

**REAL ESTATE COMMISSION**  
Professional and Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii  
[www.hawaii.gov/hirec](http://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, March 24, 2006

Time: 9:00 a.m.

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

Present: Trudy Nishihara, Chair, Broker/Honolulu Commissioner  
Iris Okawa, Vice Chair, Public/Honolulu Commissioner  
Louis Abrams, Broker/Kauai Commissioner  
Carol Ball, Broker/Maui Commissioner  
Kathleen Kagawa, Broker/Honolulu Commissioner  
Michele Sunahara Loudermilk, Public/Honolulu Commissioner

Calvin Kimura, Supervising Executive Officer  
Diane Choy Fujimura, Senior Real Estate Specialist  
Ryan Yamashiro, Real Estate Specialist  
Cynthia Yee, Senior Condominium Specialist  
Cheryl Leong, Condominium Specialist  
David Grupen, Condominium Specialist  
Shari Wong, Deputy Attorney General  
Lei Fukumura, Special Deputy Attorney General  
Irene Kotaka, Secretary

Elden Okimura  
Jill McGovern  
Charles McGovern  
Michael Szymanski  
Kala Alexander

Absent: Stanley Kuriyama, Broker/Honolulu Commissioner  
Vern Yamanaka, Broker/Hawaii Island Commissioner

Call to Order: The Chair called the meeting to order at 9:00 a.m., at which time quorum was established.

Chair's Report: No Chair's Report was presented.

Executive Officer's Report: The Supervising Executive Officer informed the Commissioners that the applications to be considered at the meeting were available for their review.

**Additions to the Agenda**

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

4. Committee Reports and Program of Work
  - c. Condominium Review Committee – Condominium Governance and Management – Condominium Seminars and Symposium – Approval of 2005 CAI Hawaii Seminars – April 2006 through August 2006
6. Licensing – Applications
  - e. Elden Okimura
  - f. Jill M. McGovern
  - g. Dee-Ann K. M. L. Kekahuna

#### **Additional Distribution**

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

6. Licensing – Applications
  - d. Michael Szymanski / One Wailea Realty LLC

#### **Minutes of Previous Meetings**

Upon a motion by Commissioner Abrams, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to accept the minutes of the February 24, 2006 Real Estate Commission meeting.

#### Chapter 91, HRS, Adjudicatory Matters:

The Chair called for a recess from the meeting at 9:02 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

#### **In the Matter of the Real Estate Brokers' Licenses of Remax Kauai.com LC and James G. Pycha; REC 2005-106-L**

Commissioner Abrams was excused from the meeting.

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

Commissioner Abrams returned to the meeting.

#### **In the Matter of the Real Estate Brokers' Licenses of James E. McKellar and Certified Management, Inc.; REC 2003-342-L**

Upon a motion by Commissioner Okawa, seconded by Commissioner Loudermilk, 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 Brokers' Licenses of James E. McKellar and Certified Management, Inc.; REC 2004-120-L**

Upon a motion by Commissioner Okawa, seconded by Commissioner Kagawa, 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 Brokers' Licenses of Certified Management, Inc. and James E. McKellar; REC 2003-220-L and 2004-211-L**

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

**In the Matter of the Real Estate Brokers' Licenses of Kaiman Realty, Inc. and Edward Neizman; REC 2002-136-L**

Commissioner Ball was excused from the meeting.

Upon a motion by Commissioner Okawa, seconded by Commissioner Kagawa, it was voted upon and carried to defer decision making on the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Commission's Final Order.

Commissioner Ball returned to the meeting.

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 Commission meeting at 9:36 a.m.

Executive Session:

Upon a motion by Commissioner Abrams, seconded by Commissioner Kagawa, 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."

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

Committee Reports  
and Program of Work:

**Laws and Rules Review Committee**

Upon a motion by Commissioner Abrams, seconded by Commissioner Kagawa, it was voted on and unanimously carried to accept the report of the March 8, 2006 Laws and Rules Review Committee meeting as follows:

1. Minutes of February 8, 2006 – **Accept**
2. Neighbor Island Outreach – The next neighbor island outreach is scheduled for May 10, 2006, on the island of Hawaii. The Laws and Rules Review Committee meeting will convene at 9:30 a.m., followed by the Education Review Committee meeting, and the Condominium Review Committee meeting. The meetings will be held at the University of Hawaii at Hilo, Campus Center, Conference Rooms 306/307, 200 W. Kawili Street, Hilo, Hawaii. The Real Estate Specialists' Office for the Day will also be held in conjunction with the meetings.
3. Budget and Finance Report – Real Estate Recovery Fund, Month Ending December 31, 2005 – **Accept**

