

**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: Wednesday, November 22, 2006

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  
Annette Aiona, Broker/Hawaii Island Commissioner  
Louis Abrams, Broker/Kauai Commissioner  
Carol Ball, Broker/Maui Commissioner  
Frances Gendrano, Salesperson/Honolulu Commissioner (Late Arrival)  
Michele Sunahara Loudermilk, Public/Honolulu Commissioner  
Mark Suiso, Public/Honolulu Commissioner

Neil Fujitani, Executive Officer  
Cynthia Yee, Senior Condominium Specialist  
Cheryl Leong, Condominium Specialist  
David Grupen, Condominium Specialist  
Diane Choy Fujimura, Senior Real Estate Specialist  
Shari Wong, Deputy Attorney General  
Irene Kotaka, Secretary

John Hassler, RICO  
Esther Ervin, RICO  
Teri Cobb-Adams, RICO  
Patrick Kelly, RICO  
Brian Duus, Esq.  
Tammy Kaneshiro, RICO

Absent: William S. Chee, Broker/Honolulu Commissioner

Call to Order: The Chair called the meeting to order at 9:08 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.

The Chair read the thank you letter from former Commissioner Okawa to those present.

The Chair also wished those present, "Happy Thanksgiving!"

Executive Officer's Report:

The Executive Officer informed the Commissioners that the original applications with any original associated documents to be considered at the meeting were available for review.

**Additions to the Agenda**

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

4. Committee Reports
  - d. Program of Work and Budget and Finance – Registration of Condominium Projects and Spatial Units

**Additional Distribution**

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

4. Committee Reports and Program of Work
  - a. Laws and Rules Review Committee – Neighbor Island Outreach
7. Chapter 91, Hawaii Revised Statutes, Adjudicatory Matters
  - b. In the Matter of the Real Estate Broker's License of Thomas E. Caprio, REC 2005-59-L

Specialist Gruppen reported that renewal reminder postcards will be sent out to all licensees to remind them of the renewal deadline. As of this morning, approximately 8,400 online renewals have been processed, which is 40% of the total licensees. During the last renewal period, only 42% of the licensees renewed their licenses online. There are approximately 1,000 licensees whose renewals are pending because they have not met the continuing education requirements. Approximately 2,000 licenses are pending the renewal of their principal broker or the entity.

**Minutes of Previous Meeting**

Acceptance of the minutes was deferred to later in the meeting.

Committee Reports:

**Laws and Rules Review Committee**

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

1. Minutes of the October 10, 2006 Meeting – **Accept**
2. Program of Work, FY07

- a. Neighbor Island Outreach – The next neighbor island outreach will be held on January 10, 2007, at the REALTORS Association of Maui.
  - b. Subcommittee on Background Issues and Criminal History Records – Recommend that Commissioners Aiona and Gendrano be appointed to the Subcommittee on Background Issues and Criminal History Records and that the reference materials be given to them.
3. ARELLO, Other Organizations and Jurisdictions – **Recommend** approval to send up to three participants to the ARELLO District IV Meeting and the Midyear Meeting, to be held on April 24 to 28, 2007, in Banff, Alberta, Canada, subject to budget and DCCA approval. Commission Chair and SEO to determine attendees.
  4. Next Meeting: Wednesday, December 6, 2006  
9:00 a.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii

#### **Education Review Committee**

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

1. Minutes of October 10, 2006 – **Accept**
2. Next Meeting: Wednesday, December 6, 2006  
Upon adjournment of the Laws and Rules Review Committee Meeting, that convenes at 9:00 a.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii

#### **Condominium Review Committee**

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Abrams, it was moved to accept the amended report of the November 8, 2006 Condominium Review Committee as follows:

1. Minutes of October 10, 2006 Meeting – **Accept**
2. Condominium Governance and Management -- Condominium Seminars and Symposium -- **Recommend approval** to send a letter to CAI Hawaii requesting that for future seminars on the subject of "Condominium Owner & Board Disputes," the curriculum, materials, handouts, and presentation should include, at minimum, a reference to the mediation providers on a particular island which have contracted with the Commission to provide mediation services funded by the CEF.
3. CPR Registration and Developer's Public Reports
  - a. Requests for Informal Non-Binding Interpretation

