

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, November 30, 2000

Time: 9:00 a.m.

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

Present: John Ohama, Chair
Michael Ching, Vice Chair
Charles Aki, Member
Patricia Choi, Member
Alfredo Evangelista, Member
Mitchell Imanaka, Member
Iris Okawa, Member
Peter Rice, Member

Calvin Kimura, Supervising Executive Officer
Cynthia Yee, Senior Condominium Specialist
Lorene Arata, Condominium Specialist
Gina Watumull, Condominium Specialist
Shari Wong, Deputy Attorney General (Late Arrival)
Erica Piccolo, Special Deputy Attorney General
Irene Kotaka, Secretary

Gordon Van Wagner
Leila Sagarang
Frank Leslie
Howard S. Handa
Angela Harper
Nicki Ann Thompson, Hawaii Association of REALTORS
Yvette C. Abeyta
Diane Corn, RICO
Suzanne Jackson

Excused: Casey Choi, 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: No Chair's report was presented.

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

The Commissioners were reminded that the Real Estate Commission's Committee meetings would be held on December 14, 2000, as follows:

Laws and Rules Review Committee - 9 a.m.
Education Review Committee - **9:30 a.m.**
Condominium Review Committee - **10 a.m.**

Additional Distribution

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

3. SEO's Report
 - b. Minutes of Previous Meeting
6. Licensing - Questionable Applications
 - f. James B. Foster
 - i. Yvette C. Abeyta

Minutes of Previous Meetings

Upon a motion by Commissioner Evangelista, seconded by Commissioner Ching, it was voted on and unanimously carried to approve the minutes of the October 30, 2000 Real Estate Commission meeting as circulated.

Committee Reports:

Laws and Rules 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 November 15, 2000 Laws and Rules Review Committee meeting as follows:

1. Minutes of Previous Meetings – **Accept** the minutes of the October 11, 2000 meeting.
2. Program of Work – Neighbor Island Outreach – Island of Maui
Recommend that Commissioner Rice work with REB Staff in determining the date of the next neighbor island outreach, which is scheduled for the island of Maui, in January 2001.
3. Special Issues – ARELLO – Working Group Volunteer Form
Commissioners requested to notify the SEO of their preferences for the ARELLO Working Groups by November 15, 2000.
4. Next Meeting: Thursday, December 14, 2000
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

SWAT Report - The Deputy Attorney General is reviewing the proposed SWAT rules.

Education Review Committee

Upon a motion by Commissioner Aki, seconded by Commissioner Rice, it was voted on and unanimously carried to accept the report of the November 15, 2000 Education Review Committee meeting as follows:

1. Minutes of October 11, 2000 – **Accept.**
2. Continuing Education Administration, Curriculum, Courses, Providers, and Instructors – Applications – 2001-2002 Continuing Education Providers and Courses Ratification List – **Recommend Approval** of the following:

<u>Registration/Certification</u>	<u>Effective Date</u>
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Provider(s)

Abe Lee Seminars (Administrator: Abe Lee)	01/01/01
Eddie Flores Real Estate Continuing Education (Administrator: Eddie Flores, Jr.)	01/01/01
Lynn W. Carlson (Administrator: Lynn W. Carlson)	01/01/01
Duplanty School of Real Estate (Administrator: Gretchen Duplanty)	01/01/01

Course(s)

“Commercial Real Estate Sales and Leasing” (Owner/Author: Gino L. Gabrio, Esq.)	01/01/01
“How to List & Sell Business Opportunities” (Owner/Author: Eddie Flores, Jr.)	01/01/01
“Avoid Litigation – How to Detect Red Flags” (Owner/Author: Eddie Flores, Jr.)	01/01/01
“Pitfalls in DROA & Addenda” (Owner/Author: Eddie Flores, Jr.)	01/01/01
“Comprehensive 1031 Exchange” (Owner/Author: Eddie Flores, Jr.)	01/01/01
“Foreclosure & the Role of the Commissioner” (Owner/Author: Eddie Flores, Jr.)	01/01/01
“Pitfalls in Managing Residential Properties” (Owner/Author: Eddie Flores, Jr.)	01/01/01
“Hawaii Landlord-Tenant Code” (Owner/Author: Eddie Flores, Jr.)	01/01/01
“Homeowner’s Tax Strategies” (Owner/Author: Eddie Flores, Jr.)	01/01/01
“How to Manage Residential Property” (Owner/Author: Duplanty School of Real Estate)	01/01/01

