

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, May 29, 2009

Time: 9:00 a.m.

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

Present: 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
Frances Gendrano, Broker/Honolulu Commissioner
Mark Suiso, Public/Honolulu Commissioner
Michele Sunahara Loudermilk, Public/Honolulu Commissioner

Neil K. Fujitani, Supervising Executive Officer
Amy Endo, Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Cheryl Leong, Condominium Specialist
Shari Wong, Deputy Attorney General
Karyn Takahashi, Secretary

Lei Fukumura, Special Deputy Attorney General
Myoung Oh, Hawaii Association of REALTORS®
Nancy Donahue Jones, Hawaii Association of REALTORS®
James M. Kapanicas

Absent: Trudy Nishihara, Chair, Broker/Honolulu Commissioner

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

Chair's Report: The Vice 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.

Chair Nishihara was excused from the meeting. Prior notification of her 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 Commissioners prior to the start of the meeting:

- 6. Licensing – Applications
 - a. James M. Kapanicas

Additions to Agenda

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

- 6. Licensing – Applications
 - b. Meg Malani Stewart

Minutes of Previous Meeting

Upon a motion by Commissioner Abrams, seconded by Commissioner Chee, it was voted on and unanimously carried to accept the minutes of the April 24, 2009 meeting.

Schedule of Non-Accessible Dates for July to December 2009

The Commissioners were asked to turn in their schedule of non-accessible dates for July to December 2009 by June 15, 2009.

Licensing –
Ratification:

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

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.

James M. Kapanicas

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

Specialist Endo reported that Mr. Kapanicas answered "yes" to several questions on his application for real estate salesperson's license. She noted that Mr. Kapanicas holds a current and active Certificate of Licensure for a Timeshare Sales Agent in the State of Utah.

Mr. Kapanicas' timeshare registration expired on June 30, 2002 and he failed to renew his registration; however, continued to engage in timeshare activity until November 12, 2004, at which time he tried to renew his registration. His renewal was denied because he had acted as a timeshare salesperson without a registration. Pursuant to the Stipulation and Order, Mr. Kapanicas' registration was renewed on November 24, 2004, on the condition that he pays a \$1,500.00 fine. Mr. Kapanicas paid the fine.

Specialist Endo also reported that in 2003, while working as a bartender, Mr. Kapanicas was convicted of unlawful sales of alcohol to a minor and he paid a fine of \$400.00. Also in 2003, Mr. Kapanicas was convicted of animal running at large which resulted in a ticket and a fine of \$25.00. The fine was paid.

Specialist Endo added that in 1994, Mr. Kapanicas was convicted of issuing a bad check, which he had no recollection of and was made aware of the conviction during his application process for his Hawaii real estate salesperson license.

Mr. Kapanicas is currently working on expunging all of his convictions.

Mr. Kapanicas thanked the Commission for allowing him to speak candidly. He stated that he has disclosed all his information in compliance with all laws.

Mr. Kapanicas stated that he promises to abide by all laws and rules in conjunction with holding a real estate license. He currently has employment with the stipulation that he obtain a license by June 1. He stated that he has completed classes and understands the importance of abiding by the laws and rules.

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

Meg Malani Stewart

Specialist Endo reported that on April 11, 2009, Ms. Stewart took and passed the real estate broker examination at the Kahului test site. Ms. Stewart presented a Prelicensing Education Equivalency Certificate and Equivalency to the Uniform Section of the Examination Certificate; however, she did not present a Broker Experience Certificate and was allowed to take the broker examination.

On May 27, 2009, Ms. Stewart was issued a Broker Experience Certificate.

At this time, Ms. Stewart is requesting that the Commission honor the passing score report on the broker examination taken on April 11, 2009.

After review of the information presented, Commissioner Abrams moved to accept Meg Malani Stewart's passing score report received on the broker examination taken on April 11, 2009. Commissioner Chee seconded the motion. The motion was voted on and unanimously carried.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 9:15 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate License of Kevin A. Spaise, a Real Estate Salesperson; REC 2007-271-L

Commissioner Ball moved to reject the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Commission's Final Order. Commissioner Suiso seconded the motion. Commissioners Aiona, Ball, Chee, Gendrano, Suiso, Loudermilk and Kuriyama voted aye. Commissioner Abrams voted nay. The motion carried.

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

Upon a motion by Commissioner Ball, seconded by Commissioner Chee, it was voted on and unanimously carried to approve the Commission's Final Order.

In the Matter of the Real Estate Brokers' Licenses of Maui Real Estate Company, Inc. and Karl F. Lingenfelder; REC 2006-258-L

Upon a motion by Commissioner Abrams, seconded by Commissioner Suiso, it was voted on and unanimously carried to approve the Commission's Final Order.

In the Matter of the Real Estate Salesperson's License of Neal S. Suda; REC 2007-45-L

Upon a motion by Commissioner Abrams, seconded by Commissioner Chee, it was voted on and unanimously carried to approve the Commission's Final Order.

In the Matter of the Real Estate Broker's License of Douglas T. Nonaka; REC 2008-109-L

Upon a motion by Commissioner Abrams, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to approve the Commission's Final Order.

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 9:39 a.m.

Executive Session:

Upon a motion by Commissioner Suiso, seconded by Commissioner Chee, 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 Abrams, seconded by Commissioner Ball, it was voted on and unanimously carried to move out of executive session.

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Licensing -
Applications:

James M. Kapanicas

After review of the information presented by the Applicant, Commissioner Abrams moved to approve the real estate salesperson's license of James M. Kapanicas. Commissioner Ball seconded the motion. The motion was voted on and unanimously carried.

Next Meeting:

Friday, June 26, 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 Vice Chair adjourned the meeting at 9:42 a.m.

