

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, June 27, 2008

Time: 9:00 a.m.

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

Present: Trudy I. Nishihara, Chair, Broker/Honolulu Commissioner
Louis E. Abrams, Broker/Kauai Commissioner
Frances Gendrano, Broker/Honolulu Commissioner
Michele Sunahara Loudermilk, Public/Honolulu Commissioner
Mark Suiso, Public/Honolulu Commissioner

Neil Fujitani, Supervising Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Amy Endo, Real Estate Specialist
David Grupen, Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Benedyne Stone, Condominium Specialist
Shari Wong, Deputy Attorney General
Lei Fukumura, Special Deputy Attorney General
Jon Gasper, Clerk
Janelle Sarae, Clerk

Ronald Michioka, Esq., Ayabe Chong Nishimoto Sia & Nakamura
Patrick Kelly, Esq., Regulated Industries Complaints Office
David Catanzaro, REMI School of Real Estate
Suzanne McIver
Garret Tom, Hawaiian Island Commercial, Ltd.
Shawn Fransen
Roy Anderson, Esq., Attorney for Shawn Fransen

Absent: Stanley M. Kuriyama, Vice Chair, Broker/Honolulu Commissioner
William S. Chee, Broker/Honolulu Commissioner
Annette Aiona, Broker/Hawaii Island Commissioner
Carol Ball, Broker/Maui Commissioner

Call to Order: The Chair called the meeting to order at 9:05 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 Kuriyama, Chee, Aiona and Ball were excused from the meeting. Prior notification of their non-attendance was received.

The Chair announced that Neil Fujitani is the new Supervising Executive Officer, effective June 16, 2008. The Commissioners congratulated Mr. Fujitani on his promotion.

Supervising
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.

Minutes of Previous Meeting

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Abrams, it was voted on and unanimously carried to approve the minutes of the May 30, 2008 meeting.

Committees and
Program of Work:

RICO Real Estate Advisory Committee

Upon a motion by Commissioner Abrams, seconded by Commissioner Suiso, it was voted on and unanimously carried to approve Lloyd Sodetani and Brian Thomas to serve on RICO's Real Estate Advisory Committee, for the current 2008 term.

**Education Review Committee – Continuing Education Administration,
Curriculum, Courses, Providers, and Instructors**

Applications – Core Course – “Part B, Disclosures and Hawaii Law Update;”
Author/Owner/Provider: REMI School of Real Estate; Course Categories:
Chapter 467, HRS / Chapter 99, HAR, and updates, Agency and Disclosure;
Clock Hours: 2

Upon a motion by Commissioner Abrams, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to approve core course, “Part B, Disclosures and Hawaii Law Update;”
Author/Owner/Provider: REMI School of Real Estate; Course Categories:
Chapter 467, HRS / Chapter 99, HAR, and updates, Agency Disclosure; Clock
Hours: 2.

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 SEO 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.

Suzi McIver

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."

Recovery Fund Report:

Russell Lee Block v. Carol A. Bucauto, Country Lands & Homes, and Country Lands & Homes, Inc.; Civil No. 07-1-2185, District Court of the Second Circuit, Wailuku Division, State of Hawaii

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

Recovery Fund Report:

Russell Lee Block v. Carol A. Bucauto, Country Lands & Homes, and Country Lands & Homes, Inc.; Civil No. 07-1-2185, District Court of the Second Circuit, Wailuku Division, State of Hawaii

Upon a motion by Commissioner Abrams, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to approve the recommendation of counsel to pay out \$15,906.48 to Russell Lee Block, against the accounts of Carol A. Bucauto, Country Lands & Homes, and Country Lands & Homes, Inc.

Licensing - Applications:

Suzi L. McIver

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

Hawaiian Island Commercial, Ltd.

Garret Tom was asked if he wished to have this application considered in executive session. He declined the offer.

Garret Tom, Principal Broker of Hawaiian Island Commercial, Ltd., was present to answer any questions and did not have any further information to add. Mr. Tom was asked about his "No" answer to the questions "Has an application for license or a real estate license ever been denied, suspended, fined, involuntarily terminated, revoked, or otherwise subject to disciplinary action, regardless of outcome?", "Have any complaints or charges ever been filed against you, regardless or outcome, with the licensing authority of any jurisdiction?" and "Are there any pending disciplinary actions in any jurisdiction against you?". Mr. Tom said he misunderstood to whom the questions were referring. As this was the second application he recently submitted, the Commissioners voiced their concerns regarding his response about the failure to understand the questions.