"Risk Reduction When Listing" (Owner/Author: Duplanty School of Real Estate)	01/01/01
"Hot Spots in Real Estate Contracts" (Owner/Author: Duplanty School of Real Estate)	01/01/01
"Condominium Laws and Issues" (Owner/Author: Duplanty School of Real Estate)	01/01/01
"Mediation, Arbitration, Litigation" (Owner/Author: Abe Lee)	01/01/01
"Permits, Permits & More Permits" (Owner/Author: Abe Lee)	01/01/01
"Sticks, Bricks and Steel Understanding Plans & Construction Methods" (Owner/Author: Abe Lee)	01/01/01
"Surveys, Termite & Home Inspections" (Owner/Author: Abe Lee)	01/01/01
"Understanding the Land Use Ordinance: C&C of Honolulu" (Owner/Author: Abe Lee)	01/01/01
"Wills, Trusts and Real Estate" (Owner/Author: Abe Lee)	01/01/01
"Zoning-Issues, Problems, Questions, Answers" (Owner/Author: Abe Lee)	01/01/01
"Computers, Internet & the Licensee" (Owner/Author: Abe Lee)	01/01/01
"Condominium Development Process" (Owner/Author: Abe Lee)	01/01/01
"CRATS, CRUTS & FLP's an Alternative Way to Own and Sell Real Estate" (Owner/Author: Abe Lee)	01/01/01
"Developing Small Properties" (Owner/Author: Abe Lee)	01/01/01
"Escrow, Title & Appraisals" (Owner/Author: Abe Lee)	01/01/01
"HUD, VA, (Non)Judicial Foreclosures" (Owner/Author: Abe Lee)	01/01/01
"Coping with AOAOs & Associations" (Owner/Author: Abe Lee)	01/01/01

3. Prelicensing Education Administration, Curriculum, Schools, Instructors, and Equivalency – Applications – 2001-2002 Prelicensing Education Schools and Instructors Ratification List – **Recommend Approval** of the following:

	<u>Registration/Certification</u>	<u>Effective Date</u>
	School(s)	
	Vitousek Real Estate School (Principal: Paige B. Vitousek)	01/01/01
4.	Program of Work, FY01 – Real Estate Seminars – Extension of Hawaii Association of REALTORS Contract – Recommend approval to renew the contract of the Hawaii Association of REALTORS as consultant for the Real Estate Commission’s program of work for an additional two (2) years.	
5.	Next Meeting: Thursday, December 14, 2000 10:00 a.m. Kapuaiwa Room HRH Princess Victoria Kamamalu Building 1010 Richards Street, Second Floor Honolulu, Hawaii	

Condominium Review Committee

Upon a motion by Commissioner Imanaka, seconded by Commissioner Rice, it was voted on and unanimously carried to accept the amended report of the November 15, 2000 Condominium Review Committee meeting as follows:

1. Minutes of October 11, 2000 - **Accept** minutes.
2. Condominium Governance and Management - AOA Registrations - **Recommend approval** to ratify effective dates for AOA registrations for 1999 - 2001 registrations through October 31, 2000.
3. Developer’s Public Reports - October 2000 - **Recommend approval** to ratify issuance of effective dates of the developer’s public reports and extensions issued for the month of October 2000.
4. CPR Workshops and Meetings - **Recommend approval** to accept the recommendations from the October 3, 2000 Condominium Consultants Workshop dated October 9, 2000 subject to the following bracketed and underlined changes (brackets indicate deletions and underlines indicate new material):
 - “4. Developers shall be required to deliver a copy of the condominium map to the Real Estate Commission. The condominium map includes floor plans, and elevations of the buildings, and may also include a site plan[ned]. Whatever information is set forth in a condominium map shall be consistent with the declaration.
 11. The official condominium project registration record retained by REC [shall] may be limited to the following:
 - a. Documents and information as required by chapter 514A, HRS, the rules relating thereto, and as prescribed by the REC.

