

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, August 28, 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
Carol Ball, Broker/Maui Commissioner
Frances Gendrano, Broker/Honolulu Commissioner
Walter Harvey, Broker/Honolulu Commissioner
Michele Sunahara Loudermilk, Public/Honolulu Commissioner

Neil K. Fujitani, Supervising Executive Officer
Jon Ellis M. Pangilinan, Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Amy Endo, Real Estate Specialist
David J. Grupen, Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Cheryl Leong, Condominium Specialist
Benedyne Stone, Condominium Specialist
James Paige, Deputy Attorney General
Karyn Takahashi, Secretary

Lei Fukumura, Special Deputy Attorney General
Aron Espinueva, Hawaii Association of REALTORS®
Marsha Shimizu, Hawaii Association of REALTORS®
Tao E. Miller
Robert Craig Thrift
Arnold R. Kemper

Absent: Annette Aiona, Broker/Hawaii Island Commissioner
Mark Suiso, Public/Honolulu Commissioner

Call to Order: The Chair called the meeting to order at 9:06 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.

Commissioners Aiona and Suiso were excused from the meeting. Prior notification of their non-attendance was received.

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:

6. Licensing – Applications
 - a. Tao E. Miller
 - c. Robert Craig Thrift

At this time, the Supervising Executive Officer reported on staffing issues at the Licensing Branch and the Real Estate Branch. Due to the poor economic environment we are all facing, the Records Section of the Licensing Branch has only three positions, out of a possible ten positions, filled at this time. The Governor has frozen any hiring of employees. Effectively, this translates to the typical inquiry to the Licensing Branch may experience a significant slowdown in processing. We urge the public to have patience during these tough times. Also, as the Real Estate Branch is also short two employees, the Governor's hiring freeze has not bypassed the Real Estate Branch.

Minutes of Previous Meeting

Upon a motion by Commissioner Ball, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to accept the minutes of the July 8, 2009, meeting.

Committees and
Program of Work:

Education Review Committee

Quotations – Request for Quotations to assist the Hawaii Real Estate Commission in developing and presenting at least one Instructor Development Workshop and Real Estate Seminar during the 2009-2010 biennium

Senior Specialist Fujimura reported that two quotations were received through the Hawaii Electronic Procurement System ("HePS"). The quotations were received from the Hawaii Association of REALTORS® and Digital Learning Centers, LLC.

Commissioner Abrams moved to award the agreement to assist the Hawaii Real Estate Commission in developing and presenting at least one Instructor Development Workshop and Real Estate Seminar during 2009-2010 biennium to the Hawaii Association of REALTORS® ("HAR"). Commissioner Gendrano seconded the motion.

Commissioner Loudermilk asked that the IDW/workshops be offered to all and not be limited to HAR membership.

Commissioner Kuriyama inquired on how the current HAR quote compared to the previous agreement. Ms. Marsha Shimizu responded that this agreement is actually \$2,000 lower than the previous agreement.

Commissioner Kuriyama stated that it is premature to award a lump sum without seeing the details of the presentations. Ms. Shimizu responded that prior finalization, HAR does an estimated budget and outline and brings it to the Commission for approval.

The motion was voted on and unanimously carried.

Application – Course – "Real Estate Law Manual, Volume 2;" Provider: University of Hawaii at Manoa, Noncredit Program Outreach College; Administrator: Pamela Suwa; Course Categories: Contracts and Real Estate Law; Clock Hours: 4.25

Commissioner Ball stated that she attended the volume one course and is pleased to see this type of quality course.

Upon a motion by Commissioner Abrams, seconded by Commissioner Gendrano, it was voted on and unanimously carried to approve "Real Estate Law Manual, Volume 2" as a three credit hour continuing education elective course, under the course categories Contracts and Real Estate Law.

Licensing –
Ratification:

Upon a motion by Commissioner Abrams, seconded by Commissioner Loudermilk, 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.