4. Next Meeting: Wednesday, April 12, 2006  
9:00 a.m.  
Queen Lili'uokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii

### Education Review Committee

Upon a motion by Commissioner Ball, seconded by Commissioner Loudermilk, it was voted on and carried to accept the report of the March 8, 2006 Education Review Committee meeting as follows:

1. Minutes of February 8, 2006 – **Accept**
2. Continuing Education Administration, Curriculum, Courses, Providers, and Instructors
  - a. Applications
    - 1) Course – “Federal Fair Housing, Sales;” Author: National Association of REALTORS; Provider: ERA School of Real Estate; Course Categories: Real Estate Law, Risk Management, Other – Fair Housing; Clock Hours: 3 - **Recommend approval**
    - 2) Course – “Discover, Disclosure, Damages, Defendants: Daily Decisions 2006;” Author/Owner: Oliver E. Frascona, Esq., GRI; Provider: Kona Board of REALTORS; Course Category: Risk Management; Clock Hours: 3- **Recommend deferral**
    - 3) Provider – America’s Best; Susan Davis, Administrator – **Recommend approval**
    - 4) Course - “Property Management in Hawaii;” Author/Owner: Philip Hale Wilia; Provider: Dower School of Real Estate; Course Category: Property Management; Clock Hours: 3- **Recommend approval**
    - 5) Course – “21<sup>st</sup> Century Marketing;” Author/Owner: Dustin Gellman, CCIM; Provider: Hawaii CCIM Chapter; Course Category: Technology and the Licensee; Clock Hours: 3 – **Recommend approval**
  - b. Evaluation and Education Program – **Recommend approval** as policy that the course registration fees and course materials (if any) be paid from the Real Estate Education Fund for the course monitors of continuing education courses. There will be no payment of travel costs or per diem fees, unless specifically approved by Commission and subject to approved travel request prior to travel. Course monitor to continue to receive continuing education credit. The decision as to whether there will be disclosure of the monitoring the course to the instructor or provider will continue to be delegated to Staff.
3. Prelicensing Education Administration, Curriculum, Schools, Instructors and Equivalency – Applications
  - a. Guest Lecturer – Sandra Sakuma; All Islands Real Estate School – Carol Egan, Principal – **Recommend approval**
  - b. Guest Lecturer – Harry S. K. Lee, All Islands Real Estate School – Carol Egan, Principal – **Recommend approval**

- c. Guest Lecturer – Diane L. Y. Fujikami, All Islands Real Estate School – Carol Egan, Principal – **Recommend approval**
- d. Guest Lecturer – Bridget C. Arrastia, All Islands Real Estate School – Carol Egan, Principal – **Recommend approval**
- 4. Program of Work, FY06
  - a. Neighbor Island Outreach and Real Estate Specialists' Office for the Day – The next neighbor island outreach will be held on May 10, 2006 in the Campus Center Conference Rooms 306/307, University of Hawaii – Hilo, 200 West Kawili Street, Hilo. The Laws and Rules Review Committee meeting will convene at 9:30 a.m., to be followed by the Education Review Committee meeting and the Condominium Review Committee meeting. The Real Estate Specialists' Office for the Day will be held in conjunction with this event.
  - b. Real Estate Seminars – HAR Proposal – “Duties in Conflict: Managing the In-House Transaction” – Lynn Madison – Subject to the request being a Commission-sponsored seminar to be funded from the Real Estate Education Fund notwithstanding an approved continuing education elective course (under specific laws and rules), **recommend deferral** pending receipt of additional information on existing contract with HAR, resolution of legal procurement concerns, and substantive content concerns regarding inclusion of Hawaii specific law and rules content material and whether the Hawaii law and rules will be the major focus.
- 5. Next Meeting: Wednesday, April 12, 2006  
Upon adjournment of the Laws and Rules Review Committee Meeting, which convenes at 9:00 a.m.  
Queen Lili'uokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii

No new information has been received regarding the real estate seminars proposed by HAR.