- b. The [final draft version of the] original and one copy of the original of the developer's public report (preliminary, contingent, final, supplementary) for which the Commission issued an effective date [Developer's public report (preliminary, contingent, final, supplementary)].
 - c. Any other supporting documents and information as requested by the REC or as recommended by a condominium consultant and adopted by the REC."
5. December Committee Meetings - **Recommend approval** to reschedule December 14, 2000 Committee meetings as follows:
Laws and Rules Review Committee: 9:00 a.m.
Education Review Committee: 9:30 a.m.
Condominium Review Committee: 10:00 a.m.
6. Next Meeting: Thursday, December 14, 2000
10:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Licensing and
Registration -
Ratification:

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

The Deputy Attorney General arrived.

Licensing –
Questionable
Applications:

Howard S. Handa

Howard S. Handa was asked if he wished to have his application for a real estate salesperson's license considered in executive session. Mr. Handa declined the offer. Mr. Handa's proposed principal broker, Frank Leslie, was also present.

Mr. Handa stated that he appreciated being able to meet everyone this morning and he is serious about furthering his career in real estate.

Commissioner Evangelista disclosed that Mr. Handa's proposed principal broker's wife, sold him his home on behalf of Castle and Cooke. He will be able to render an unbiased decision.

Mr. Leslie would be providing guidance to Mr. Handa.

Mr. Handa stated that he is presently living at home with his mother. He was released from Miller Hale on September 5.

Mr. Handa was asked what circumstances lead to the situation. Mr. Handa stated that it was a wrong decision on his part. He has scolded himself every day for what happened. He made a mistake and has corrected himself. He did time and learned how valuable life really is.

He stated that he will not make a mistake like that again. When he was released from prison, he was put on five-year's probation. Depending on how well he does, he could get released in two years.

When asked how long he was incarcerated, Mr. Handa responded that he was incarcerated for 10-1/2 years.

Mr. Leslie was asked if he would be willing to assume responsibility over Mr. Handa if a conditional license was granted to Mr. Handa. Mr. Leslie stated that he has assumed responsibility over Mr. Handa for the past five months. Mr. Leslie informed the Commissioners that he has known Mr. Handa's brother for years and his brother is licensed in Las Vegas. Mr. Handa's brother had asked him to help his brother and so he has assumed that responsibility on behalf of Mr. Handa's brother. Mr. Leslie stated that he has been in the real estate business for 28 years. He has a mid-sized company and his company has an impeccable record.

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

Gordon Van Wagner

Commissioner Imanaka recused himself from the meeting.

Gordon Van Wagner was asked if he wished to have his application for a real estate salesperson's license considered in executive session. Mr. Van Wagner declined the offer.

Commissioner P. Choi disclosed that her husband had represented Mr. Van Wagner's proposed principal broker in a legal matter. Commissioner P. Choi stated that she has no knowledge on the nature of the legal matter. When asked if she could make an unbiased decision, Commissioner P. Choi answered in the affirmative.

Mr. Van Wagner was asked to provide information on the status of the Offer in Compromise with the State Department of Taxation ("TAX"). Mr. Van Wagner stated that he has not heard anything since his last communication. He was finally able to resolve his IRS tax obligation in September. He immediately went to the State of Hawaii and submitted the Offer in Compromise.

When asked if the Federal and State tax lien involved the same situation, Mr. Van Wagner answered, "Yes." TAX has all of the documentation from the Federal settlement. He was unable to repurchase the house within a two-year period. He did not have sufficient funds so he had to go back and refile his 1990 and 1991 tax returns and he did not have the funds available to pay what he owed.

Mr. Van Wagner stated that he was initially approved for a license by the New York Stock Exchange ("NYSE") in 1990. He was approved as a member of the National Association of Security Dealers, the Chicago

Mercantile Exchange and the Chicago Board of Trade. When he worked with firms who belonged to the NYSE, he was licensed with the NYSE. His SEC license and his NYSE license are not current. His license can only be current if he is employed by a member firm. His current employment does not require him to be licensed for securities.

Mr. Van Wagner stated that he has been working for the last ten years in international investment banking. He has had problems with his children and would like to enjoy the benefits of Hawaii and make his life less complicated.

Mr. Van Wagner was asked if he had documentation to show that the taxes owed in 1991 were paid completely. Mr. Van Wagner stated that the moneys due were paid out of the foreclosure. The \$91,000 was paid on a monthly basis. He does not know what the current balance is.

