

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, October 31, 2008

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
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
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
Karyn Takahashi, Secretary

Roy M. Yoshino
Michael K. Kaneshiro, Esq.
Daria Loy-Goto, Esq., Regulated Industries Complaints Office
Sandra Matsushima, Executive Officer / P&VLD
Lynn Bhanot, Executive Officer / P&VLD
Marcus Schain

Absent: Annette Aiona, Broker/Hawaii Island 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.

Commissioner Aiona was excused from the meeting. Prior notification of her 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.

Announcements, Introductions, Correspondence and Additional Distribution

At this time, the Supervising Executive Officer took the opportunity to introduce Sandra Matsushima and Lynn Bhanot, recently hired Executive Officers with the Professional and Vocational Licensing Division.

Additional Distribution

The following materials were distributed to the Commissioners prior to the start of the meeting:

4. Committees and Program of Work
 - b. Condominium Review Committee

Additions to Agenda

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

6. Licensing – Applications
 - q. Alejandro Llorach

2009 Real Estate Commission Meeting Schedule

The 2009 Real Estate Commission meeting schedule was distributed.

Minutes of Previous Meeting

Upon a motion by Commissioner Ball, seconded by Commissioner Abrams, it was voted on and unanimously carried to accept the minutes of the September 26, 2008 meeting.

Licensing –
Ratification:

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

Roy M. Yoshino

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

Licensing –
Applications

Roy M. Yoshino

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

At this time, Michael K. Kaneshiro, attorney for Mr. Yoshino, stated that Mr. Yoshino is seeking an inactive license.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 9:18 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

**In the Matter of the Salesperson's License of Cesar B. Buted,
REC-2001-277-L**

Upon a motion by Commissioner Suiso, seconded by Commissioner Abrams, it was voted on and unanimously carried to revoke the real estate salesperson's license of Cesar B. Buted, based on the settlement agreement accepted on January 30, 2004, and the Affidavit of Counsel signed on August 21, 2008.

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 9:37 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 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:

Kim Kolflat and Catherine Kolflat v. Carol Bucauto and Country Lands and Homes, Inc.; Civil No. 2RC07-1-000442; District Court of the Second Circuit, Wailuku Division, State of Hawaii

Brian Peck and Sachiko Kono v. Carol Bucauto and Country Lands and Homes, Inc.; 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 Suiso, it was voted on and unanimously carried to move out of executive session.

Real Estate
Recovery
Fund Report:

Kim Kolflat and Catherine Kolflat v. Carol Bucauto and Country Lands and Homes, Inc.; Civil No. 2RC07-1-000442; District Court of the Second Circuit, Wailuku Division, State of Hawaii

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Suiso, it was voted on and unanimously carried to approve the recommendation of counsel to pay out \$10,874.20 to Kim Kolflat and Catherine Kolflat, against the accounts of Carol Bucauto and Country Lands and Homes, Inc.

Brian Peck and Sachiko Kono v. Carol Bucauto and Country Lands and Homes, Inc.; 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 Chee, it was voted on and unanimously carried to approve the recommendation of counsel to pay out \$4,774.36 to Brian Peck and Sachiko Kono, against the account of Carol Bucauto.

Licensing –
Applications:

Marcus R. Schain, Jr.

Mr. Schain indicated upon signing in at the meeting that he did not wish to have his application for a real estate salesperson's license considered in executive session.

Mr. Schain apologized for his initial application. He stated that when he initially submitted his application, he was hired by Wyndham and wanted to get licensed; however, he was low on funds, but was told that he would get paid during his training. Against his better judgment, he wrote a check and submitted his application; however, he did not get paid until three weeks later, subsequently his check bounced.

Mr. Schain stated that he has held a motor vehicle salesperson's license in Hawaii and has been employed with BMW Hawaii and added that he was also licensed in California for 18 years without incident.

Mr. Schain added that he believes he is an asset to the community and has worked hard to get to this point.

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

Executive Session:

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

Committees and
Program of Work:

Condominium Review Committee

SEO Fujitani reported that a pro forma budget statement shows that the Condominium Management Education Fund will be in the red in 2015. The Department of Budget and Finance is aware of this and has questioned what we are planning to do. SEO Fujitani stated something needs to be done and that may amount to a possible fee increase. However, before we get to that point we need to cut costs immediately.

Commissioner Kuriyama suggested that staff come up with recommendations based on the services performed.

Discussion on this matter is planned to be continued at the Condominium Review Committee meeting scheduled for November 12, 2008.

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 Salesperson's License of Lee Anne K. Zakimi, REC-2006-367-L

Upon a motion by Commissioner Loudermilk, 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 License of Todd E. Hart, A Real Estate Broker, REC-2003-250-L

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

Following the Commission's review, deliberation, and decision in these matters, pursuant to Chapter 91, HRS, the Chair announced that the Commission was reconvening its scheduled meeting at 10:47 a.m.

