

LAWS AND RULES REVIEW COMMITTEE
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: Wednesday, April 11, 2012

Time: 9:00 a.m.

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

Present: Walt Harvey, Vice Chair, Broker/Honolulu Commissioner
Michele Sunahara Loudermilk, Public/Honolulu Commissioner
Carol Ball, Broker/Maui Commissioner
Scott Sherley, Broker/Hawaii Commissioner
Nikki Senter, Public/Honolulu Commissioner
Rowena Cobb, Broker/Kauai Commissioner
Aileen Wada, Broker/Honolulu Commissioner

Miles Ino, Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Amy Endo, Real Estate Specialist
David Grupen, Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Cheryl Leong, Condominium Specialist
Benedyne Stone, Condominium Specialist
Shari Wong, Deputy Attorney General
Lesley Matsumoto, Recording Secretary

Others: Aron Espinueva, Hawaii Association of REALTORS®

Absent: Frances Gendrano, Chair, Broker/Honolulu Commissioner
Stanley Kuriyama, Broker/Honolulu Commissioner

Call to Order: The Vice Chair called the meeting to order at 9:02 a.m., at which time quorum was established.

Chair's Report: The Vice 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 Gendrano and Kuriyama were excused from today's meeting. Prior notice of their non-attendance was received.

The Vice Chair informed the Commission that Commissioner Gendrano and Supervising Executive Officer Fujitani are in Austin, Texas for the ARELLO Mid-Year conference.

SEO's
Report:

Minutes of Previous Meetings

Upon a motion by Commissioner Ball, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to accept the minutes of the March 7, 2012, Laws and Rules Review Committee meeting as circulated.

Program of Work:

Legislative and Government Participation Report

Legislative Report No. 3 was distributed to the Commissioners for their information. Senior Condominium Specialist Yee reported on the following:

S.B. No. 2256, H.D. 2; H.D. 2 headed for conference – Relating to Condominiums allows condominium boards to authorize the installation of separate utility meters for each unit in any project; provided that association pays the cost of installing the meters.

S.B. No. 3002, S.D. 2; S.D. 2 headed for conference – Relating to Real Estate Brokers and Salespersons amends provisions relating to the licensing and penalties of real estate brokers and salesperson, by clarifying that real estate brokers and salespersons shall not be held liable for misrepresentations based upon a good faith reliance, and shall not be held liable for failure to ascertain and disclose all material facts concerning a property if there was a good faith reliance on a prepared disclosure state. Effective July 1, 2050.

Senior Condominium Specialist Yee noted that Commissioners Ball and Cobb, along with Executive Officer Ino and herself will be meeting with Senator Baker at 12:15 p.m. to discuss S.B. No. 3002, S.D. 2 and the Commissions concerns.

Real Estate Grupen reported on the following:

H.B. 1706, H.D. 1 – Relating to Condominiums; S.D. 1 headed for conference. Requires owners of residential units who reside on a different island than the unit or out-of-state to provide the managing agent or resident manager of the condominium project with contact information of rental agent located in the State who is responsible for the management of the unit. Effective January 1, 3000.

H.B. 2078, H.D. 2, S.D. 1 – Relating to Taxation; S.D. 2 headed for conference. Any owner who resides without the State or on another island from where the transient accommodation is located to designate an agent residing on the same island where the transient accommodation is located, as required pursuant to subsection 521-43(f), HRS.

ARELLO,
Other
Organizations
And
Jurisdictions:

No report presented.

Special Issues: None.

Budget and Finance Report: No report presented.

Next Meeting: Wednesday, May 9, 2012
9:30 a.m.
Lihue State Office Building, 3rd Floor Conference Room
3060 Eiwa Street
Lihue, Hawaii 96766

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 9:12 a.m.

Reviewed and approved by:

/s/ Cynthia Yee

Cynthia Yee
Senior Condominium Specialist

May 1, 2012

Date

Approved as is.
 Approved with amendments. See minutes of _____ meeting.