Mr. Van Wagner was asked about the March 1991 demand letter requesting payment. Mr. Van Wagner stated that is the reason why he checked the box on the application form. He lost over two million dollars. Everything financially imploded at the same time. Mr. Van Wagner stated that once the IRS gets involved, they jump to the front of the pack and they take all of your assets. He worked his way through this. Mr. Van Wagner stated that he knows that the sum due to the IRS was a substantial six-figure number.

Mr. Van Wagner was asked what his position would be if he obtained his real estate salesperson's license. Mr. Van Wagner stated that he would be running the corporate and vacation club for the Hilton Hotels. They are creating a new program. He will be starting it off and then they will hire additional people. The principal broker for Hilton is Lei Ahu Isa.

Mr. Van Wagner was asked to explain the garnishment with respect to the lawsuit. Mr. Van Wagner stated that only his wife's paycheck has been garnished. This arrangement has been in place with Punahou School for the last nine to ten years. His wife reminds him that she has paid \$28-\$30,000 of the debt.

In 1987, Mr. Van Wagner left Shearson Lehman Brothers. Since 1990 he has been approved for licensing. He took the test and briefly worked with Transamerica.

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

Angela S. Harper

Angela S. Harper was asked if she wished to have her application for a real estate salesperson's license considered in executive session. Ms. Harper declined the offer.

Ms. Harper stated that she had been convicted of credit card fraud due to drug addiction. She was an ice addict and has been clean for 38 months. Her arrest was the best thing that happened to her. She received five years probation and has 1-1/2 years remaining. The woman she stole from has forgiven her. She had been making restitution to the Bank of Hawaii prior to her sentencing. She goes to schools and prisons talking to people about drug addiction. She is working in a treatment center two times a week as a treatment associate. She makes sure that their clients do the right things and offer them support. She has been going to AA meetings. In the beginning, it was a part of her sentence. At one point, she would have preferred to go to prison rather than attend the AA meetings, but her attitude has changed.

She has held the same job for the last three years and has worked for a collection agency for the last ten years. She sold time share in California and in Mexico. She never thought she would be responsible enough to make that kind of money and that she would have that kind of position because she was into drugs. She is not into that any more. She now has an opportunity to work for the Marriott at Ko Olina.

She is a single mother. Her daughter goes to St. Francis. Ms. Harper stated that she has taken the course and passed the real estate licensing examination. She is at the Commission's mercy as far as receiving her real estate license. She started her payment plan prior to being sentenced. She started to meet with Bank of Hawaii and arranged a payment plan. She was able to pay more before because she was making more money. When she was purchasing a car, she need to provide documentation that she was making payments to Bank of Hawaii. She said that she was making collections for Bank of Hawaii and was extremely embarrassed that she had a conviction with Bank of Hawaii.

When asked to explain the circumstances behind her conviction, Ms. Harper explained that she had used an elderly woman's credit card. She used it repeatedly for four months. She had been working for the woman, cleaning her house and cooking for her. She was told to look for papers for her. She found the woman's gold card and PIN. She was using drugs and took the credit card repeatedly. When the woman got sick, she told her daughter and got arrested. The total amount that she charged was \$16,000. The balance owed now is \$10,000. Her civil judgment by Bank of Hawaii is going over and above what is required by the State. She pays a 10% annual interest rate.

She is currently working as a debt collector. She calls people eight hours a day to make arrangements for them to pay off their debts. If the person refuses to pay and is employed, they forward the case to their attorney for them to follow up on it. She finds people and asks them to pay their bills. She has been successful at this. She has been more successful since she stopped drinking. She gets paid a salary and commission. This year she anticipates making \$33,000. She is not sure if her employer bonds her. If she receives money, she will turn it over to the cashier.

Ms. Harper stated that she was hoping to sell vacation ownership rentals for the Marriott. She contacted them and found out where she needs to submit her resume. It is something she really wants to do. If she does not get her real estate license, she will still have her job.

Ms. Harper was informed that the Commission may require that she disclose to her principal broker her situation because of the length of time remaining on her probation. The Commission may also require that Ms. Harper notify the Commission if she should violate the terms of her probation.

When asked about completing the community service portion of her sentence, Ms. Harper stated that she had worked at St. Anthony's Church in the thrift shop and that she had finished her community service a long time ago.

Commissioner Okawa thanked Ms. Harper for her candor and for being present at the meeting.

