

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, February 27, 2009

Time: 9:00 a.m.

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

Present: Louis Abrams, Chair Pro Tem, Broker/Kauai Commissioner
Annette Aiona, Broker/Hawaii Island Commissioner
Carol Ball, Broker/Maui Commissioner (late arrival)
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
Rod Tam, Deputy Attorney General
Karyn Takahashi, Secretary
Sonia Ines, Office Assistant

Patrick Kelly, Esq., Regulated Industries Complaints Office

Absent: Trudy Nishihara, Chair, Broker/Honolulu Commissioner
Stanley Kuriyama, Vice Chair, Broker/Honolulu Commissioner

Call to Order: The Chair Pro Tem called the meeting to order at 9:00 a.m., at which time quorum was established.

Chair's Report: The Chair Pro Tem 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.

Chair Nishihara and Commissioner Kuriyama were excused from the meeting. Prior notification of their non-attendance was received.

No report presented.

Executive Officer's Report: 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
- 6. Licensing – Applications
 - f. William J. Lauer, Jr.

Minutes of Previous Meeting

Upon a motion by Commissioner Aiona, seconded by Commissioner Suiso, it was voted on and unanimously carried to accept the minutes of the January 30, 2009 meeting, as amended.

Committees and
Program of Work:

Laws and Rules Review Committee

Senate Bill 972, S.D. 1

The SEO reported that the Senate Committee on Economic Development and Technology changed SB 972 to add language which states in part "The department shall coordinate with department of commerce and consumer affairs to require a general excise tax clearance certificate prior to license issuance or renewals for regulated industries licensed under chapter 436 through 471, such as those regulated under chapters 439 (beauty culture), 444 (contractors), and 467 (real estate brokers and salespersons)." The SEO stated that the Division has asked the Commission to take a position on this proposed bill.

Commissioner Chee arrives.

The Commissioners discussed the fact that real estate licensees are not in a cash-based business—1099s are generated as the transactions go through escrow.

They also discussed the administrative burdens such a regulation would have and how obtaining a tax clearance might interfere with an individual attaining or renewing a license, as the period to obtain a tax clearance can be lengthy depending on the individual's situation.

Upon a motion by Commissioner Chee, seconded by Commissioner Aiona, it was voted on and unanimously carried to oppose Senate Bill 972, S. D. 1. However, the Commission is not against the intent of the bill.

Executive Officer's
Report:

Additions to Agenda

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

- 6. Licensing – Applications
 - g. Cheryl Rock

Licensing –
Ratification:

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

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair Pro Tem called for a recess from the meeting at 9:19 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 Sharon A. Seykota,
REC 2006-366-L**

Upon a motion by Commissioner Chee, seconded by Commissioner Gendrano, it was voted on and unanimously carried to grant the Respondent's request and defer the Respondent's presentation of oral arguments to the Real Estate Commission meeting scheduled for March 27, 2009.

**In the Matter of the Real Estate Salesperson's License of Wilton I. Lombard,
REC 2008-132-L**

Commissioner Ball arrives.

Commissioner Loudermilk moved to adopt the Hearings Officer's Findings of Fact and Conclusions of Law and issue the Commission's Proposed Final Order. Commissioner Chee seconded the motion. The motion was voted on and unanimously carried.

Following the Commission's review, deliberation, and decision in this matter, pursuant to Chapter 91, HRS, the Chair announced that the Commission was reconvening its scheduled meeting at 10:00 a.m.

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.

Forrest T. McDermott

The Deputy AG informed the Commission that a Deferred Acceptance of No Contest (DANC) or a Deferred Acceptance of Guilt (DAG) is not considered a conviction, which means an applicant is not required to answer yes to the prior conviction question on the license application if it is regarding a DANC and/or DAG.

After review of the information presented by the applicant, Commissioner Aiona moved to approve the real estate salesperson license of Forrest T. McDermott. Commissioner Suiso seconded the motion. The motion was voted on and unanimously carried.

Joseph F. Zahner

After review of the information presented by the applicant, Commissioner Suiso moved to approve the real estate salesperson license of Joseph F. Zahner. Commissioner Chee seconded the motion. The motion was voted on and unanimously carried.

Delegation to Staff: Upon a motion by Commissioner Chee, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to delegate to staff to process to approval applications in which the applicant has a pending lawsuit. Staff is required to apprise the applicant of the applicant's requirement to report, within 30 days, should the lawsuit result in a judgment against them pursuant to Section 436B-16, Hawaii Revised Statutes.

Ruby Boyd Mazur

After review of the information presented by the applicant, Commissioner Aiona moved to most likely approve the real estate salesperson's license of Ruby Boyd Mazur. Commissioner Suiso seconded the motion. The motion was voted on and unanimously carried.

James Gregory Horak

After review of the information presented by the applicant, Commissioner Suiso moved to most likely approve the real estate salesperson's license of James Gregory Horak. Commissioner Loudermilk seconded the motion. Commissioners Abrams, Aiona, Chee, Gendrano, Suiso and Loudermilk voted aye. Commissioner Ball voted nay. The motion carried.

Celeste R. Imel

After review of the information presented by the applicant, Commissioner Ball moved to most likely approve the real estate salesperson's license of Celeste R. Imel. Commissioner Aiona seconded the motion. The motion was voted on and unanimously carried.

William J. Lauer, Jr.

After review of the information presented by the applicant, Commissioner Suiso moved to approve the real estate broker's license of William J. Lauer, Jr. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Cheryl Rock

After review of the information presented by the applicant, Commissioner Chee moved to deny the real estate prelicense education equivalency of Cheryl Rock, based on section 467-9.5 Hawaii Revised Statutes and section 16-99-37, Hawaii Administrative Rules. Commissioner Suiso seconded the motion. The motion was voted on and unanimously carried.

