

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, December 19, 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
Annette Aiona, Broker/Hawaii Island 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
Lei Fukumura, Special Deputy Attorney General
Karyn Takahashi, Secretary

Donna Leong, OCRM LLC
Lisa Whyte, OCRM LLC

Call to Order: The Chair called the meeting to order at 9:02 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.

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
 - d. OCRM LLC

Minutes of Previous Meeting

Upon a motion by Commissioner Abrams, seconded by Commissioner Suiso, it was voted on and unanimously carried to accept the minutes of the November 21, 2008 meeting, as amended.

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 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.

OCRM LLC

Donna Leong was present on behalf of the applicant.

Specialist Stone reported that at issue here is the applicability of a Commission policy, as established through its December 2007 memorandum, which precludes the condominium hotel operator ("CHO") registration of an applicant wherein an officer of a corporation, general partner of a partnership or limited liability partnership, or manager or member of a limited liability corporation is affiliated with the CHO registrant and holds an active real estate license.

In this case, the managing member, Outrigger Hotels Hawaii, a Hawaii limited partnership ("Outrigger Hotels") holds a real estate broker's license.

The Commissioners questioned whether, and since the managing member is a real estate licensee, Outrigger Hotels form another subsidiary and apply for a CHO registration to avoid a conflict. Chapter 467, HRS, states the CHO cannot be a licensed broker or salesperson; however, in the case of OCRM, the managing member is a real estate licensee. Can the managing member of the LLC be a real estate licensee. Specialist Stone stated that the December 2007 memorandum appears to preclude this activity.

Ms. Leong stated that they are not trying to evade the law and are trying to comply—they are seeking the guidance of the Commission.

Commissioner Chee arrives.

Ms. Leong stated that they are willing to comply with the law as the Commission interprets it.

It was also noted that ALM Management Services, LLC was granted a CHO registration in March 2007 and they also list Outrigger Hotels as a member.

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Abrams, 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 9:21 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 Alii Ohana Property Management, Inc., a real estate broker, Gwyn Fowler-Butchka, a real estate broker, and Brenda L. Ceria, a real estate salesperson

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

In the Matter of the Real Estate Salesperson's License of Mark R. Vansidener

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Abrams, 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 9:26 a.m.

Executive Session:

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

Licensing –
Applications:

Suzanne Buck

After review of the information presented by the applicant, Commissioner Abrams moved to most likely not approve the real estate salesperson license application of Suzanne Buck, unless applicant provides written proof of payment, written proof of discharge, or an approved written payment plan with the Internal Revenue Service for all outstanding tax obligations or until such time applicant is able to provide receipt of confirmation from the Internal Revenue Service of approval of the "not collectable status." Commissioner Suiso seconded the motion. The motion was voted on and unanimously carried.

Catherine Lynch

After review of the information presented by the applicant, Commissioner Abrams moved to approve the real estate broker restoration application of Catherine Lynch. Commissioner Kuriyama seconded the motion. The motion was voted on and unanimously carried.

Brian L. McNease

After review of the information presented by the licensee, Commissioner Abrams moved to remove the conditions placed on the real estate salesperson license of Brian L. McNease. Commissioner Suiso seconded the motion. The motion was voted on and unanimously carried.

OCRM LLC

After review of the information presented by the applicant, Commissioner Abrams moved to deny the condominium hotel operator registration application of OCRM LLC. Commissioner Kuriyama seconded the motion.

Commissioner Kuriyama stated that if a broker licensee wanted to operate a CHO they would be exempt from registration; however, if Outrigger Hotels wants to form an LLC to conduct CHO business, the managing member cannot be a real estate licensee.

Ms. Leong questioned if it only applied to the managing member--if they were a second member would the CHO registration be granted. Commissioner Kuriyama replied that that issue was not addressed.

Ms. Leong inquired if the matter could be deferred so that possibility could be explored and that matter revisited. Commissioner Kuriyama stated that the application could be withdrawn.

Ms. Leong requested to withdraw the condominium hotel operator registration of OCRM LLC.

Commissioner Abrams withdrew his motion. Commissioner Kuriyama withdrew his second.

Next Meeting: Friday, January 30, 2009
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, the Chair adjourned the meeting at
10:06 a.m.