- 1) Request for separate public reports for 2 unit condominium – Jeffrey S. Grad, Esq. -- **Recommend approval** to issue an informal non-binding interpretation to issue an effective date for one developer's public report with one unit being reserved, to include but not limited to appropriate full disclosures of the surrounding circumstances relating to the different intentions, plans, non liability, and non agreement of the co-developers; and require the signatures on the developer's public report be the same as those appearing on the declaration, and further subject to the review and recommendations of the assigned condominium consultant.
- 2) §514A-3, HRS "Project" definition; §514A-31, HRS Notification of intention -- **Recommend approval** to further study the definition of " project" and to discuss at the next CRC meeting plans for educating prospective purchasers about developing and living in a condominium project.
- b. CPR Workshops and Meetings – November 2, 2006 -- **Recommend approval** to accept the report for further consideration.
4. Program of Work, FY06
  - a. Interactive Participation with Organizations – CAI Seminar & Conference Reports
    - 1) Report on the 27<sup>th</sup> Annual Community Association Law Seminar
    - 2) Report on the 55<sup>th</sup> National CAI Conference  
**Acknowledge the receipt** of the reports.
  - b. Neighbor Island Outreach and Condominium Specialist Office for the Day -- January 10, 2007 Realtors Association of Maui
5. Next Meeting: Wednesday, December 6, 2006  
Upon adjournment of the Education Review Committee meeting which follows the Laws and Rules Review Committee meeting scheduled to convene at 9:00 am  
Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii

#### **Program of Work and Budget and Finance – Registration of Condominium Projects with Spatial Units**

A memo, dated November 20, 2006, from Senior Specialist Yee, was distributed to the Commissioners as a preliminary briefing on this issue. The issue will be discussed further at the December 6, 2006 Condominium Review Committee meeting. Senior Specialist Yee noted that there are many air space condominium projects that are being submitted for review. Staff does not have any experience with air space condos and how it is described. There are other states that have statutes regarding this issue.

Licensing –  
Ratification: Upon a motion by Commissioner Abrams, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to ratify the attached list.

Licensing –  
Applications: **Jeffrey B. Mills**  
This application was deferred to later in the meeting.

Chapter 91, HRS,  
Adjudicatory  
Matters: The Chair called for a recess from the meeting at 9:16 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 Industrial Real Estate Consultants, Ltd., and Thomas Hajny, REC 2004-233-I**  
Esther Ervin, attorney representing the Regulated Industries Complaints Office, and Brian Duus, attorney representing Thomas Hajny and Industrial Real Estate Consultants, Ltd., were present for oral arguments.

The Supervising Executive Officer and the Executive Officer were excused from the meeting.

Oral arguments were presented by both parties.

Upon a motion by Commissioner Ball, seconded by Commissioner Abrams, it was voted on and unanimously carried to approve the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order.

**In the Matter of the Real Estate Salesperson's License of Keith Sheue, REC 2005-58-L**

Upon a motion by Commissioner Abrams, seconded by Commissioner Suiso, it was voted on and unanimously carried to approve the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended 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 9:58 a.m.

Executive  
Officer's  
Report: **Minutes of Previous Meeting**  
Upon a motion by Commissioner Loudermilk, seconded by Commissioner Abrams. It was voted on and unanimously carried to accept the minutes of the October 27, 2006 meeting.

Licensing –  
Applications: **Jeffrey B. Mills**  
After a review of the information submitted by the applicant, Commissioner Kuriyama moved to approve the real estate salesperson's license of Jeffrey B. Mills. Commissioner Abrams seconded the motion. The motion was voted on and unanimously carried.