Next Meeting: Friday, March 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 Pro Tem adjourned the meeting at 10:18 a.m.

Reviewed and approved by:

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

March 6, 2009
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON FEBRUARY 27, 2009

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Hokua Hawaii Realty, LLC. Jenny L. Brady, PB	02/05/09
Ihu Properties LLC Patrick Ihu, PB	01/14/09

<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Maui Land Broker and Property Management, Inc. Joseph G. Blackburn II, PB	02/10/09
Kona Homes Inc. Joyce Murphy, PB	03/01/09

<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Margaret Sung Wong	12/31/08
Jeanne L. Wilder	01/05/09
Anne T. White	01/07/09
Jonathon C. Hudson	01/13/09
Ernest C. Aragon, Hawaii Power Broker	01/20/09
Jimmy L. Nevius, Nevius International Realty Hawaii	01/30/09

<u>Branch Office</u>	<u>Effective Date</u>
The Price Corporation, Price Realty Group Brandon P. Price, PB	01/15/09
The Price Corporation, Price Realty Group Brandon P. Price, PB	01/15/09
J. Samuel Signature Homes LLC Jeffrey N. Samuels, PB	01/20/09

<u>Corporation Name</u>	<u>Effective Date</u>
Innovative Realty Group, Inc. (fka PKF Capital Group, Inc.)	01/06/09
Kulana Capital Management, Inc. (fka: CSH Capital Management, Inc.)	01/15/09

<u>Trade Name</u>	<u>Effective Date</u>
Debra L. Martin, Hawaii Real Estate Associates	12/12/08
Intero Real Estate Services Hawaii, LLC, Prince Pacific Properties	12/13/08
Alohapotts.com, Inc., Aloha Potts Realty	12/22/08
Lisa Bates, Whale of a time Realty	01/02/09
Hawaii Real Estate Online LLC, Hawaii Real Estate Online	01/26/09

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Rebecca May Sabetta	01/21/11
James L. Jonas	01/22/11
Clifford R. Smith	01/22/11
Jennifer E. Kilpatrick	01/22/11
John Douglas Kilpatrick	01/22/11
Steven Jackson Faulkner	01/27/11
Bryan Frederick Willard	02/02/11

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Equivalency to Uniform Section of Examination Certificate

Sandra Pearl Olson	02/03/11
Blanca E. Lau	02/03/11
Monica Rose Eisenstecken	02/06/11
Paul Ratomir Bruk	02/09/11
Joseph Moore Lankford	02/09/11
Ryan Anthony Peterson	02/11/11
Trevor Ray Mirkers	02/11/11
Douglas E. Crum	02/11/11
Robert David Concienne	02/11/11
Patricia Conley Howell	02/12/11
Craig Alan Corbin	02/12/11
Jerrold Ray Snyder	02/17/11
Larry L. Dreffs	02/17/11

Expiration Date

Educational Equivalency Certificate

Rebecca May Sabetta	01/21/11
James L. Jonas	01/22/11
Clifford R. Smith	01/22/11
Jennifer E. Kilpatrick	01/22/11
Benjamin John Brose	01/22/11
John Douglas Kilpatrick	01/22/11
Steven Jackson Faulkner	01/27/11
Sandra Pearl Olson	02/02/11
Ronald William Distilli	02/03/11
Blanca E. Lau	02/03/11
Celeste Imel	02/04/11
Dale Lynn Smith	02/04/11
James R. Wisthoff II	02/05/11
Monica Rose Eisenstecken	02/06/11
Paul Ratomir Bruk	02/09/11
Joseph Moore Lankford	02/09/11
Thomas S. Zheng	02/09/11
Ryan Anthony Peterson	02/11/11
Trevor Ray Mirkes	02/11/11
Douglas E. Crum	02/11/11
Lisa D. Conyers	02/11/11
Patricia Conley Howell	02/12/11
Craig Alan Corbin	02/12/11
Jerrold Ray Snyder	02/17/11
Larry L. Dreffs	02/17/11

Expiration Date

Real Estate Broker Experience Certificate

Amy Auten Conley	01/21/11
Matthew Alike Taba	01/21/11
Misty Lichang Kjallman	01/21/11
James L. Jonas	01/21/11
Clifford R. Smith	01/22/11
Nicole L.K. Vincent	01/27/11
Chandra Garces	01/27/11
Steven Jackson Faulkner	01/27/11
Linda Fogarty	02/03/11
Jeannette M. Young	02/03/11

Expiration Date

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Real Estate Broker Experience Certificate

Catherine Jeanne Klug

Thomas Francis Edwards, III

Regina M. Mitchell

Paul Ratomir Bruk

Trevor Ray Mirkes

Rie Sasaki Askey

Patricia Conley. Howell

Larry L. Dreffs

Expiration Date

02/04/11

02/04/11

02/06/11

02/09/11

02/11/11

02/11/11

02/12/11

02/17/11

Continuing Education Equivalency

Candi V. Hill

Effective Date

12/31/08

Real Estate Broker (upgrade)

James A. Schneider

Kristyn M. Ho

Mayuko-Deanna Sugi

Bela Shah

Susan Savage

Emy Antonio Alvarez

Effective Date

01/08/09

01/20/09

01/21/09

01/23/09

02/09/09

02/11/09

Condominium Hotel Operator

OCRM, LLC

Effective Date

01/21/09