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

Leila C. Sagarang

Leila C. Sagarang was asked if she wished to have her application for a real estate salesperson's license considered in executive session. She declined the offer.

Ms. Sagarang stated that she was present to answer any questions the Commissioners may have regarding her license application.

Ms. Sagarang was asked the status of her Offer in Compromise with the IRS. Ms. Sagarang stated that she has not heard from the IRS. Her offer has been with the IRS since September.

Ms. Sagarang was asked to explain the circumstances that lead to the tax liens. Ms. Sagarang stated that she and her husband were taking care of a lot of people. The only alternative was to withhold the payment of taxes. They took care of her sister and her children. Her sister left her husband and children. She and her husband raised her sister's five children, along with their three children. Her brother-in-law was dealing drugs to her nephew. In 1995, she was unemployed from January to August 1995. Her husband was the sole support of the family.

Ms. Sagarang was asked if she was currently employed. She answered, "Yes." She stated that her boss is currently selling one of his properties and the people who are buying the property asked her to manage the property. She is currently employed with Hank Leandro of Hart Properties.

Ms. Sagarang was asked if she had offered to pay the compromised amount in full. She answered, "Yes." Ms. Sagarang stated that she has done a loan with her boss and has signed a promissory note with him.

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

Commissioner Imanaka returned to the meeting.

Yvette C. Abeyta

Yvette C. Abeyta was asked if she wished to have her request for a preliminary decision regarding her application for a real estate salesperson's license considered in executive session. Ms. Abeyta declined the offer.

Ms. Abeyta stated that her sons have gone back and forth between her husband and her for the last 16 years. Her children were taken out of state when she and her current husband were getting married. She filed for custody of her children. At the time of her move, her ex-husband had threatened her live-in sitter. She does not trust leaving her children with other people. Her mother lives here and she asked her to come here to help her to take care of her children. She did not want to be separated from her children when she moved here. Her husband filed kidnapping charges against her. Ms. Abeyta stated that her ex-husband's wife kidnapped her children. When Ms. Abeyta appeared before the judge, the judge did not want to hear anything that she had to say. She had to pay a \$5,000 cash bond and monthly child support payments of \$250. She bought school clothes and supplies and her husband promised not to pursue the order in 1986. She was told that her husband had slammed her son against the wall. She had paid for airfare, long distance calls, and was granted a \$13,000 credit for child support. Her ex-husband accused her of messing up her life. She received a small inheritance in February and has been trying to get back custody of her son. She went to a hearing in July and it was determined that there would have to be another hearing.

She has a license to provide foster care and day care. She had to stop her day care when she switched from Hale Kipa to the State. The State took her job from her when they told her that they didn't want her to do any day care.

Ms. Abeyta stated that she had always wanted to have a real estate license. Her youngest child is now in school. She is not happy with the attorney that she hired and plans to sell property so that she can fire her attorney and hire another one. She is not a deadbeat mother. She stated that she went to a hearing in March 2000 regarding the revocation of her driver's license. She said that she and her children are victims. Ms. Abeyta stated that by her not getting her license she is being penalized. Her children's ages are 16, 13, 9, 6 and 5. She also has six teenage foster children. She has held on to her receipts for her

children's expenses. She is a very giving person, not only to her own children, but also to her foster children. She was offered to start training at Kumai Realty Inc. last month but she was more interested in being closer to Kapolei. She has clients already lined up.

Ms. Abeyta stated that she has a \$3,624 balance in attorney fees. She has been taking care of the clothing and airfare expenses for her children. Ms. Abeyta stated that she originally lived in California. Ms. Abeyta stated that her 13-year old son wants to come to Hawaii. Her ex-husband's second wife called the police because his current wife hit her son and his second wife's son.

The Deputy Attorney General asked if Ms. Abeyta had met with CSEA in March 2000. She answered that she had. Ms. Abeyta stated that she brought receipts for the items she had purchased for her children. The final result was that they did not take away her driver's license.

Ms. Abeyta was asked if she had anything in writing. Ms. Abeyta stated that she did not recall receiving anything. If the Commission asked her if she would be willing to produce documents if they asked her to. She answered, "Yes."

She was hired by Dana's housekeeping but it was not worth her time or gas as they could not give her more hours.

