine Bongiorno Grabau	04/04/01
Francis Robert Diggins, Jr.	04/07/01
Monica J. Fassoth	04/11/01
David G. Lebrun	04/14/01
Carole A. Wellbeloved	04/17/01
David Edward Wellbeloved	04/17/01
John Clayton Welch	04/19/01

<u>Education Waiver Certificate</u>	<u>Expiration Date</u>
Lawrence Mervin Vied	03/17/01
Joan V. Vied	03/17/01
Christine Bongiorno-Grabau	03/22/01
Steven Olshansky	03/22/01
Sharon Gaertner	03/29/01
Jodi Anne Aurely	03/29/01
Donna Vae Holevoet	03/29/01
Maribeth Michele Leonard	03/31/01
Donald Ray McEntire	04/03/01
Anthony Levoy, III	04/04/01
Mark Bogdan Zaremba	04/04/01
Robert John Van Dijk	04/04/01
Lauren Marie Chou	04/04/01
Richard Jay Hultgen	04/04/01
Polina Olshansky	04/07/01
Michelle Juliano	04/07/01
Francis Robert Diggins, Jr.	04/07/01
Joseph Leonard Triano	04/10/01

Education Waiver Certificate (Continued)

	<u>Expiration Date</u>
Judy Cziotka	04/10/01
Theodore Norman Deuel	04/10/01
David G. Lebrun	04/17/01
Gary Edward Bell	04/17/01
Sue Ann Peck	04/19/01
Robert Michael Heath	04/19/01

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Moneca Morrison	03/16/01
Elizabeth R. A. Quayle	03/22/01
Barbara J. Bradley	03/28/01
John D. Sternberg	03/29/01
Cynthia R. Files	03/29/01
John A. Harris	03/29/01
Nancy M. Mizuno	03/29/01
Patrick L. Verhagen	04/04/01
William T. Black	04/04/01
Inmaculada T. Calica	04/04/01
Lorraine M. Fukumae	04/07/01
Louis S. Shiraishi	04/10/01
Ralph M. Hornstine	04/10/01
Marleen L. Akau	04/10/01
George H. Uyeno	04/10/01
Carlton D. Choy	04/14/01
Hyun Kyong Wie	04/17/01
Jodie H. Tsukamoto	04/17/01

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Robert J. Cence	03/06/00
Gwen Herrington	03/06/00
Jan D. Paige	03/10/00
Buff M. Toulon	03/07/00
Barbara A. Alarie	03/15/00
Kathy Jo Yap	03/15/00
Jeffrey P. Smith	03/16/00
Salvador A. Fasi	03/20/00
Sharon L. Moffatt	03/24/00
Kendall K. Suga	04/03/00
Moneca Morrison	04/05/00
Rachel K. H. Le	04/12/00
Halleh Kokani	04/06/00
Lianne H. Buenconsejo	03/28/00

Restoration – Real Estate Salesperson

	<u>Effective Date</u>
Jodee K. Acoba- Sukanuma	03/08/00
Edward H. S. Tam	03/10/00
David W. Stein	03/20/00

Restoration – Real Estate Broker

	<u>Effective Date</u>
Cynthia A. Krog	03/20/00
Karl Heyer, IV	04/03/00

Condominium Hotel Operator

	<u>Effective Date</u>
Real Estate Kauai.Com, LLC	02/04/2000
Deborah D. Sharp, AlohaDebbie Properties	04/14/2000