

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, August 8, 2012

Time: 9:00 a.m.

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

Present: Frances Gendrano, Chair, Broker/Honolulu Commissioner
Rowena Cobb, Vice Chair, Broker/Kauai Commissioner
Walt Harvey, Broker/Honolulu Commissioner
Stanley Kuriyama, Broker/Honolulu Commissioner
Scott Sherley, Broker/Hawaii Commissioner
Nikki Senter, Public/Honolulu Commissioner
Aileen Wada, Broker/Honolulu Commissioner
Bruce Faulkner, Broker/Maui Commissioner
Scott Arakaki, Public/Honolulu Commissioner

Neil Fujitani, Supervising Executive Officer
Miles Ino, Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
David Grupen, Real Estate Specialist
Amy Endo, 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®
Deane Endo
Myoung Oh, Hawaii Association of REALTORS®
Suzanne Young, Honolulu Board of Realtors
Beth Holiday, Inner Dynamics
Marsha Shimizu, Hawaii Association of REALTORS®

Call to Order: The Chair called the meeting to order at 9:01 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.

SEO's Report: SEO Fujitani introduced and welcomed Commissioner Scott Arakaki, as the interim Honolulu Public Member to the Commission. He was appointed by the Governor to serve beginning July 25, 2012 until June 30, 2016.

Minutes of Previous Meetings

Upon a motion by Commissioner Harvey, seconded by Commissioner Sherley, it was voted on and unanimously carried to accept the minutes of the July 11, 2012, Laws and Rules Review Committee meeting as amended.

Program of Work: Legislative Acts and Resolutions

The Chair stated that Act 247 and Act 248 relating to Professional and Vocational Licensing was signed into law on July 6, 2012.

Act 247 establishes procedures for a nonresident military spouse to receive a license by endorsement or reciprocity, permits the issuance of a temporary license.

Act 248 requires the Commission to consider relevant military education, training, and service as part of the evaluation process toward the qualifications of a license.

The Chair asked if the Commission had any comments to report back to the Licensing Administrator. The Commission understands that both Acts 247 and 248 will not affect the way individuals are currently licensed under the current laws and rules and have no comment or input.

The Chair stated that Act 257 relating to Real Estate Brokers and Salespersons was signed into law on July 6, 2012. Act 257 requires the Commission to consider whether a licensee relied in good faith on information provided by other persons or third parties.

The Chair stated that Act 326 relating to Taxation was signed into law on July 10, 2012. Act 326 requires any operator of a transient accommodation to designate a local contact residing on the same island as the transient accommodation and also requires that all advertisements and solicitations on websites for transient accommodations display registration identification numbers. The act has a repeal date of December 31, 2015.

The Chair asked if the Commission had any concerns. Commissioner Sherley responded that in the Governor's Message No. 1443, it reiterates the above-stated requirements but concerns have been expressed that condominium associations will be subject to penalties under section 231-35, HRS, for not providing relevant information that is not maintained in the records.

Commissioner Sherley stated that some neighbor island representatives for vacation rentals are providing cleaning people as an island representative and many vacation rental companies are interpreting the Act differently.

Licensing Renewal

Real Estate Specialist Grupen stated that staff will be available at the quarterly broker meetings to discuss the online renewal system along with the online CE system as follows:

- Big Island, Kona – Monday, August 20, 2012;
- Maui - Thursday, September 13, 2012;
- Kauai – Friday, September 14, 2012; and
- Honolulu – Friday, September 14, 2012 at Honolulu Board of Realtor's open house.

ARELLO,
Other
Organizations
And
Jurisdictions:

No report presented.

Special
Issues:

None.

Budget and
Finance Report:

No report presented.

Next
Meeting:

Wednesday, September 12, 2012
9:30 a.m.
Hawaii Innovation Center at Hilo
117 Keawe Street
Hilo, Hawaii

Adjournment:

With no further business to discuss, the Chair adjourned the meeting at 9:15 a.m.

Reviewed and approved by:

/s/ Neil Fujitani

Neil Fujitani
Supervising Executive Officer

August 10, 2012

Date

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