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

Executive
Session:

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 Rice, 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 10:26 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 Suzanne Jackson dba Main Street Realtors, REC 98-23-L, 99-26-L, 99-37-L

Diane Corn, RICO Attorney, and Suzanne Jackson dba Main Street Realtors were present at the meeting to provide oral testimony.

In the Matter of the Real Estate Broker's License of Julie A. Fedele (fka Julie A. Lisle) dba Maui Paradise Properties, REC 99-43-L

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

In the Matter of the Real Estate Broker's Licenses of CBIP, Inc., dba Coldwell Banker Island Properties and Douglas R. Fitch; REC 98-1-L

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

In the Matter of the Real Estate Brokers' Licenses of Frank Joseph Supon and Pacific Ocean Properties, Inc., REC 99-119-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.

In the Matter of the Real Estate Broker's License of Suzanne Jackson dba Main Street Realtors, REC 98-23-L, 99-26-L, 99-37-L

Upon a motion by Commissioner Ching, seconded by Commissioner Aki, it was voted on and carried to approve the reconsideration request. Commissioners Evangelista and Ohama voted against the motion.

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

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 11:00 a.m.

Recess:

The Chair recessed the meeting at 11:00 a.m.

Reconvene:

The Chair reconvened the meeting at 11:13 a.m.

Executive Session:

Upon a motion by Commissioner Ching, seconded by Commissioner Rice, 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.

Howard S. Handa

Licensing -
Questionable
Applications:

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

After a review of the information presented by the applicant, Commissioner Aki moved to approve a conditional real estate license to Howard S. Handa, pursuant to §436B-19, HRS. Commissioner Imanaka seconded the motion. The motion was voted on and carried.

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

Laurie L. Lizarraga

After a review of the information submitted by the applicant, Commissioner Rice moved to approve the Laurie L. Lizarraga's application for a real estate salesperson's license. Commissioner Imanaka seconded the motion. The motion was voted on and unanimously carried.

Angela S. Harper

Commissioner Imanaka recused himself from the meeting.

After a review of the information presented by the applicant, Commissioner Rice moved to approve a conditional real estate license to Angela S. Harper, pursuant to §436B-19, HRS. Commissioner P. Choi seconded the motion. The motion was voted on and carried.

Leila C. Sagarang

After a review of the information presented by the applicant, Commissioner Ching moved to deny Leila C. Sagarang's application for a real estate salesperson's license, unless within 60 calendar days, she submits proof of payment or an approved written payment plan with the Internal Revenue Service and the State of Hawaii, Department of Taxation, for all outstanding tax obligations. Commissioner Okawa seconded the motion. The motion was voted on and carried.

Gordon L. Van Wagner

After a review of the information presented by the applicant, Commissioner P. Choi moved to deny Gordon L. Van Wagner's application for a real estate salesperson's license, unless within 60 days, he submits proof of payment or an approved written payment plan with the State of Hawaii, Department of Taxation, for all outstanding tax obligations and evidence of satisfaction or dismissal of judgment.

Commissioner Rice seconded the motion. The motion was voted on and carried.

Commissioner Imanaka returned to the meeting.

James B. Foster

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

Colin E. Stillwagen

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

Rorie A. Urban

After a review of the information submitted by the applicant, Commissioner Ching moved to deny Rorie A. Urban's application for a real estate broker's experience certificate, pursuant to §467-9.5(3)(C), HRS. Commissioner Aki seconded the motion. The motion was voted on and unanimously carried.

Yvette C. Abeyta

After a review of the information presented by the applicant, Commissioner Okawa moved that the Commission would most likely approve Yvette C. Abeyta's application for licensure and the Commission requests that evidence of her compliance with the Hawaii Child Support Enforcement Agency be provided/submitted upon submission of her application for a real estate salesperson's license. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Delegation to Staff

Upon a motion by Commissioner Ching, seconded by Commissioner Rice, it was voted on and unanimously carried to approve the following delegation to staff regarding real estate broker experience certificate applications:

Allow staff to approve active, out-of-state real estate licensing activity equivalencies if it is in compliance with the statutes and there are no periods of inactivity for the period of the out-of-state licensing.

