

REAL ESTATE COMMISSION
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii
www.hawaii.gov/hirec

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, January 30, 2009

Time: 9:00 a.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Present: Trudy Nishihara, Chair, Broker/Honolulu Commissioner
Stanley Kuriyama, Vice Chair, Broker/Honolulu Commissioner
Louis Abrams, Broker/Kauai Commissioner
Annette Aiona, Broker/Hawaii Island Commissioner
Carol Ball, Broker/Maui Commissioner
William S. Chee, Broker/Honolulu Commissioner (late arrival)
Frances Gendrano, Broker/Honolulu Commissioner
Mark Suiso, Public/Honolulu Commissioner
Michele Sunahara Loudermilk, Public/Honolulu Commissioner

Neil K. Fujitani, Supervising Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
David J. Grupen, Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Cheryl Leong, Condominium Specialist
Benedyne Stone, Condominium Specialist
Shari Wong, Deputy Attorney General
Karyn Takahashi, Secretary

Myoung Oh, Hawaii Association of REALTORS®
Robert Klein, Hawaii Association of REALTORS®
Nancy Donohue-Jones, Hawaii Association of REALTORS®
Mihoko Ito, Hawaii Association of REALTORS®
Ron Leong, Esq.
Bryan Willard
Robert Willard
Heather Willard

Call to Order: The Chair called the meeting to order at 9:02 a.m., at which time quorum was established.

Chair's Report: The Chair announced that the Commission may move into executive session to consider and evaluate personal information relating to individuals applying for licensure in accordance with Section 92-5(a)(1), HRS, and/or to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities in accordance with Section 92-5(a)(4), HRS.

Executive Officer's
Report:

The Supervising Executive Officer introduced Sonia Ines, Real Estate Branch's newly hired Office Assistant IV.

The Supervising Executive Officer informed the Commissioners that the original applications with any original associated documents to be considered at the meeting were available for review.

Additional Distribution

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

4. Committees and Program of Work
 - a. Laws and Rules Review Committee – Hawaii Association of REALTORS® Unauthorized Practice of Law Proposed Legislation
6. Licensing – Applications
 - a. Bryan Willard

Minutes of Previous Meeting

Upon a motion by Commissioner Abrams, seconded by Commissioner Suiso, it was voted on and unanimously carried to accept the minutes of the December 19, 2008 meeting, as distributed.

Committees and
Program of Work:

Laws and Rules Review Committee

Hawaii Association of REALTORS® Unauthorized Practice of Law Proposed Legislation

Mr. Robert Klein gave a brief background on the issue of unauthorized practice of law and reported that the Hawaii Association of REALTORS® ("HAR") main concern is to have real estate licensees exempt. He stated that the HAR was initially asking for the Commission's support of SB1044, introduced by Senator Baker; however, that bill is not exactly what HAR recommended, but it does have portions that they like. Subsequently, HAR introduced SB1219, through Senator Baker, and HB1651, through Speaker Say, and are, basically, the same, amending chapter 467 and are more industry specific.

Mr. Klein stated that SB1044 is more of an amalgamation bill amending section 605-14 and gets specific to each industry. He stated that SB1219 and HB1651 are clean shots so at the end there is certainty; however, there is no reason not to go down two tracks—via the legislature and the support of the Supreme Court decision.

Commissioner Chee arrives.

Mr. Klein stated that he came today representing HAR and asking the Commission's support of HB1561 and SB1219 so licensees can have assurance they are not running afoul on the law.

At this time, there was discussion on identifying when a licensee would be crossing the line. A licensee working within the scope of their license should not have a problem.

Commissioner Abrams inquired if HAR will be testifying on SB1044. Mr. Klein replied the HAR's Government Affairs Committee will decide if HAR will be testifying.

Mr. Klein was asked that if chapter 467 is amended, would RICO investigate violations of the unauthorized practice of law. Mr. Klein opined that RICO could investigate, but it would be a criminal violation and the attorney general would take precedent, as there are criminal sanctions for practicing law without a license.

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

Licensing –
Applications:

The Supervising Executive Officer informed the Commissioners that the information provided to the Commissioners is related only to the issue that is before the Commission for consideration. The other materials submitted are available for the Commissioners review should they desire to review it. If the applicants have an issue, which is personal in nature, they have the right to request that their application be considered in executive session.

Bryan Willard

Mr. Willard was present with his attorney Ron Leong. They were asked if they wished to have this matter considered in executive session. They declined the offer.

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

Licensing –
Ratification:

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

Executive Session:

Upon a motion by Commissioner Abrams, seconded by Commissioner Gendrano, 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;" and 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 Aiona, seconded by Commissioner Suiso, 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 10:35 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS.