#### **Condominium Review Committee**

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Kagawa, it was voted on and carried to accept the amended report of the March 8, 2006 Condominium Review Committee meeting as follows:

- 1. Minutes of February 8, 2006 – **Accept.**
- 2. CPR Registration and Developer's Public Reports
  - a. CPR Project – Islander on the Beach, CPR #5420 – Based on the letters and/or faxes of February 27, 2006, March 3, 2006, and March 7, 2006 submitted by Steven R. Lee, attorney for Nick Michaels, and representations made by Steven Lee during his presentation, **recommend approval** to issue an informal non-binding interpretation that the described sale of one-sixth undivided fee simple interests in apartments currently owned are resales and do not require Mr. Michaels to obtain an effective date for a developer's public report. The recommendation does not include an informal non-binding interpretation of the time share law, Chapter 514E, HRS, which the Commission has no jurisdiction over.

- b. Informal Non-Binding Interpretation Request – Owner-Occupant No Action Request §514A-107(b)(1), HRS – Arnold Morgado – **Recommend approval** to issue an informal, non-binding interpretation and issue a “no action” letter based on a verified extenuating medical condition of a person (daughter) who was to occupy the residential apartment.
  - c. Informal Non-Binding Interpretation Request – Owner-Occupant No Action Request §514A-107(b)(1), HRS – Lehualani K. Concepcion – **Recommend approval** to issue an informal non-binding interpretation and issue a “no action” letter based on a verified extenuating medical condition.
3. Program of Work, FY06
- a. Recodification of Chapter 514A and Education – **Recommend approval** to establish a Recodification Education Ad Hoc Committee to assist with the delivery of educational products and seminars; members to be appointed by the CRC Chair, Vice Chair, and staff, and be reimbursed for expenses, including travel and per diem.

For purposes of education and implementation of the new condominium law, Chapter 514B, HRS, **recommend approval to:**

- o **Allow the copying, distribution and circulation of the Commission’s publications, including forms and other work products prepared by staff and/or its consultants to interested individuals and/or organizations for purposes of review and comments;**
  - o Delegate to CRC Chair and Vice Chair the authority to decide which individuals and organizations may further copy, distribute and circulate the Commission’s publications, including forms and other work products for review and comment; and to
  - o Ratify the actions of the CRC Chair and Vice Chair in granting the HSBA Real Property Section permission to copy, distribute and circulate the Commission’s work products for review and comments.
  - o Delegate to the CRC Chair and Vice Chair for the interim periods between the regular monthly CRC meetings and REC meetings the authority to take any and all necessary actions for the education and implementation of the new condominium law subject to making a report of its actions at the next CRC and REC regular meeting.
- b. Government and Legislative Participation and Report
- 1) Richard Kiefer, Esq. – Request on House bill No. 3225 – **Recommend deferral** until such time a review of the proposed amendments may be conducted.
  - 2) CAI Hawaii Chapter Legislative Committee John Morris, Esq. – Request on House Bill No. 3225 – **Recommend deferral** until such time a review of the proposed amendments may be conducted.
  - 3) Tom Berg – Request on Senate Bill No. 2545, SD2 – **Recommend approval** to make a

recommendation to the Director of DCCA to support the extension of the CDR program for one year; and **further recommend** that the Commission take no position on legislation relating to planned communities.

4. Interactive Participation with Organizations – CAI Law Seminar Report – Acknowledge receipt of report submitted by Shari Wong, Esq., Deputy Attorney General.
5. Next Meeting: Wednesday, April 12, 2006  
Upon adjournment of the Education Review Committee Meeting, which follows the Laws and Rules Review Committee Meeting, scheduled to convene at 9:00 a.m. Queen Lili'uokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii

Condominium Governance and Management – Condominium Seminars and Symposium – Upon a motion by Commissioner Loudermilk, seconded by Commissioner Kagawa, it was voted on and unanimously carried to approve the seminars conducted by CAI Hawaii to be held in April and May 2006; to issue a letter notifying CAI Hawaii that the Commission denied their request for reimbursement of the January 2006 seminar; further advising CAI Hawaii of the timetable for the processing of the new contract under the procurement procedures; and that CAI Hawaii may submit a request for the July, August and October 2006 seminars at a later time under a renewed contract or under a new Request for Proposal.

Licensing and  
Registration –  
Ratification:

Upon a motion by Commissioner Okawa, seconded by Commissioner Kagawa, it was voted on and unanimously carried to approve the ratification of the attached list.