Upon a motion by Commissioner Rice, seconded by Commissioner Aki, it was voted on and unanimously carried to reconfirm for the record, that

based on Act 240 (SLH 1999) and subsequent to the Akimi Mallin appeal case, the following:

- ◆ Prior experience certificates have no vested rights and are not “grandfathered” into the new law, and an applicant for experience certificate has to comply with the present law at the date of the application and will be considered as a first-time applicant;
- ◆ All experience certificate waivers/equivalencies categories in Chapter 99, HAR, have been repealed due to Act 240, with the exception of active, out-of-state real estate license equivalency; and
- ◆ The Commission has no authority and will not consider any requests for any type of experience certificate waiver/equivalency for active, out-of-state real estate license equivalency.

Next Meeting:

Friday, December 15, 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 11:53 a.m.

Reviewed and approved by:

/s/ Calvin Kimura
Calvin Kimura
Supervising Executive Officer

January 26, 2001
Date

[X] Approved as circulated.

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON NOVEMBER 30, 2000

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Paliku Realty, LLC Lisa M. Nuyen, PB	10/18/00
HHH Investments, LLC Harvey H. Higashi, PB	01/01/01
Results Real Estate, LLC Dennis Rush, PB	10/31/00
Burla & Associates Pamela Burla, PB	11/03/00

<u>Brokers – Corporation</u>	<u>Effective Date</u>
Foster Realty, Inc. Sylvia E. Foster, PB	01/01/01
Paradise Homes Incorporated Lucia Matti, PB	11/01/00
Budar Realty Incorporated Gilman P. Budar, PB	10/12/00
Realty Group Inc. Glenn S. Nishihara, PB	11/01/00

<u>Brokers - Sole Proprietor</u>	<u>Effective Date</u>
Kenneth R. Sikes	10/04/00
Danette Mettler, Martin Pacific Property Services	10/01/00
Don Voronaeff	10/06/00
Dennis R. Lapinski	10/10/00
Roy R. Walker	10/16/00
Joseph H. Blanchard, Jr.	10/17/00
Akihiro Saito	10/18/00
Betty L. Ontai	10/19/00
Hin Chiu Lau	10/19/00
Kazuo Omiya	10/20/00
Vincent Passas	10/20/00
Edith L. Muench	10/25/00
Patricia S. Nielsen	10/30/00

<u>Trade Name</u>	<u>Effective Date</u>
Scott E. O'Brien, Scott E. O'Brien Real Estate	10/16/00

<u>Corporation Name</u>	<u>Effective Date</u>
Asset Realty Corporation (fka Wm. Powell Associates, Ltd.)	11/02/00

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Conradina M. Knupp	10/25/01
Richard Grant Staley	10/25/01
Michael G. Neagle	10/30/01
Hajime Kojima	10/30/01
James B. Foster	11/01/01

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Amparo Cabico	11/09/01
James J. Ottenbacher	11/15/01
Judith A. Sheller	11/15/01
Thomas E. Codington	11/16/00

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Scot John Voronaeff	10/25/01
Richard Grant Staley	10/25/01
Paul R. Dolan	10/27/01
Kim Jean Terral	10/27/01
Michael G. Neagle	10/27/01
Hajime Kojima	10/30/01
Laurence Isaac Balter	10/30/01
Jane Akiko Kamiya	11/03/01
Benjamin Coleman Willis	11/03/01
Karen Leslie Fiul	11/03/01
Regina Judith Balter	11/08/01
James J. Ottenbacher	11/15/01
James B. Foster	11/15/01
Judith A. Sheller	11/15/01

<u>Real Estate Broker Experience Certificate</u>	<u>Expiration Date</u>
John E. Ball	10/20/01
Susan Gailey	10/27/01
Michael P. Olsen	10/27/01
George L. Sanders	10/31/01
Geraldine F. Stephens	11/09/01
Jeri L. Hibline	11/15/01

<u>Real Estate Broker (upgrade)</u>	<u>Effective Date</u>
Lorraine S. Kohn	10/25/00
Teresa Y. B. Young	10/24/00
Maria R. Handl	10/23/00
John Stemet	10/25/00
Carole N. Murobayashi	10/23/00

<u>Restoration – Real Estate Salesperson</u>	<u>Effective Date</u>
Peter O'Connell	09/26/00
Joette Wheelon	10/13/00

<u>Condominium Hotel Operator</u>	<u>Effective Date</u>
Premier Connections of Hawaii, Ltd., Premier Maui Properties	11/01/00