

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, March 6, 2013

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
Nikki Senter, Public/Honolulu Commissioner
Scott Sherley, Broker/Hawaii Commissioner
Aileen Wada, Broker/Honolulu Commissioner
Bruce Faulkner, Broker/Maui Commissioner
Walt Harvey, Broker/Honolulu Commissioner
Stanley Kuriyama, Broker/Honolulu Commissioner
Scott Arakaki, Public/Honolulu Commissioner

Neil Fujitani, Supervising Executive Officer
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

Guests: Aron Espinueva, Hawaii Association of REALTORS®
Myoung Oh, Hawaii Association of REALTORS®

Call to Order: The Chair called the meeting to order at 9:00 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:

Additional Distribution

The following material was distributed to the Commissioners prior to the start of the meeting:

4. Program of Work, FY 12
 - f. Legislative and Government Participation Report

Minutes of Previous Meetings

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Faulkner, it was voted on and unanimously carried to accept the minutes of the February 6, 2013, Laws and Rules Review Committee meeting.

Program of Work:

Licensing Renewal

Staff met with various Boards for their feedback regarding last year's renewal. It was a real productive meeting and it was consensus that the biggest problem for the licensees was that they couldn't get through to the licensing branch number (808) 586-3000. SEO Fujitani informed the Commissioners that the licensing branch just recently installed a new telephone system and they cannot handle the volume of calls that are coming in. The Licensing Branch is aware of the problem and is working toward resolving the issue.

Staff learned from information presented at the meeting that during the renewal process, many licensees were confused between renewing their license and renewing their membership with the local industry board. On their membership renewal form, there was a breakdown of payment information which included a payment of "state dues." Many thought that the state dues were their renewal so they didn't renew their license. A suggestion was brought up to change the language from National dues to National Association of Realtors, State dues to Hawaii Association of Realtors, and Local dues to the respective board the licensee belongs to, e.g., Honolulu Board of Realtors. In an effort to distinguish the various documents, another suggestion made was to color code the notices that go out to all licensees.

Legislative and Government Participation Report

SEO Fujitani reported on Senate Bill No. 41, S.D. 1, relating to real estate. In its current form, this bill amends the definition of "local contact" found in Act 326 of the Session Laws of 2012. Generally, the local contact is one who serves as the on-site contact for the operator, residing on the same island where the transient accommodation is located, whose name is required to be prominently posted in the transient accommodation, and included in any transient accommodation contract or written rental agreement. It is still early on how this measure may or may not morph but the companion bill House Bill No. 23 has died.

Legislative Report No. 2 was distributed to the Commissioners for their information.

ARELLO,
Other
Organizations
And
Jurisdictions:

Arellogram and Other Informational Reports

The following article was distributed for informational purposes: "ARELLO Update: Pennsylvania Court Decides Disclosure of Murder/Suicide Not Required" "New York Re-Writes Advertising Regulations".

Professional Licensing Report

The following article was distributed for informational purposes: "Financial mismanagement, not bankruptcy, justified license denial".

Special
Issues:

None.

Budget and
Finance Report:

Upon a motion by Commissioner Cobb, seconded by Commissioner Faulkner, it was voted on and unanimously carried to accept the Real Estate Recovery Fund Financial Report for the period ending December 31, 2012.

Next
Meeting:

Wednesday, April 10, 2013
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 9:20 a.m.

Reviewed and approved by:

/s/ Neil Fujitani

Neil Fujitani
Supervising Executive Officer

March 21, 2013

Date

Approved as is.

Approved with amendments. See minutes of _____ meeting.