Licensing –  
Applications:

**Toan V. Le**

After a review of the information submitted by the applicant, Commissioner Okawa moved to approve the real estate salesperson's license of Toan V. Le. Commissioner Loudermilk seconded the motion. The motion was voted on and unanimously carried.

**Kala Alexander**

After a review of the information presented by the applicant, Commissioner Loudermilk moved to deny the real estate salesperson's license of Kala Alexander, pursuant to § 467-8(a)(3) and 436B-19(1)(8)(12)(14), HRS. Commissioner Ball seconded the motion. The motion was voted on and unanimously carried.

**Peter Melone**

After a review of the information submitted by the applicant, Commissioner Okawa moved to approve the real estate broker's license application of Peter Melone. Commissioner Abrams seconded the motion. The motion was voted on and unanimously carried.

**Michael Szymanski / One Wailea Realty LLC**

Commissioner Loudermilk abstained from the discussion and voting.

After a review of the information presented by the applicant, Commissioner Ball moved to approve the real estate broker's application of Michael Szymanski and the limited liability corporation application of One Wailea Realty LLC. Commissioner Abrams seconded the motion. The motion was voted on and carried.

Commissioner Loudermilk returned to the meeting.

**Elden H. Okimura**

After a review of the information presented by the applicant, Commissioner Okawa moved to deny Elden H. Okimura's real estate salesperson's license application, pursuant to § 467-8(a)(3) and 436B-19(1)(8)(12)(14), HRS. Commissioner Ball seconded the motion. The motion was voted on and unanimously carried.

**Jill M. McGovern**

After a review of the information presented by the applicant, Commissioner Okawa moved to approve Jill M. McGovern's real estate broker's license application subject to receipt of further documentation. Commissioner Abrams seconded the motion. The motion was voted on and unanimously carried.

**Dee-Ann K. M. L. Kekahuna**

After a review of the information submitted by the applicant, Commissioner Okawa moved to approve Dee-Ann K. M. L. Kekahuna's real estate salesperson's license. Commissioner Abrams seconded the motion. The motion was voted on and unanimously carried.

Next Meeting:

Friday, April 28, 2006  
9:00 a.m.  
Queen Lili'uokalani 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 11:23 a.m.

Reviewed and approved by:

/s/ Calvin Kimura  
Calvin Kimura  
Supervising Executive Officer

April 28, 2006  
Date

Approved as circulated.  
 Approved with corrections; see minutes of \_\_\_\_\_ meeting.

APPROVED APPLICATIONS FOR REAL ESTATE  
REAL ESTATE COMMISSION MEETING ON MARCH 24, 2006

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Jade Realty LLC	02/09/06
Jade Tse, PB	
Buyers & Sellers Paradise Homes LLC	02/10/06
Susie Dennis, PB	
Faith Naluai LLC	02/14/06
Faith E. Naluai, PB	
Resort Retail Services LLC	02/17/06
Roger B. Lyons, PB	
My Fair Landlady LLC	02/21/06
Daisy C. Yamada, PB	
Fujisaki Realty LLC	02/24/06
Cattie Fujisaki, PB	
 <u>Brokers – Corporations and Partnerships</u>	 <u>Effective Date</u>
S&P Destination Properties Inc.	02/13/06
Jeffrey D. Skinner, PB	
 <u>Brokers – Sole Proprietor</u>	 <u>Effective Date</u>
Ray Boltz	02/03/06
Cynthia S. Lewis	02/14/06
 <u>Trade Name</u>	 <u>Effective Date</u>
Waikiki, LLC DBA Realty Executives Waikiki, Realty Executives Oahu	01/25/06
 <u>Corporation Name</u>	 <u>Effective Date</u>
Waikiki, LLC DBA Realty Executives Waikiki (fka Realty Executives Waikiki LLC)	01/25/06
 <u>Branch Office</u>	 <u>Effective Date</u>
Hilton Grand Vacations Development Company Las Vegas LLC	02/08/06
Leinaala S. P. Isa, PB	
Realty Executives Waikiki LLC	02/14/06
Gordon C. Y. Au, PB	
 <u>Equivalency to Uniform Section of Examination Certificate</u>	 <u>Expiration Date</u>
Jennifer Gail Martin	02/16/08
Colleen Patricia Branin	02/16/08
Susan Diane Sosebee	02/16/08
Stefanie Denise Scanlon	02/16/08
Margaret Alice Beckett	02/16/08
Elise Amy Liftin	02/16/08
James Edgar Windsor	02/16/08
Zellie Nelson	02/17/08
Peter A. Gelsey	02/17/08
Kara Lou Sullivan	02/17/08
Dean Douglas Wilcox	02/17/08
Lawrence Stephen Davis	02/21/08