Tao E. Miller

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

Executive Session:

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

Licensing –
Applications:

Tao E. Miller

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

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 9:32 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate Licenses of Metropolitan Management Inc., a real estate broker, and Ralph N. Ahles, a real estate broker (re Ralph N. Ahles); REC 2006-256-L

Commissioner Abrams moved to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Commission's Final Order. Commissioner Loudermilk seconded the motion. The motion was voted on and unanimously carried.

In the Matter of the Real Estate Brokers' Licenses of Nemo Realty, Inc., Mikiko Malasek and Vojtech Malasek; REC 2004-92-L

Commissioner Kuriyama moved to accept the Settlement Agreement After Filing of Petition for Disciplinary Action and Commission's Final Order. Commissioner Ball seconded the motion. Commissioners Nishihara, Kuriyama, Ball, Gendrano, Harvey and Loudermilk voted aye. Commissioner Abrams voted nay. The motion was carried.

In the Matter of the Real Estate Licenses of Century 21 Realty Specialists Corporation dba Management Specialists Company, a real estate broker, Rodney Y.S. Chai, a real estate broker, JTU Inc., dba Century 21 Homefinders of Hawaii, a real estate broker, Lou Ann Uyeda, a real estate broker, Rebecca S. Hamili, a real estate salesperson (re Century 21 Realty Specialists Corporation dba Management Specialists Company and Rodney Y. S. Chai); REC 2007-131-L

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

In the Matter of the Real Estate Licenses of Century 21 Realty Specialists Corporation dba Management Specialists Company, a real estate broker, Rodney Y.S. Chai, a real estate broker, JTU Inc. dba Century 21 Homefinders of Hawaii, a real estate broker, Lou Ann Uyeda, a real estate broker, Rebecca S. Hamili, a real estate salesperson (re JTU, Inc., dba Century 21 Homefinders of Hawaii and Lou Ann Uyeda); REC 2007-131-L L

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

In the Matter of the Real Estate Licenses of Century 21 Realty Specialists Corporation dba Management Specialists Company, a real estate broker, Rodney Y.S. Chai, a real estate broker, JTU Inc. dba Century 21 Homefinders of Hawaii, a real estate broker, Lou Ann Uyeda, a real estate broker, Rebecca S. Hamili, a real estate salesperson (re Rebecca S. Hamili); REC 2007-131-L

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Loudermilk, 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 meeting at 10:09 a.m.

Licensing –
Applications:

Arnold R. Kemp, Jr.

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

Mr. Kemp stated that he humbly asks that the Commission give him a second chance to improve his lot in life. He stated that his incidents occurred ten years ago, when he had a substance abuse problem and that he has been clean for the past ten years.

Mr. Kemp stated that he currently works for Shell Vacation Club as an OPC (outside public contact). He lives and works in Waikiki and enjoys selling. He stated that he went to prelicense school, passed the exam and is now applying for his license as he has the opportunity to sell for Shell Vacation Club. He added that he has been in Hawaii since 1987.

Mr. Kemp stated that in the 1990's he worked with a gentleman in Waikiki taking photos with parrots. After six years, they began butting heads and Mr. Kemp ended the relationship and began working with a competitor in close proximity. The original gentleman obtained a restraining order against him, as they worked in close proximity, the individual called the police and had him arrested.

Mr. Kemp stated that he pled out all his cases and admitted that the basis of the circumstances was his substance abuse problem and he knew he had to clean himself up. He knew he had to take care of his personal life and get things in order—he did not want to keep getting arrested.

Mr. Kemp stated that it is now his opportunity to do better and Shell Vacation Club is willing to give him a shot.

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

Robert Craig Thrift

Commissioner Ball stated that she had a brief conversation with Mr. Thrift regarding a book that she sells. Commissioner Ball stated that she has no previous knowledge of Mr. Thrift and is able to review his application without prejudice.