In 2006, he submitted an entity application, which the Commission reviewed for the same problem of failing to disclose the disciplinary history of Peter Savio as president of the entity.

Upon a motion by Commissioner Abrams, 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 9:45 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 Shawn R. Fransen; REC 2005-197-L

Shawn R. Fransen, and his attorney, Roy Anderson, were present at the meeting. Patrick Kelly, Esq., representing the Regulated Industries Complaints Office was also present to provide oral arguments.

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Suiso, it was voted on to approve the Commission's Final Order. Commissioner Abrams voted against the motion. The motion failed due to lack of quorum.

Upon a motion by Commissioner Abrams, seconded by Commissioner Gendrano, it was voted on and unanimously carried to defer decision making of the Commission's Proposed Final Order to the August 29, 2008 REC Meeting.

Petition for Declaratory Relief by Valentina Stewart Watson, Esq.

Commissioner Loudermilk recused herself from the meeting.

Upon a motion by Commissioner Abrams, seconded by Commissioner Gendrano, it was voted on and unanimously carried to defer decision making of this matter to the July 25, 2008 REC meeting due to lack of quorum.

In the Matter of the Real Estate License of Michael P. Ireland; REC-2007-447-L

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

In the Matter of the Real Estate Licenses of Sandy Xay and Angelita Pasion; REC-2007-12-L

After a review of the motion by Commissioner Abrams, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to accept the Settlement Agreement Prior to Filing of the Petition for Disciplinary Action and 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 10:44 a.m.

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

Licensing –
Applications:

Kaleb Jasper Assid

After a review of the information submitted by the applicant, Commissioner Loudermilk moved to approve the conditional real estate salesperson's license application of Kaleb Jasper Assid. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Suzi L. McIver

After a review of the information presented and submitted by the applicant, Commissioner Loudermilk moved to approve the real estate salesperson's license application of Suzi L. McIver. Commissioner Abrams seconded the motion. The motion was voted on and unanimously carried.

David A. Meier

After a review of the information submitted by the applicant, Commissioner Abrams moved to mostly likely approve the real estate salesperson's license application of David A. Meier. Commissioner Loudermilk seconded the motion. The motion was voted on and unanimously carried.

Hawaiian Island Commercial, Ltd.

After a review of the information presented and submitted by the applicant, Commissioner Abrams moved to approve the real estate corporation application of Hawaiian Island Commercial, Ltd. Commissioner Suiso seconded the motion. Commissioners Abrams, Suiso and Nishihara voted in favor of the motion. Commissioners Loudermilk and Gendrano voted against the motion. Due to a lack of quorum, the motion failed.

Upon a motion by Commissioner Abrams, seconded by Commissioner Gendrano, it was voted on and unanimously carried to defer decision making of this matter to the July 25, 2008 REC meeting due to lack of quorum.

Knutson & Associates

After a review of the information submitted by the applicant, Commissioner Loudermilk moved to deny the request of use of trade name Knutson & Associates. Commissioner Suiso seconded the motion. The motion was voted on and unanimously carried.

Grand Pacific Realty, LLC

Commissioner Loudermilk recused herself from voting.

Upon a motion by Commissioner Abrams, seconded by Commissioner Gendrano, it was voted on and unanimously carried to defer decision making of this matter to the July 25, 2008 REC meeting due to lack of quorum.

Philip E. Horton

After a review of the information submitted by the applicant, Commissioner Suiso moved to approve Philip E. Horton's application for a real estate broker's experience certificate. Commissioner Abrams seconded the motion. The motion was voted on and unanimously carried.

Delegation to staff: Upon a motion by Commissioner Loudermilk, seconded by Commissioner Abrams, it was voted on and unanimously carried to delegate to staff to continue processing to approvals, broker experience certificate applications, in which the applicant's license may have been disciplined/encumbered in the past, but the applicant's license is no longer encumbered and all sanctions have been complied with.

Next Meeting: Friday, July 25, 2008
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 11:12 a.m.