Licensing –
Applications:

Timothy S. Glover

After review of the information presented by the applicant, Commissioner Abrams moved to approve the real estate salesperson's license application of Timothy S. Glover. Commissioner Suiso seconded the motion. The motion was voted on and unanimously carried.

Paul B. Hermosa

After review of the information presented by the applicant, Commissioner Loudermilk moved to approve the real estate salesperson's license application of Paul B. Hermosa. Commissioner Chee seconded the motion. The motion was voted on and unanimously carried.

John A. Mullen

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

Marcus R. Schain, Jr.

After review of the information presented by the applicant, Commissioner Loudermilk moved to approve the real estate salesperson's license application of Marcus R. Schain, Jr. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Roy M. Yoshino

After review of the information presented by the applicant, Commissioner Abrams moved to approve the real estate salesperson's license application of Roy M. Yoshino. Commissioner Chee seconded the motion. The motion was voted on and unanimously carried.

Nestor E. Segundo

Commissioner Suiso moved to defer decision making on the real estate salesperson's license application of Nestor E. Segundo to the meeting scheduled on November 21, 2008. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Paul J. Migliozi

After review of the information presented by the applicant, Commissioner Loudermilk moved to most likely approve the real estate salesperson's license application of Paul J. Migliozi. Commissioner Abrams seconded the motion. The motion was voted on and unanimously carried.

Austin Levi Hopkins

After review of the information presented by the applicant, Commissioner Loudermilk moved to most likely approve the real estate salesperson's license application of Austin Levi Hopkins. Commissioner Suiso seconded the motion. The motion was voted on and unanimously carried.

Monica Rose Eisenstecken

After review of the information presented by the applicant, Commissioner Suiso moved to most likely not approve the real estate salesperson's license application of Monica Rose Eisenstecken. Commissioner Ball seconded the motion. Commissioners Suiso, Ball, Chee, Gendrano, Loudermilk and Nishihara voted aye. Commissioners Abrams and Kuriyama voted nay. The motion was carried.

Syed Sarmad

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

Michael J. W. Lopez

After review of the information presented by the applicant, Commissioner Loudermilk moved to approve the real estate broker's license of Michael J. W. Lopez. Commissioner Suiso seconded the motion. The motion was voted on and unanimously carried.

Michael Brent Santoli

After review of the information presented by the applicant, Commissioner Loudermilk moved to most likely approve the real estate broker's license application of Michael Brent Santoli. Commissioner Suiso seconded the motion. The motion was voted on and unanimously carried.

Nicholas Benavides

After review of the information presented by the applicant, Commissioner Loudermilk moved to approve the equivalency to experience requirement of Nicholas Benavides. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Kalani Deacon

After review of the information presented by the applicant, Commissioner Kuriyama moved to approve the real estate broker's license application of Kalani Deacon, with conditions. Commissioner Gendrano seconded the motion. Commissioners Abrams, Ball, Gendrano, Loudermilk, Kuriyama, Suiso and Nishihara voted aye. Commissioner Chee voted nay. The motion was carried.

Alejandro Llorach

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

Next Meeting: Friday, November 21, 2008
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

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Adjournment: With no further business to discuss, Chair Nishihara adjourned the meeting at
10:56 a.m.

Reviewed and approved by:

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

November 10, 2008
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
 REAL ESTATE COMMISSION MEETING ON OCTOBER 31, 2008

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Showcase Homes Hawaii LLC Laurie Wong Nunez, PB	09/16/08
IC&R Real Estate LLC Francis A. Holmes, PB	09/19/08
REMM Pacific Realty, LLC, REMM Pacific Realty Jon F. Yamaguchi, PB	09/25/08
Mullooly Simon Investments, LLC, MSI Realty Hideo Simon, PB	10/17/08

<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Pacific Office Management, Inc., Pacific Office Properties Toni Cofran, PB	09/16/08
Hawaii's Best Activities & Tours, Inc. Dean D. Young, PB	09/17/08
KLU Real Estate Inc., Century 21 Paradise International Lou Ann Uyeda, PB	09/19/08
1726, Inc., MG Real Estate Mark Glen, PB	10/14/08

<u>Brokers – Limited Liability Companies and Partnerships Name</u>	<u>Effective Date</u>
Harris Hawaii Realty Group, LLC Ken Harris, PB	09/15/08
Pacific Living International, LLC Daniel Edward Marsh, PB	09/19/08

<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Scott John Allen	09/02/08
Rolando Rolly Fernandez	09/11/08
Thomas Wayne Bashaw	09/16/08
Edwina A. L. Wong	09/25/08
Lorraine M. Landry	09/29/08
Karla Casey, Casey & Associates	10/07/08
Gordon C.Y. Au, Gordon Au Realty	10/09/08

<u>Trade Name</u>	<u>Effective Date</u>
EAH Inc., EAH Housing	09/11/08
Juanita M. Charkas, Olowalu Village Realty	09/11/08
Kim T. Nguyen, New American Realty	09/11/08
Complete Rental Management, LLC, crmrentals.com	10/02/08