Mr. Thrift was asked if he wished to have his application for preliminary decision considered in executive session. He declined the offer.

Mr. Thrift stated that there were two incidents in his life. In his junior year of high school was convicted as an accessory and during his second year of law school, five years ago, he was convicted of a DUI.

Mr. Thrift stated that he is currently an active attorney in good standing in Georgia. He is certified to take the real estate examination in Florida. He added that he passed the Hawaii real estate examination two days ago.

Mr. Thrift stated that he was laid off from his previous job and started working at Marriott and got into real estate. Mr. Thrift stated that he plans to work with Marriott Vacation Club, in sales.

Mr. Thrift has met all terms and conditions.

Executive Session: Upon a motion by Commissioner Ball, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to take this matter under advisement. Upon a motion by Commissioner Ball, seconded by Commissioner Kuriyama, 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 Kuriyama, seconded by Commissioner Ball, 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 10:45 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate Licenses of Century 21 Realty Specialists Corporation dba Management Specialists Company, a real estate broker, Rodney Y.S. Chai, a real estate broker, JTU Inc., dba Century 21 Homefinders of Hawaii, a real estate broker, Lou Ann Uyeda, a real estate broker, Rebecca S. Hamili, a real estate salesperson (re Century 21 Realty Specialists Corporation dba Management Specialists Company and Rodney Y. S. Chai); REC 2007-131-L

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

In the Matter of the Real Estate Licenses of Century 21 Realty Specialists Corporation dba Management Specialists Company, a real estate broker, Rodney Y.S. Chai, a real estate broker, JTU Inc. dba Century 21 Homefinders of Hawaii, a real estate broker, Lou Ann Uyeda, a real estate broker, Rebecca S. Hamili, a real estate salesperson (re JTU, Inc., dba Century 21 Homefinders of Hawaii and Lou Ann Uyeda); REC 2007-131-L L

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

In the Matter of the Real Estate Licenses of Century 21 Realty Specialists Corporation dba Management Specialists Company, a real estate broker, Rodney Y.S. Chai, a real estate broker, JIU Inc. dba Century 21 Homefinders of Hawaii, a real estate broker, Lou Ann Uyeda, a real estate broker, Rebecca S. Hamili, a real estate salesperson (re Rebecca S. Hamili); REC 2007-131-L

Commissioner Abrams moved to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Commission's Final Order. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously 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 11:15 a.m.

Licensing
Applications:

Tao E. Miller

After review of the information presented by the applicant, Commissioner Abrams moved to approve the real estate salesperson's license of Tao E. Miller. There was no second to the motion. The motion died.

After review of the information presented by the applicant, Commissioner Loudermilk moved to deny the real estate salesperson's license of Tao E. Miller based on sections 467-8 and 436B-19, Hawaii Revised Statutes. Commissioner Ball seconded the motion. Commissioners Gendrano, Ball, Loudermilk, Kuriyama and Nishihara voted aye. Commissioners Abrams and Harvey voted nay. The motion was carried.

Arnold R. Kemp, Jr.

After review of the information presented by the applicant, Commissioner Abrams moved to approve the real estate salesperson's license of Arnold R. Kemp, Jr. Commissioner Ball seconded the motion. The motion was voted on and unanimously carried.

Robert Craig Thrift

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

Kim M. Hopfner

Commissioner Ball recused herself from discussion and voting on this application as Ms. Hopfner was recently a student in her real estate prelicense class.

After review of the information presented by the applicant, Commissioner Abrams moved to most likely approve the real estate salesperson's license of Kim M. Hopfner. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Delegation to Staff: Upon a motion by Commissioner Kuriyama, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to modify the delegation of February 27, 2009, to delegate to staff to process to approval applications in which the applicant has a pending lawsuit, *unless the application raises questions on the applicant's fitness for licensure*. 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.

Next Meeting: Friday, September 25, 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 11:30 a.m.