In the Matter of the Real Estate Salesperson's License of William L. Stedman, REC 2005-28-L

Commissioner Aiona excused.

Commissioner Chee, in accordance with the Commission's Final Order dated January 29, 2007, moved to adopt the board certified psychiatrist's recommendation and order respondent Stedman to comply as one of the stipulations of reinstatement of license. Commissioner Loudermilk seconded the motion. Commissioners Nishihara, Kuriyama, Abrams, Ball, Chee, Gendrano, and Loudermilk voted aye. Commissioner Suiso voted nay. The motion was carried.

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 meeting at 10:39 a.m.

Committees and
Programs of Work:

Education Review Committee

Administration of Examinations

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Ball, it was voted on and unanimously carried to defer discussion on this matter to the Education Review Committee meeting scheduled for Wednesday, February 11, 2009.

Licensing –
Applications:

Bryan Willard

After review of the information presented by Mr. Willard, Commissioner Suiso moved to direct Staff to explain to Mr. Willard's attorney Mr. Willard's option to surrender his real estate salesperson license. Commissioner Chee seconded the motion. The motion was voted on and unanimously carried.

Gregory R. White

After review of the information presented by the applicant, Commissioner Abrams moved to approve the real estate salesperson license of Gregory R. White. Commissioner Chee seconded the motion. The motion was voted on and unanimously carried.

Elizabeth L. Olson

After review of the information presented by the applicant, Commissioner Abrams moved to approve the real estate salesperson license of Elizabeth L. Olson. Commissioner Loudermilk seconded the motion. The motion was voted on and unanimously carried.

Committees and
Program of Work:

Laws and Rules Review Committee

Hawaii Association of REALTORS® Unauthorized Practice of Law Proposed
Legislation

Upon a motion by Commissioner Chee, seconded by Commissioner Loudermilk,
it was voted on and unanimously carried to support HB1561 and SB1219 in
concept, subject to review of bill language.

Next Meeting:

Friday, February 27, 2009
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Adjournment:

With no further business to discuss, the Chair adjourned the meeting at
10:55 a.m.

Reviewed and approved by:

/s/ Neil K. Fujitani
Neil K. Fujitani
Supervising Executive Officer

February 18, 2009
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON JANUARY 30, 2009

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Hawaii Real Estate Online LLC	12/10/08
Katherine F. Braden, PB	
Victory Realty LLC	01/01/09
Greg Walker, PB	
West Hawaii Realtors LLC	01/01/09
Karen A. Motosue, PB	
Sarah VanDeVanter Real Estate LLC	01/01/09
Sarah VanDeVanter, PB	
Onoe Realty LLC	01/01/09
Kunifumi Onoe, PB	
1 st Choice Realty LLC	01/01/09
Mary S. Takasane, PB	
Pan Pacific Properties of Hawaii, LLC	01/01/09
Tamotsu Ishihara, PB	
Maui Earth Realty LLC	01/01/09
Karen Williamson, PB	
Kaneda Realty, LLC	01/01/09
Alan Y. Kaneda, PB	
Hawaii International Real Estate, LLC	01/02/09
Evgeny V. Dafner, PB	
Pacific Advisory Services LLC	01/06/09
F. Kevin Aucello, PB	
Intrawest Honua Kai Hospitality Management LLC,	01/09/09
Honua Kai Resort & Spa	
John C. Patterson, PB	
Hawaii Property Management Services, Hawaii Referral Company	01/20/09
Lisa T. Ho, PB	
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Daruma Services, Inc., Excur USA	12/05/08
Akio Futakawa, PB	
Hawaii Sunsets Realty, Inc., Kona Sunsets Vacation Rentals	12/16/08
Elisabeth D. Garske, PB	
Maui Concierge Service, Inc.	01/01/09
Lisa Fried, PB	
Royal Hawaii Real Estate Inc., Royal Hawaiian Realty Company	01/06/09
Frank M. Wanca, PB	
CB Richard Ellis, Inc.	01/15/09
Joseph T. Haas, PB	
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
James L. Helton	12/01/08
Joyce Murphy	12/01/08
Sandie Reardon	12/01/08
Jan D. Paige	12/04/08
Frank A. Machado	12/09/08
Samuel R. Goin, Jr.	12/18/08
Victoria L. Acosta, Mokupuni Realty	12/19/08
Liza T. H. Yogi, Aloha Land Realty	12/24/08

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Brokers – Sole Proprietor

	<u>Effective Date</u>
Doug Joy, Global Realty	12/29/08
Sydnee L. Arth	01/01/09
Gary K. Yamashiro	01/01/09
Jeffry L. Hossellman	01/01/09
Brian Contorno-Gaston, Contorno-Gaston Realty International	01/06/09
Charles J. King, King Properties	01/09/09