Chapter 91, HRS,  
Adjudicatory  
Matters:

The Chair called for a recess from the meeting at 10:03 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 Thomas E. Caprio,  
REC 2005-59-L**

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Ball, it was voted on and unanimously carried to continue this matter to the December 15, 2006 Real Estate Commission meeting unless otherwise agreed to by the Regulated Industries Complaints Office.

Recovery Fund  
Report:

No report was presented.

Next Meeting:

Friday, December 15, 2006  
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 10:20 a.m.

Reviewed and approved by:

/s/ Neil Fujitani  
Neil Fujitani, Executive Officer

December 15, 2006

Date

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Approved as circulated.

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

APPROVED APPLICATIONS FOR REAL ESTATE  
 REAL ESTATE COMMISSION MEETING ON NOVEMBER 22, 2006

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
A-1 Realty Services, LLC	11/24/06
Evelyn Takara, PB	
Hawaii Property Development Realty, LLC	10/30/06
Chad Garcia, PB	
 <u>Brokers – Corporations and Partnerships</u>	 <u>Effective Date</u>
Crockford Realty, Inc.	10/18/06
Scott A. Crockford, PB	
Savvy Group, Inc., Savvy Realty & Loans	10/26/06
Henry Hwang, PB	
Mark A. Marchello, Inc.	10/30/06
Mark A. Marchello, PB	
Ascasio Realty, Inc.	11/06/06
Estrella C. Acasio, PB	
 <u>Brokers – Sole Proprietor</u>	 <u>Effective Date</u>
Karvel C. Rose, Kauai Dolphin Realty	01/01/07
Leonard M. Kacher	10/11/06
Fred A Romanchak	10/23/06
Theodore C.K. Tom, Teo Tom Properties	10/23/06
Angela Hodge	10/25/06
Allen Y. P. Ng	10/25/06
 <u>Corporation Name</u>	 <u>Effective Date</u>
Kaneohe Ranch Management Limited	10/26/06
(fka Kaneohe Ranch Company Limited)	
 <u>Limited Liability Companies and Partnerships Name</u>	 <u>Effective Date</u>
Hawaii Investment Realty, LLC, Abbey Villa Rentals	10/27/06
Peter Melone, PB	
 <u>Trade Name</u>	 <u>Effective Date</u>
Hana & Kipahulu Land Co. Ltd., Ray Fuqua Ranch Realty	10/26/06
John R. Capron, Kona Legal, Real Estate and Business Services	10/26/06
Amos R. Merkle, Poipu Beach Vacation Rentals	10/27/06
Jardine Investment Properties, LLC, Big Island Buyers Brokers	10/27/06
Orchid Isle Properties, Inc., Prudential Orchid Isle Properties	10/26/06
 <u>Equivalency to Uniform Section of Examination Certificate</u>	 <u>Expiration Date</u>
David Dwain Dungca	10/19/08
Wayne S. Nishimoto	10/23/08
Lawrence H. Walsh	10/23/08
Nicolas Saucedo	10/23/08
Mark Nguyen	10/23/08
Richard J. Ballew	10/25/08
Timothy S. Perry	10/25/08
Candido Quiocho De Guzman, Jr.	10/26/08
Nora De La Cruz Pascua	10/26/08

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Jerome Paul Christy	10/26/08
Cynthia Ann Berg	10/26/08
Tanya Lynn Bridges	10/26/08
Ethan Miles Gardner	10/26/08
Mona Pilar Apana	10/30/08
JoAnn Shelley	10/30/08
Carla Jean Carvalho	10/30/08
Dayna Layne Wengeler	10/26/08
Marsal Leslie Vanetti	10/30/08
Ping Simon	10/30/08
Herman Lowry Cundall III	10/30/08
Deborah Elaine Rogers	10/30/08
Cynthia Murphy	10/30/08
Darren Neil Singer	10/31/08
Gary Mack Belk	10/31/08
John Richard Gash	11/01/08
Richard Paul Taylor	11/02/08
John Stephen Deffner	11/03/08
Ismar Maslic	11/03/08
William Patrick McCluney	11/06/08
Dailaesse Mae Chabbott	11/13/08
Connie Tabarez-Gwilt	11/13/08