Equivalency to Uniform Section of Examination Certificate

	<u>Expiration Date</u>
Timothy A. Leikip	02/21/08
Maray Susan Rahilly	02/21/08
Jennifer A. Bowald	02/21/08
Gordon Hoang Wright	02/22/08
Todd Jeffrey Johnson	02/23/08
Christine Catherine Jensen	02/23/08
Jonathon Ralph Strong	02/27/08
Christopher Melrose Haigh	02/27/08
Patrick King Houston	02/27/08
Ronald Leroy Olen	02/28/08
Katie D. McCabe	03/01/08
Trent Hisashi Nakashima	03/03/08
Theresa T. Nguyen	03/06/08
Sally Hirshfield	03/09/08

Educational Equivalency Certificate

	<u>Expiration Date</u>
Jennifer Gail Martin	02/16/08
Colleen Patricia Branin	02/16/08
Susan Diane Sosebee	02/16/08
Stefanie Denise Scanlon	02/16/08
Margaret Alice Beckett	02/16/08
Debra G. Wheeler	02/16/08
Gila M. Willner	02/16/08
Elise Amy Liftin	02/16/08
James Edgar Windsor	02/16/08
Zellie Nelson	02/17/08
Kara Lou Sullivan	02/17/08
Dean Douglas Wilcox	02/17/08
Lawrence Stephen Davis	02/21/08
Glenn Masashi Kosaka	02/21/08
Mary Susan Rahilly	02/21/08
Jennifer A. Bowald	02/21/08
Kelly Rodriguez	02/21/08
Gordon Hoang Wright	02/22/08
Todd Jeffrey Johnson	02/23/08
Suzanne Geri Bierman	02/23/08
Chris Chulho Yum	02/23/08
Christine Catherine Jensen	02/23/08
Jonathon Ralph Strong	02/27/08
Christopher Melrose Haigh	02/27/08
Patrick King Houston	02/27/08
Ronald Leroy Olen	02/28/08
Katie D. McCabe	03/01/08
Russell Brent Massey	03/03/08
Kimiko Nagai Kuriyama	03/03/08
Trent Hisashi Nakashima	03/03/08
Theresa T. Nguyen	03/06/08
Sally Hirshfield	03/09/08

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Michael Edward Davis	02/16/08
Colleen Patricia Branin	02/16/08
Elise Amy Liftin	02/16/08

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James Edgar Windsor	02/16/08
Carole Corinne Hamilton	02/17/08
Zellie Nelson	02/17/08
Timothy A. Leikip	02/21/08
Christina Marie Bakeman	02/21/08
Kelly Rodriguez	02/21/08
Dianna Chisholm	02/22/08
Ronald Stanley Ford	02/22/08
Gordon Edward Broff	02/22/08
Rodney D. Quam	02/23/08
Christine Catherine Jensen	02/23/08
Jonathon Ralph Strong	02/27/08
Patrick King Houstoun	02/27/08
April Kathleen Lee	02/27/08
Ryan Tadao Kato	03/01/08
Rain Shore Magyar	03/03/08
Trent Hisashi Nakashima	03/03/08

Real Estate Broker (upgrade)

	<u>Effective Date</u>
Susie Dennis	02/10/06
Gerald N. Kim	02/08/06
Stacey Lee Kim	02/09/06
Don S. Lui-Kwan	02/10/06
Jeffrey D. Skinner	02/13/06
Tamotsu Ishihara	02/14/06
Herbert B. Smith	02/14/06
Randall J. St. Germain	02/14/06
David R. Jurbala, Sr.	02/14/06
William Cross	02/15/06
Rand J. Iverson	02/17/06
Julie Hugo	02/17/06
Robyn Placke	02/21/06
Mary S. Takasane	02/21/06
Cattie Fujisaki	02/24/06
Hui Kim Young	02/23/06

Restoration – Real Estate Salesperson

	<u>Effective Date</u>
Karen K. Lattanzi	02/06/06
Mark A. Vella	03/06/06