Reviewed and approved by:

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

January 2, 2009
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
 REAL ESTATE COMMISSION MEETING ON DECEMBER 19, 2008

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Marchment Realty.com LLC Peggy Marchment, PB	11/05/08
Maui Lifestyle Properties, LLC Steven W. Blackington, PB	11/06/08
Escape to Extraordinary LLC Carole Kwiat, PB	11/24/08
Kauai Heritage Properties LLC Hannah Sirois, PB	11/13/08
Berry Realty Group, LLC Scott Berry, PB	11/14/08
Pacific Rainbow Realty, LLC Aileen M. Oda, PB	11/17/08
Gameplan Resort Solutions, LLC Brad Salter, PB	11/18/08
Pioneer Realty, LLC Saturnino L. Ulep, PB	11/21/08
Home Networking Connections LLC, Home Net Connections Mark A. Lonnstrom, PB	01/01/09
MJWL Realty LLC Michael J. W. Lopez, PB	01/01/09
Tropical Island Properties LLC, Swenson Real Estate Diane L. Swenson, PB	01/01/09
Ainalani Realty, LLC Elaine Saigusa, PB	01/01/09
 <u>Brokers – Corporations and Partnerships</u>	 <u>Effective Date</u>
Hawaii Condo Mart, Inc. David S. Rogers, PB	10/27/08
Valley Isle Management, Inc. Duane B. Wrobel, PB	10/29/08
Sakuma Realty Inc. Wallace S. Sakuma, PB	10/31/08
Inet Realty Carlton D .Choy, PB	11/12/08
Juliana Cherry, Inc., Ala Muku Vacation Rentals Juliana Cherry, PB	11/14/08
 <u>Brokers – Sole Proprietor</u>	 <u>Effective Date</u>
Sachiko Ogasawara	11/05/08
Patrick H. Callahan	11/26/08
Chirstine E. Kawada	01/01/09
Catherine K. L. C. Wong	01/01/09
 <u>Corporation Name</u>	 <u>Effective Date</u>
Kahala Associates, Inc. (fka Brandt International, Inc.)	11/13/08
 <u>Trade Name</u>	 <u>Effective Date</u>
Certified Management, Inc., AA Oceanfront Rentals and Sales	12/03/08

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Jack P. Erceg	11/18/10
Jeannie Dawn Glenn	11/20/10
Lynn Allison Zielinski	11/25/10
Armando Jose Alvarez	11/26/10
David Custer Heaston	11/28/10
Dennis Charles Powell	11/28/10
Ellen Kuulei Heaston	11/28/10
Michael Allan Jang	11/28/10
Tracey Prince	11/28/10
Jacqueline Nicole Carr	12/03/10
Tyler Scott Greene	12/03/10
Bonnie Ann Nordstrom	12/05/10
Craig Elstun Hoover	12/08/10
Eric Joseph Zalaskus	12/08/10
Michael John Belmudes	12/08/10
Jennifer Lynne Hollis	12/09/10

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Norine S. Nakamura	11/12/10
Gloria Jean Ezekiel	11/14/10
Jeannie Dawn Glenn	11/20/10
Lynn Allison Zielinski	11/25/10
Armando Jose Alvarez	11/26/10
David Custer Heaston	11/28/10
Dennis Charles Powell	11/28/10
Trent Eric Foster	11/28/10
Ellen Kuulei Heaston	11/28/10
Rebecca Kay Garcia	11/28/10
Ken Ohara	11/28/10
Michael Allan Jang	11/28/10
Tracey Prince	11/28/10
Candice Nicole Roberts	11/28/10
Jacqueline Nicole Carr	12/03/10
Tyler Scott Greene	12/03/10
Bonnie Ann Nordstrom	12/05/10
Craig Elstun Hoover	12/08/10
Theresa Nguyen	12/08/10
Jennifer Lynne Hollis	12/09/10
Lori Kiku Kaizawa-Okimura	12/09/10

<u>Real Estate Broker Experience Certificate</u>	<u>Expiration Date</u>
Joshua Paul Rudinoff	11/12/10
Armando Jose Alvarez	11/26/10
David Custer Heaston	11/28/10
Chelle T. K. Y. C. Ardo	11/28/10
Tyler Scott Greene	12/03/10
Craig Elstun Hoover	12/08/10
Hillary Jeanne Louise Sibley	12/09/10
Lori Kiku Kaizawa-Okimura	12/09/10
Christina Mary Ann Leimomi Mittie Castro	12/09/10

Continuing Education Equivalency

Lynne Marie Skellerud
Robert L. Good

Effective Date

11/26/08
12/09/08

Real Estate Broker (upgrade)

Peggy Marchment
Stephen Macnoll
Sydney L. Sampson
Adrienne Lally
Shawn K. Kahawai
Linda English
Kate Braden
Anthea L. Adair
Juliana Cherry
Glenn E. Tremble
Barry O. Knight
Elisabeth D. Garske
Takeshi Kodaira
Chad M. Takesue
Lisa S. Oyama
Jon M. Yamasato
Brad K. Dang
Jaime Florian-Merida
Allyson Blackard
Edward Portela Valencia
India H. Paige
Lance J. Croix
Patricia N. Balio

Effective Date

11/05/08
11/05/08
11/06/08
11/06/08
11/07/08
11/07/08
11/10/08
11/13/08
11/14/08
11/17/08
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01/01/09

Restoration – Real Estate Salesperson

Steve DeMesa

Effective Date

11/14/08

Condominium Hotel Operator

Association of Apartment Owners of Punahoa Beach Apartments

Effective Date

11/12/08