Branch Office

	<u>Effective Date</u>
Ascend Properties, LLC, Hawaii Real Estate Professionals Albert L. Joy, PB	12/22/08
CB Richard Ellis, Inc. Joseph T. Haas, PB	01/15/09
CB Richard Ellis, Inc. Joseph T. Haas, PB	01/15/09
CB Richard Ellis, Inc. Joseph T. Haas, PB	01/15/09

Trade Name

	<u>Effective Date</u>
Solcrest Properties LLC, Anini Aloha Properties	11/28/08
CSH Capital Management, Inc., Rental Solutions	12/12/08

Equivalency to Uniform Section of Examination Certificate

	<u>Expiration Date</u>
Gretchen Louise Heitzman	12/11/10
David Bryan Hogsett	12/11/10
Jimmy L. Nevius	12/11/10
Robert David Concienne	12/12/10
Tonya Rae Sharp	12/12/10
Mark Howard	12/15/10
Lindsay Adams Robbins	12/15/10
James Dudley Neighbors	12/17/10
Howard Neal Fineman	12/19/10
Joseph Francis Zahner	12/23/10
Pamela Ann Zahner	12/23/10
Robert Lee Phillips	12/23/10
Pauline Elizabeth Empie	12/23/10
Bonnie Dianne Meyer	01/05/11
Patricia Ann Chilson	01/06/11
Nancy Mazza Culbertson	01/09/11
Maynard Mark Stillman	01/13/11
Paul Joseph Fletcher	01/13/11
Marcia Cabalu Balgos	01/13/11
Scott Eric Garmon	01/13/11
Luba A. Mulyar	01/13/11
Linda Karmen De La Cruz	01/20/11

Educational Equivalency Certificate

	<u>Expiration Date</u>
Gretchen Louise Heitzman	12/11/10
David Bryan Hogsett	12/11/10
Jimmy L. Nevius	12/11/10
Tracy Lynn Culbertson	12/11/10
Robert David Concienne	12/12/10
Tonya Rae Sharp	12/12/10

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Educational Equivalency Certificate

	<u>Expiration Date</u>
Mark Howard	12/15/10
Lindsay Adams Robbins	12/15/10
Robin Charles Glass	12/15/10
James Dudley Neighbors	12/17/10
Howard Neal Fineman	12/19/10
Joseph Francis Zahner	12/23/10
Pamela Ann Zahner	12/23/10
Robert Lee Phillips	12/23/10
Pauline Elizabeth Empie	12/23/10
Norrey Le'ah Acasio	12/31/10
Bonnie Dianne Meyer	01/05/11
Patricia Ann Chilson	01/06/11
Nancy Mazza Culbertson	01/09/11
Maynard Mark Stillman	01/13/11
Paul Joseph Fletcher	01/13/11
Marcia Cabalu Balgos	01/13/11
Scott Eric Garmon	01/13/11
Luba A. Mulyar	01/13/11
Richelle Mary Thomson	01/13/11
Linda Karmen De La Cruz	01/20/11

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Shellie Ann Uilani Grace	12/11/10
Gretchen Louise Heitzman	12/11/10
Jimmy L. Nevius	12/11/10
Robert David Concienne	12/12/10
Mark Howard	12/15/10
Howard Neal Fineman	12/19/10
Jane D. Le Wright	12/23/10
Bonnie Dianne Meyer	01/05/11
Patricia Ann Chilson	01/06/11
Gayle T. Fujita Ramsey	01/07/11
Marcia Cabalu Balgos	01/13/11
Scott Eric Garmon	01/13/11
Miki Shojiro	01/13/11

Continuing Education Equivalency

	<u>Effective Date</u>
Skye Kelly	12/11/08
Geri L. Martucci	12/11/08
Herb M. Lee	12/16/08
Albert John Overton	12/19/08
CJ Wayne Mavor	12/23/08
Julianna D. Cherry	12/23/08
Luong Lam	12/31/08

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Sue Shiroma	12/08/08
Yvonne Summerfield	12/22/08
David Ryan Anderton	01/01/09
Moe A. Sears	01/01/09
Sarah VanDeVanter	01/01/09
Angela R. Gannon	01/01/09

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Real Estate Broker (upgrade)

Don Helow
Christina Chang
Lucy Wang
Chelle T. Ardo
Tomoko Ishikawa
James S. Chan
Cheryl A. Yuen
Nancy R. Duff
Hillary Sibley
Jimmy L. Nevius

Effective Date

01/01/09
01/01/09
01/01/09
01/01/09
01/01/09
01/01/09
01/01/09
01/01/09
01/05/09
01/06/09

Condominium Hotel Operator

Unique Boutique Hospitality Group, LLC
Turtle Reef Resort Properties, LLC

Effective Date

12/11/2009
1/13/2009