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
David Dwain Dungca	10/19/08
Wayne S. Nishimoto	10/23/08
Lawrence H. Walsh	10/23/08
Nicolas Saucedo	10/23/08
Colette Lynn Honda	10/23/08
Mark Nguyen	10/23/08
Richard J. Ballew	10/25/08
Timothy S. Perry	10/25/08
Candido Quiocho De Guzman, Jr.	10/26/08
Nora De La Cruz Pascua	10/26/08
Jerome Paul Christy	10/26/08
Cynthia Ann Berg	10/26/08
Tanya Lynn Bridges	10/26/08
Juniko Moody	10/26/08
Ethan Miles Gardner	10/26/08
Mona Pilar Apana	10/30/08
JoAnn Shelley	10/30/08
Carla Jean Carvalho	10/30/08
Marsal Leslie Vanetti	10/30/08
Ping Simon	10/30/08
Herman Lowry Cundall III	10/30/08
Deborah Elaine Rogers	10/30/08
Syed Sarmad	10/31/08
Darren Neil Singer	10/31/08
Barry Lloyd Sooalo	10/31/08
Gary Mack Belk	10/31/08
Maria Zorbel Dela Cruz	10/31/08



Educational Equivalency Certificate

	<u>Expiration Date</u>
Andrea Bobbie Bludau	10/31/08
Deanna Lynn Allen	11/01/08
Thomas Wayne Allen	11/01/08
John Richard Gash	11/01/08
Richard Paul Taylor	11/02/08
John Stephen Deffner	11/03/08
Ismar Maslic	11/03/08
Scott Brandon Villard	11/06/08
William Patrick McCluney	11/06/08
Heather Dawn Selvitelle	11/09/08
Dailaesse Mae Chabbott	11/13/08
Connie Tabarez-Gwilt	11/13/08

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Millicent Maile Hain	10/19/08
Joviane Marie Randall	10/20/08
Wayne S. Nishimoto	10/23/08
Aurora Andres-Croker	10/23/08
Mark Nguyen	10/23/08
Bobbie E. Ma	10/24/08
Richard J. Ballew	10/25/08
Timothy S. Perry	10/25/08
Gilbert Aspirin	10/26/08
Courtney Haas Welborn	10/26/08
Ben Marvin Welborn	10/26/08
Cynthia Ann Berg	10/26/08
Robert Arnold Hedin	10/26/08
Tanya Lynn Bridges	10/26/08
JoAnn Shelley	10/30/08
David J. Kim	10/30/08
Herman Lowry Cundall III	10/30/08
Michelle Anne Lynch	10/31/08
Shelly Hiroko Kusunoki	10/31/08
Syed Sarmad	10/31/08
Darren Neil Singer	10/31/08
Sylvia B. Leutz	10/31/08
Donald Ernest Leutz, Jr.	10/31/08
Janis E. Mills	10/31/08
Gary Mack Belk	10/31/08
Frank Cash	11/02/08
Paul Adams	11/02/08
Richard Paul Taylor	11/02/08
John Stephen Deffner	11/03/08
Ismar Maslic	11/03/08
Victoria Louise Bordignon	11/06/08
Min Young Woo	11/06/08
Dailaesse Mae Chabbott	11/13/08

Continuing Education Equivalency

	<u>Effective Date</u>
Jenise Rusby	10/20/06
G. Scott McCormack	10/23/06

Continuing Education Equivalency

Billie Marie Sparks

Geri L. Martucci

Brenda Michelle Mybech

Robert Michael Gannage

Yelena Valencia

Effective Date

10/24/06

10/24/06

10/31/06

10/31/06

11/08/06

Real Estate Broker (upgrade)

Rebecca Morton

Andrea Lee Peace

Ingalls Martha B.

Jonathan D. Parrish

Eduardo A. Gandolfo

Rodney L. Dargatz

Effective Date

10/19/06

01/01/07

10/23/06

10/25/06

10/27/06

01/01/07