

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, July 25, 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
Stanley Kuriyama, Vice Chair, Broker/Honolulu Commissioner (late arrival)
Louis E. Abrams, Broker/Kauai Commissioner
Annette Aiona, Broker/Hawaii Island Commissioner
Carol Ball, Broker/Maui Commissioner
Frances Gendrano, Broker/Honolulu Commissioner
Mark Suiso, Public/Honolulu Commissioner (late arrival)

Neil K. Fujitani, Supervising 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
Shari Wong, Deputy Attorney General
Lei Fukumura, Special Deputy Attorney General
Karyn Takahashi, Secretary

Ronald Michioka, Esq.
Patrick Kelly, Esq.
Brian McNease
Eric Seitz, Esq.
Syed Sarmad
Garret Tom
Nathan Suzuki
Carol M. Egan

Absent: William S. Chee, Broker/Honolulu Commissioner
Michele Sunahara Loudermilk, 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 Chee and Loudermilk were excused from the meeting. Prior notification of their non-attendance was received.

No report was presented.

Acting 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 Aiona, seconded by Commissioner Abrams, it was voted on and unanimously carried to approve the minutes of the June 27, 2008 meeting.

Commissioner Suiso arrived.

Licensing –
Ratification:

Upon a motion by Commissioner Suiso, seconded by Commissioner Gendrano, 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.

Brian L. McNease

Brian L. McNease was present to answer any questions the Commissioners may have regarding his application for a real estate salesperson's license. When asked if he wished to have his application considered in executive session, he declined the offer.

Mr. McNease stated that he has made mistakes and exercised bad judgment; however, he has learned from his mistakes and wants to move forward.

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

Syed Sarmad

Syed Sarmad was present to answer any questions the Commissioners may have regarding his request for preliminary decision. When asked if he wished to have his application considered in executive session, he declined the offer.

Mr. Sarmad stated that he has been working with clients for 20 – 25 years and expressed that he has treated his clients with dignity and professionalism.

Mr. Sarmad was asked why he would like to obtain a real estate broker's license. Mr. Sarmad stated that brokers are held to a higher standard and he would like to gain the knowledge of a broker and share that knowledge with people and he would like to be able to say that he is a broker.

Mr. Sarmad stated that the information on his request was fully disclosed in 2003. He has paid off his Hawaii tax liens last year and intends to pay his California tax liens by the end of next year.

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

Hawaiian Island Commercial Ltd.

Garret Tom was present to answer any questions the Commissioners may have regarding the corporation license application for Hawaiian Island Commercial Ltd. When asked if he wished to have the application considered in executive session, he declined the offer.

Mr. Tom was asked if there was an agreement in place in which he is to make the decisions for the corporation. Mr. Tom replied yes.

Upon a motion by Commissioner Aiona, seconded by Commissioner Ball, 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 9:25 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 Nathalie Mullinix Realty Universal, Inc., a real estate broker, and Nathalie C. Mullinix, a real estate broker, REC-2006-361-L

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

In the Matter of the Real Estate Broker's License of Toti D. O. Manhan, REC-2007-335-L

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

Vice Chair Kuriyama arrived.

In the Matter of Real Estate License of Jamie K. Cho, fka Jamie K. Gunter, a real estate salesperson, REC-2007-77-L

Upon a motion by Commissioner Abrams, seconded by Commissioner Ball, 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 9:37 a.m.

Executive Session:

Upon a motion by Commissioner Ball, seconded by Commissioner Suiso, it was voted on and unanimously carried to enter into executive session, 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."

Real Estate
Recovery Fund :
Report:

Brian Peck and Sachiko Kono v. Carol A. Bucauto, Civil No. DC Civil 07-1-1803, District Court of the Second Circuit, Wailuku Division, State of Hawaii

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

Upon a motion by Commissioner Abrams, seconded by Commissioner Kuriyama, it was voted on and unanimously carried and approved to follow the Recovery Fund Attorney's recommendations to expedite the litigation process and to save on expenses.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 9:58 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 Nathan H. Suzuki; REC-2005-110-L

Nathan Suzuki and his attorney, Eric Seitz, were present. Patrick Kelly, attorney representing the Regulated Industries Complaints Office, was also present.

Commissioner Kuriyama moved to have the Hearings Officer reopen the hearing for the purpose of taking further evidence and argument on the vacating of a conviction and its relation to Mr. Suzuki; validity of the recommended sanction; and the similarities of the Commission's past decisions. Commissioner Abrams seconded the motion. Commissioners Kuriyama, Ball, Abrams, Suiso and Gendrano voted aye. Commissioners Nishihara and Aiona voted nay. The motion was passed.

Petition for Declaratory Relief by Valentina Stewart Watson, Esq.