Reviewed and approved by:

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

June 17, 2009
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON MAY 29, 2009

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Hawaii Sunset Real Estate LLC	04/13/09
Nancie A. Martens, PB	
Maile Lei Realtors LLC, Maile Lei Realtors	04/20/09
Angelina K. Galiza, PB	
Hawaii Sales and Marketing LLC	04/22/09
Tracy Davidson, PB	
Maui Gold Condos LLC, Maui Gold Properties	04/23/09
Misty L. Kjallman, PB	
Pinnacle Management Group LLC	04/23/09
Edgar A. Lamug, PB	
Query Properties LLC	04/24/09
Leticia A. Query, PB	
Hawaii Pacific Brokers, LLC	05/05/09
Charles A. Anderson, PB	
Celebrity Resorts of Hanalei Management Company, LLC	05/08/09
Peter J. Clark, PB	
Black Point Realty, LLC	05/14/09
Mei Y. Ching, PB	
KU Realty, LLC	07/10/09
Keahi D. Pelayo, PB	
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Aloha Pacific Properties, Inc.	04/28/09
David Baquiran, PB	
HI-Tide Realty, Inc.	05/11/09
Janet D. Carlin, PB	
Kanohowailuku, Inc.	05/18/09
Ken Takeuye, PB	
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Doreen H. F. Parker	04/08/09
Sephora Wu	04/09/09
Kathy T. Rust	04/13/09
Karon L. Hansen	04/13/09
Riccardo A. Figliuzzi Jr.	04/16/09
Terrence P. Fitzpatrick, Fitzpatrick & Associates	04/20/09
Fredericka P. Aikau	04/21/09
Thaddeus V. Marckesano	04/21/09
Michael A. Ferrington	04/27/09
George M. Benavente	04/29/09
Yvonne Shen Rubes, Hawaii International Properties	04/29/09
<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Aaron Joseph Drobnick	04/15/11
Charles Ryan Garrett	04/17/11
David Patrick O'Malley	04/17/11
Stephen Alexander Stoyanow	04/27/11
Teruko Janet Yamada	04/27/11
Susan P. Jackson	04/30/11
TJ Remengesau	05/06/11

Equivalency to Uniform Section of Examination Certificate

Charles Darrell Okada	05/06/11
Louis Herrera	05/07/11
Chad Lawrence Corbett	05/08/11
Gilbert Medina Torres	05/12/11
Marc Jeffrey Lundberg	05/12/11
Susan Lynn Zuber	05/12/11
Amparo Cabico	05/14/11
Virgilio Benitez Nava	05/15/11
Henrie K. Mok	05/15/11

Expiration Date

Educational Equivalency Certificate

Aaron Joseph Drobnick	04/15/11
Heike Kapanicas	04/17/11
Charles Ryan Garrett	04/17/11
Alan Joseph Bailey	04/17/11
David Patrick O'Malley	04/17/11
Christopher David Martelles	04/20/11
Vincent Alexander Jongert	04/20/11
Teruko Janet Yamada	04/27/11
Susan P. Jackson	04/30/11
TJ Remengesau	05/06/11
Charles Darrell Okada	05/06/11
Lorrie Nicole Kim	05/07/11
Louis Herrera	05/07/11
Chad Lawrence Corbett	05/08/11
Michael John Belmudes	05/12/11
Akrapol Suetrong	05/12/11
Gilbert Medina Torres	05/12/11
Julie Ann Lehuanani Oliveira-Payton	05/12/11
Marc Jeffrey Lundberg	05/12/11
Susan Lynn Zuber	05/12/11
Neal Eric Hafner	05/14/11
Virgilio Benitez Nava	05/15/11
Henrie K. Mok	05/15/11

Expiration Date

Real Estate Broker Experience Certificate

Jacqueline H. Liu	04/14/11
Theresa Doran	04/17/11
Breze Kainoa Hyatt Derasin	04/17/11
Ashley N. Saculla	04/17/11
Stephanie W. Ross	04/17/11
Francis Carlos Van Rafelghem	04/21/11
Wendy Oshiro D'Innocenti	04/24/11
Zhanna Conrad	04/27/11
Mineko Y. Kawamura	04/27/11
Joanne Phyllis Traynor	04/27/11
Mark Patrick Miura	05/01/11
Na Sheena Xie	05/07/11
William Everett Facker	05/07/11
Louis Herrera	05/07/11
Luan Susan Kimmerle	05/08/11
Miho Choo O'Grady	05/12/11
Nelson Kiyoshi Koki	05/13/11

Expiration Date

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Real Estate Broker Experience Certificate

Cindy Carlson	05/14/11
Sean Kamiano Lopez	05/14/11
Karen Swanson Kondo	05/15/11
Henrie K. Mok	05/15/11
Sue Ann S.H. Lee	05/19/11

Expiration Date

Real Estate Broker (upgrade)

Sephora Wu	04/09/09
Jim Meuer	04/16/09
Angelina K. Galiza	04/20/09
Armando J. Alvarez	04/20/09
Christian M. Labbee	04/22/09
Edgar A. Lamug	04/23/09
Natividad I. Lived	04/22/09
Christopher P. Fidelibus	04/27/09
Michael A. Ferrington	04/27/09
Regina M. Mitchell	05/07/09
Wendy Oshiro D'Innocenti	05/13/09
Gary L. Gonder	05/13/09
William L. Duff	05/14/09
Erik K. Taniguchi	05/14/09

Effective Date

Reinstatement – Real Estate Salesperson

William L. Stedman	04/17/09
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Effective Date

Condominium Hotel Operator

Association of Apartment Owners of Leilani Kai	04/30/09
Resort Hotel Associates Ltd., dba Mana Kai Maui Hotel	05/08/09

Effective Date