

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, September 12, 2012

Time: 9:30 a.m.

Place: Hawaii Innovation Center at Hilo
117 Keawe Street
Hilo, Hawaii

Present: Frances Gendrano, Chair, Broker/Honolulu Commissioner
Rowena Cobb, Vice Chair, Broker/Kauai Commissioner
Walt Harvey, 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
Diane Choy Fujimura, Senior Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Shari Wong, Deputy Attorney General
Lesley Matsumoto, Recording Secretary

Absent: Stanley Kuriyama, Broker/Honolulu Commissioner

Others: Jackie Parkinson, Hawaii Island REALTORS®
Mealoha Kraus, Hawaii Island REALTORS®
Rollie Litteral, Hawaii Island REALTORS®
Annette Aiona, Aiona Island Realty, LLC

Call to Order: The Chair called the meeting to order at 9:30 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.

Commissioner Kuriyama was excused from today's meeting. Prior notice of his non-attendance was received.

SEO's
Report:

Announcements, Introduction, Correspondence and Additional Distribution

The SEO introduced former Commissioner Annette Aiona and members of the Hawaii Island REALTORS®.

The Chair thanked them for attending today's meeting.

Minutes of Previous Meetings

Upon a motion by Commissioner Harvey, seconded by Commissioner Faulkner, it was voted on and unanimously carried to accept the minutes of the August 8, 2012, Laws and Rules Review Committee meeting as amended.

Program of Work:

Advice, Education, and Referral – Informal, Non-Binding Interpretation HAR §16-99-19.1

U.S. Condo Exchange, LLC is requesting an informal non-binding interpretation of HAR §16-99-19.1, on whether a corporation, limited liability company or partnership may register three (3) trade names concurrently with the real estate division.

The Commission discussed the U.S. Condo Exchange's request to register more than one trade name. The Commission stated that the language of §16-99-19.1, HAR, is clear.

Upon a motion by Commission Arakaki, seconded by Commissioner Cobb, it was voted on and unanimously carried to answer U.S. Condo Exchange, LLC's request in the negative in accordance with §16-99-19.1, HAR, a corporation, LLC, or partnership may register only one trade name.

With regards to virtual offices, the Chair will research to see what HAR and NAR are doing and provide back to the Commission.

Licensing Renewal

The 2012 real estate renewal key points was distributed for informational purposes.

The Chair noted that there will be no discounts offered this renewal compared to the last renewal. Also the three questions with regards to disciplinary action and criminal convictions on the renewal application have been modified and revised to a three year cycle compared to a two year cycle. The SEO stated that this was a PVL across the Board mandate.

ARELLO,
Other
Organizations
And
Jurisdictions:

No report presented.

Special
Issues:

None.

Budget and
Finance Report:

Real Estate Recovery Fund

Upon a motion by Commissioner Sherley, seconded by Commissioner Faulkner, it was voted on and unanimously carried to accept the Real Estate Recovery Fund Financial Report for the period ending June 30, 2012.

Next
Meeting:

Wednesday, October 10, 2012
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, the Chair adjourned the meeting at 9:49 a.m.

Reviewed and approved by:

Neil Fujitani
Supervising Executive Officer

Date

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