Commissioner Kuriyama recused himself from discussion and decision making on this matter.

Commissioner Abrams moved to deny Valentina Stewart Watson's petition for declaratory relief, pursuant to Section 16-201-50, Hawaii Administrative Rules. Commissioner Aiona seconded the motion. Commissioners Abrams, Suiso, Gendrano, Aiona and Nishihara voted aye. Commissioner Ball abstained from voting. 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 11:15 a.m.

Executive Session:

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Abrams, 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 92-54(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 Abrams, it was voted on and unanimously carried to move out of executive session.

Licensing -
Applications:

Brian L. McNease

After a review of the information presented by the applicant, Commissioner Suiso moved to approve the real estate salesperson's license application of Brian L. McNease, with conditions. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Ethan K. Rohner

After a review of the information presented by the applicant, Commissioner Abrams moved to approve the real estate salesperson's license application of Ethan K. Rohner. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Delegation to Staff: Upon a motion by Commissioner Abrams, seconded by Commissioner Gendrano, it was voted on and unanimously carried to delegate to staff to process to approval licensing applications in which the applicant answers "Yes" to the question "Has an application for license or a real estate license ever been denied, suspended, fined, involuntarily terminated, revoked, or otherwise subject to disciplinary action?" and the applicant discloses a prior conditional suspension of their out-of-state license based on failure to complete educational requirements in a timely manner and the applicant subsequently completes the educational requirements and the conditional suspension status is removed from their license.

Kristin A. Kirk

After review of the information presented by the applicant, Commissioner Abrams moved to approve the real estate salesperson's license application of Kristin A. Kirk. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

James Lee Ballester

After a review of the information presented by the applicant, Commissioner Abrams moved to most likely approve the real estate salesperson's license application of James Lee Ballester, with conditions. The motion was voted on and unanimously carried.

Ellen Ann Meier

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

John Author Mullen

After a review of the information presented by the applicant, Commissioner Aiona moved to most likely approve the real estate salesperson's license application of John Author Mullen, with conditions. Commissioner Abrams seconded the motion. The motion was voted on and unanimously carried.

Syed Sarmad

After a review of the information presented by the applicant, Commissioner Abrams moved to most likely approve the real estate broker's license application of Syed Sarmad. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Hawaiian Island Commercial Ltd.

After review of the information presented by the applicant, Commissioner Kuriyama moved to approve the real estate corporation license of Hawaiian Island Commercial Ltd. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Grand Pacific Realty, LLC

Commissioner Kuriyama recused himself from discussion and decision making on this application.

After review of the information presented by the applicant, Commissioner Abrams moved to approve the real estate limited liability company license application of Grand Pacific Realty, LLC. Commissioner Aiona seconded the motion. The motion was voted on and unanimously carried.

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Next Meeting: Friday, August 29, 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, Chair Nishihara adjourned the meeting at 11:32 a.m.

Reviewed and approved by:

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

August 20, 2008
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
 REAL ESTATE COMMISSION MEETING ON JULY 25, 2008

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Oahu Real Estate Group, LLC Michael B. Pietsch, PB	06/19/08
Seina Properties, LLC Heather Singleton, PB	06/24/08
SHK Realty, LLC Shelly Kusunoki, PB	06/25/08
Maui King LLC Marty King, PB	06/25/08
Mikie Likes It LLC Michelle Kerr, PB	06/26/08
The Commercial Group, LLC Monique Peacock, PB	07/01/08
Tickets On The rock LLC Steven G. Gatchell, PB	07/14/08

<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Gregory Harbottle Inc. Gregory J. Harbottle, PB	06/09/08
Northstar Ohana, Inc., Northstar Brokers Darcy Thiele, PB	06/19/08
Aloha 7, Inc. Hitex International Shigeo Minamoto, PB	06/30/08
Maui Island Living, Inc. Tammy Soares, PB	07/11/08

<u>Brokers – Limited Liability Companies and Partnerships Name</u>	<u>Effective Date</u>
Don Rullo, LLC (fka Red Time Realty LLC)	06/04/08
Maruyama Realty, LLC, Maruyama Realty (fka Kim Maruyama Realtor, LLC)	06/17/08

<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Artie Wilson	06/03/08
Geraldine deBeer, deBeer Realty	06/20/08
John C. Reilly	06/23/08
Katy Gallagher, Most Romantic Vacations	07/08/08

<u>Branch Office</u>	<u>Effective Date</u>
Macarthur and Company Inc., Macarthur and Company Sotheby's International Realty Deborah Au, PB	06/09/08

<u>Trade Name</u>	<u>Effective Date</u>
Peterson Properties of Hawaii LLC, Hawaii Real Estate Referral Service	06/23/08
Hawaii Realty Plus, Inc., Realty 808	05/28/08
Maui Real Estate Ventures, Inc., Keller Williams Realty (fka Maui Real Estate Ventures, Inc, Keller Williams Realty Maui)	06/13/08
Derek T. Kimura, Ezentric Realty	07/10/08