Reviewed and approved by:

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

July 21, 2008
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
 REAL ESTATE COMMISSION MEETING ON JUNE 27, 2008

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Hawaii Life Real Estate Services, LLC, Hawaii Life Real Estate Services David M. Jackson, PB	05/19/08
Jon Mann Realtors, LLC Jon Mann, PB	05/29/08
Kim Maruyama, Realtor, LLC Kim T. Maruyama, PB	06/12/08
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Koa Referrals, Inc. Julie A. Martin, PB	05/07/08
Dream Castle Consultants Incorporated Jennifer M. Begley, PB	05/20/08
Long Stay Service Hawaii, Ltd. Hideo Mita, PB	05/28/08
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Gary Bonifacio	04/23/08
Joel K. Backman	05/05/08
Christopher M. Hanson	05/05/08
Shikwan Sung	05/20/08
Ronald K. Watanabe	05/22/08
Brian Anthony Delbenes, Good Neighbor Mortgage	06/09/08
Theodore J. Hofmann	06/09/08
<u>Trade Name</u>	<u>Effective Date</u>
Bruce Hicks, Best Homes Hawaii	05/28/08
Branden E. Shumate, Ocean Rock Properties	05/16/08
<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Sarah Ruth McClendon	05/22/10
Ashley Elizabeth Meyers	05/22/10
Kathryn Bowes	05/23/10
Laura Arden Van Hoff	05/27/10
Christopher Alan Benigno	05/27/10
Brandi Ann Williams	05/28/10
Stephen W. Macnoll	05/29/10
Susan Carol Petrone	05/29/10
Bradley Douglas Nelson	05/29/10
Christina Dolly Sims	05/29/10
Ronnie Williams	06/02/10
Ethan Keikoa Rohner	06/03/10
Richard Henry Kittner	06/03/10
James Alan Schneider	06/04/10
Brandi Leigh Namiko Subee	06/04/10
Eric Tobin Moore	06/05/10
Belinda Hernandez	06/06/10
Ellen Ann Meier	06/06/10
Angelique Kenney	06/10/10

Equivalency to Uniform Section of Examination Certificate

	<u>Expiration Date</u>
Pamela Fern Becker	06/10/10
Carol Janet Breman	06/10/10
Charles Edward Guns	06/12/10

Educational Equivalency Certificate

	<u>Expiration Date</u>
Sarah Ruth McClendon	05/22/10
Ashley Elizabeth Meyers	05/22/10
Laura Arden Van Hoff	05/27/10
Christopher Alan Benigno	05/27/10
Brandi Ann Williams	05/28/10
Stephen W. Macnoll	05/29/10
Susan Carol Petrone	05/29/10
Christina Dolly Sims	05/29/10
Ronnie Williams	06/02/10
Ethan Keikoa Rohner	06/03/10
Michael Romanov, II	06/03/10
Richard Henry Kittner	06/03/10
James Alan Schneider	06/04/10
Brandi Leigh Namiko Subee	06/04/10
Valerie M. Iinuma	06/04/10
Eric Tobin Moore	06/05/10
Belinda Hernandez	06/06/10
Ellen Ann Meier	06/06/10
Pamela Fern Becker	06/10/10
Carol Janet Breman	06/10/10
David K. Matsunami	06/12/10

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Sarah Ruth McClendon	05/22/10
Laura Arden Van Hoff	05/27/10
Melodie Ponce	05/27/10
Stephen W. Macnoll	05/29/10
Susan Carol Petrone	05/29/10
Bradley Douglas Nelson	05/29/10
James A. Scanlon	05/29/10
Michael Jay Wong Lopez	06/03/10
On Kyong Yoo	06/03/10
Jewett K. Spencer	06/03/10
Richard Henry Kittner	06/03/10
James Alan Schneider	06/04/10
Peggy C. Marchment	06/04/10
Angelique Kenney	06/10/10
April Strombotne Nims	06/12/10
Jenny Jiyeon-ko Damron	06/12/10
Mari I. Lee	06/12/10

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Jennifer M. Begley	05/20/08
Brenda L. Ceria	05/27/08
Jennifer Chow	05/27/08
Elizabeth A. Seibert	05/27/08
Donna Lynn Kohls	05/28/08

Real Estate Broker (upgrade)

Ren Sanford

Savannah Scott

Russ Puuri

Brian Anthony Delbenes

Theodore J. Hofmann

Effective Date

06/03/08

06/05/08

06/06/08

06/09/08

06/09/08