Reviewed and approved by:

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

September 16, 2009
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON AUGUST 28, 2009

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Aliicom Realty LLC, Rent Masters	07/10/09
Chad H. Omori, PB	
The Ritz-Carlton Hotel Company, L.L.C.	07/27/09
Samuel R. Goin, Jr., PB	
Kai Management Services, LLC	07/29/09
Philip M. Abbott, PB	
Edifice Group, Inc.	08/03/09
Jonathan Y.S. Kwon, PB	
Niu Associates, LLC	08/06/09
Serge M. Krivatsy, PB	
Landmark Hawaii, LLC	08/18/09
Stephen Ozimec, PB	
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Cambridge Management, Inc.	07/30/09
Carl E. Baker, PB	
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Barbara B. Diener	07/02/09
Duane C. Seabolt	07/20/09
Patrick H. Callahan	07/23/09
<u>Trade Name</u>	<u>Effective Date</u>
Bob Ball, Bob Ball & Associates	07/28/09
Edwina A.L. Wong, Pacific Real Estate Investments	07/29/09
The Master's Plan Realty, LLC, EXIT The Master's Plan Realty	08/05/09
Magical Maui Homes, Aloha Luxury Properties	08/05/09
<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Carol A. Gartland	07/24/11
Cindy Carlson	07/24/11
Alfred Gifford Sprenger	07/24/11
Michael Job	07/29/11
Kurt Steven De Meire	08/04/11
Steven Thomas Brant	08/04/11
Charles Warren Bischoff	08/04/11
Jeffrey A. McGee	08/06/11
Janice F. McGraw	08/06/11
James Gall	08/11/11
John Paul Dumas	08/14/11
<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Ryan K. Sakaguchi	07/22/11
Carol A. Gartland	07/24/11
Cindy Carlson	07/24/11
Alfred Gifford Sprenger	07/24/11
Robert Craig Thrift	07/27/11
Wade Noboru Muraoka	07/28/11

Real Estate Commission
Minutes of the August 28, 2009 Meeting
Page 10

Educational Equivalency Certificate

	<u>Expiration Date</u>
Joshua Kahealani Kamaau	07/29/11
Michael Yoshio Oshita	07/29/11
Michael Job	07/29/11
Clyde T. Omija	07/30/11
Kurt Steven De Meire	08/04/11
Steven Thomas Brant	08/04/11
Edward John Kowalski	08/04/11
Charles Warren Bischoff	08/04/11
Henny Boenardy Kaanapu	08/06/11
Jeffrey A. McGee	08/06/11
Janice F. McGraw	08/06/11
James Gall	08/11/11
John Paul Dumas	08/14/11
Michael Paul Neely	08/17/11

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Charles Robert Skip Roy	07/22/11
Ryan K. Sakaguchi	07/22/11
Carol A. Gartland	07/24/11
Alfred Gifford Sprenger	07/24/11
Paul Adams	07/28/11
Michael Job	07/29/11
Kurt Steven De Meire	08/04/11
Steven Thomas Brant	08/04/11
Leiola Pasciuta	08/04/11
Jeffrey A. McGee	08/06/11
Janice F. McGraw	08/06/11
James Gall	08/11/11
Christopher F. Geng	08/18/11
Leona K. Seto-Mook	08/18/11

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Chad H. Omori	07/10/09
Duane C. Seabolt	07/20/09
Jan Nonaka	07/23/09
Jonathan Ford	07/23/09
Robert Newstead	08/11/09
Megan Jennifer MacArthur Bonnici	08/11/09

Reinstatement – Real Estate Broker

	<u>Effective Date</u>
Phillip G. Kuchler	08/14/09
Lucy Clark	08/10/09
Omni Casey	08/10/09

Reinstatement – Corporations and Partnerships

	<u>Effective Date</u>
Phillip G. Kuchler, Inc.	08/14/09

Condominium Hotel Operator

	<u>Effective Date</u>
Hotel Management Services LLC	08/04/09