Equivalency to Uniform Section of Examination Certificate

	<u>Expiration Date</u>
James E. Getz	06/17/10
David Paul Baker	06/17/10
Orville Cruce McCallister IV	06/17/10
Janina Maria Zelek	06/19/10
Richard Lawrence Hendrickson	06/19/10
William Douglas Dalton	06/19/10
Rebecca Jeanne Poppe	06/23/10
Richard Harmon Tompkins	06/23/10
Lynn L. Chhor	06/23/10
James Lawrence Freitas	06/23/10
Mark Robinson Enderle	06/23/10
Mark Ross Egan	06/24/10
Bong Hee Kim	06/24/10
Sheridan Lee Eastman	06/24/10
Heather Monique Michaud	06/26/10
Philip E. Horton	06/27/10
David Alan Meier	06/27/10
Christopher Earl Hobson	07/03/10
Barry Fabian Barnhill	07/07/10
Stuart H. Lydon	07/07/10
Joshua Drew Berger Marzullo	07/07/10
Ren Evans Jones, Jr.	07/08/10
Mariann Tesauro	07/08/10
Steven Kelly Swaim	07/08/10
Daniel Julio Contreras	07/10/10
Paul Alan Gambill	07/10/10
Kathleen Sheffield	07/15/10
Hyun Ok Chi-Mott	07/15/10

Educational Equivalency Certificate

	<u>Expiration Date</u>
James E. Getz	06/17/10
David Paul Baker	06/17/10
Orville Cruce McCallister IV	06/17/10
Jennifer Michele Kono	06/19/10
Janina Maria Zelek	06/19/10
Richard Lawrence Hendrickson	06/19/10
William Douglas Dalton	06/19/10
Rebecca Jeanne Poppe	06/23/10
Richard Harmon Tompkins	06/23/10
Lynn L. Chhor	06/23/10
James Lawrence Freitas	06/23/10
Mark Robinson Enderle	06/23/10
Mark Ross Egan	06/24/10
Bong Hee Kim	06/24/10
Sheridan Lee Eastman	06/24/10
Sean Arnold Kunane Fujimoto Jr.	06/26/10
Heather Monique Michaud	06/26/10
Philip E. Horton	06/27/10
David Alan Meier	06/27/10
Rapee Totab	07/01/10
Christopher Earl Hobson	07/03/10

Educational Equivalency Certificate

	<u>Expiration Date</u>
Barry Fabian Barnhill	07/07/10
Stuart H. Lydon	07/07/10
Scott Cumbey Crosier	07/07/10
Joshua Drew Berger Marzullo	07/07/10
Ren Evans Jones, Jr.	07/08/10
Kohei Hakamada	07/08/10
Mariann Tesauro	07/08/10
Steven Kelly Swaim	07/08/10
Paul Alan Gambill	07/10/10
Jennifer Lauren Zhen-Ling Lee	07/14/10
Kathleen Sheffield	07/15/10
Hyun Ok Chi-Mott	07/15/10

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
James E. Getz	06/17/10
David Paul Baker	06/17/10
Mildred Dreher	06/17/10
Janina Maria Zelek	06/19/10
Elisabeth Diane Garske	06/19/10
Richard Lawrence Hendrickson	06/19/10
William Douglas Dalton	06/19/10
Kent A. Badham	06/20/10
Rebecca Jeanne Poppe	06/23/10
Daniel Edward Marsh	06/23/10
Richard Harmon Tompkins	06/23/10
Mark Ross Egan	06/25/10
Edward Portela Valencia	06/24/10
Man-Lin Chen Lieu	06/24/10
Judy Hiroko Awaya	06/26/10
Philip E. Horton	06/27/10
Paul Wallace Kalamakaulani Kim	06/30/10
Eric William Alborg	07/01/10
William Patrick Lamkin	07/01/10
Susan Marie Savage	07/01/10
Christopher Earl Hobson	07/03/10
Kohei Hakamada	07/08/10
Hiroko Brenna	07/14/10
Erma C. Riodil	07/14/10

Continuing Education Equivalency

	<u>Effective Date</u>
Linette Lum Silsbee	07/02/08

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Ruijing Ison	06/12/08
Leslie Forrest Arnold	06/10/08
Mary A. Griffin	06/18/08
Walter A. Berhalter	06/17/08
Marilou Lorica	06/17/08
Jan Leidenberger-Yarush	06/27/08
Andrea R. Haigh	06/30/08
David Zinnel	07/07/08
Cindy Berg	07/07/08
Sylvia L. Lee	07/11/08