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Danilo Gonzales Daoang, Jr.	09/23/10
Donald Bruce McKinnon	09/24/10
Lynne R. Rowland Eaker	09/26/10
William Adam Dornbush	09/26/10
Barry Orris Knight	09/26/10

Equivalency to Uniform Section of Examination Certificate

Susan A. Harlan	10/01/10
Ronald Richard Simpson	10/02/10
Linda Bennion	10/02/10
Michael Sean Casey	10/03/10
Douglas Card	10/03/10
Napoleon Laurence Taylor	10/03/10
Nancy Ruth Duff	10/06/10
David Allen Ross	10/06/10
Mary Claire Quella	10/09/10
Sharon Lynda Holmes	10/09/10
Sabrihan Sirt	10/09/10
Richard York	10/09/10
Lilian Huang Langston	10/10/10
Alejandro Llorach	10/10/10
Sherri Marlynn Tanner	10/14/10
John G. Turbeville	10/15/10
Marisol D. Paez	10/17/10
Daniel Kisiel	10/17/10
Todd Nathan Hadley	10/17/10
Colleen Kathryn Ashton	10/20/10
Pahl Denise Newlon	10/20/10
Yolanda Castro	10/22/10

Expiration Date

Educational Equivalency Certificate

Trenton Kuponu Wailehua	09/22/10
Danilo Gonzales Daoang, Jr.	09/23/10
Daniel K. Grebence	09/24/10
William J. Lauer, Jr.	09/24/10
Nelson Guy Nakamitsu	09/24/10
Stephen K. Frank	09/24/10
Keola Kaai Bandmann	09/24/10
Donald Bruce McKinnon	09/24/10
Robert Glen Reese	09/24/10
Glenn T. Honda, Jr.	09/24/10
Lynne R. Rowland Eaker	09/26/10
William Adam Dornbush	09/26/10
Barry Orris Knight	09/26/10
Darren Matthew Ah Chong	10/01/10
Ronald Richard Simpson	10/02/10
Colin K. Frank	10/02/10
Dianne Lynn Revheim	10/02/10
Linda Bennion	10/02/10
Michael Sean Casey	10/03/10
Douglas Card	10/03/10
Napoleon Laurence Taylor	10/03/10
Nancy Ruth Duff	10/06/10
David Allen Ross	10/06/10
Mary Claire Quella	10/09/10
Sharon Lynda Holmes	10/09/10
Sabrihan Sirt	10/09/10
Lilian Huang Langston	10/10/10

Expiration Date

Educational Equivalency Certificate

Alejandro Llorach	10/10/10
Eric Douglas Stevenson	10/13/10
James Lee Ballester	10/14/10
John G. Turbeville	10/15/10
Marisol D. Paez	10/17/10
Daniel Kisiel	10/17/10
Todd Nathan Hadley	10/17/10
Colleen Kathryn Ashton	10/20/10
Pahl Denise Newlon	10/20/10
Yolanda Castro	10/22/10

Expiration Date

Real Estate Broker Experience Certificate

Steven L. Walker	09/24/10
William J. Lauer, Jr.	09/24/10
Barry Orris Knight	09/26/10
Barina Poon	10/01/10
Darren Matthew Ah Chong	10/01/10
Ronald Richard Simpson	10/02/10
Scott Berry	10/02/10
Michael Sean Casey	10/03/10
Douglas Card	10/03/10
Napoleon Laurence Taylor	10/03/10
Katherine Faucette Braden	10/06/10
Nancy Ruth Duff	10/06/10
Glenn E. Tremble	10/08/10
Mary Claire Quella	10/09/10
James Shawn Chan	10/10/10
Jon Michael Yamasato	10/10/10
Don John Helow	10/10/10
Chad Masao Takesue	10/10/10
Brad K. Dang	10/10/10
Anthea Leigh Adair	10/10/10
John G. Turbeville	10/15/10
Marisol D. Paez	10/17/10
Daniel Kisiel	10/17/10
Pahl Denise Newlon	10/20/10
Janet Denise Carlin	10/22/10

Expiration Date

Continuing Education Equivalency

Elena Valencia	10/06/08
Jenise Rusby	10/16/08

Effective Date

Real Estate Broker (upgrade)

Pearl K. Hori	09/17/08
Arlene J. Kelly	09/19/08
Stephen A. Cipres	09/29/08
Dawn C. Kane	09/29/08
David L. Schmidt	09/29/08
Karen J. Williamson	10/01/08
Jewett K. Spencer	01/01/09
Tomoyuki Uchida	10/02/08

Effective Date

Real Estate Broker (upgrade)

Hugh C. O'Reilly
Yvonne S. Rubes
Lorna R. Gagnon
Tomoko Matsumoto
Christina V. Metzler
Ray W.K. Chang
John R. Leonard
Nita A. Stone

Effective Date

10/06/08
10/08/08
10/08/08
10/09/08
10/09/08
01/01/09
10/14/08
01/01/09