

**LAWS AND RULES REVIEW COMMITTEE**  
Professional and Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii  
[www.state.hi.us/hirec](http://www.state.hi.us/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: Thursday, December 13, 2001

Time: 9:00 a.m.

Place: Kapuaiwa Room  
HRH Princess Victoria Kamamalu Building  
1010 Richards Street, Second Floor  
Honolulu, Hawaii

Present: Alfredo Evangelista, Chair  
Iris Okawa, Vice Chair  
Charles Aki, Member  
Michael Ching, Member  
Casey Choi, Member (Late Arrival)  
Patricia Choi, Member  
Mitchell Imanaka, Member  
John Ohama, Member  
Peter Rice, Member

Calvin Kimura, Supervising Executive Officer  
Alan Taniguchi, Executive Officer  
Diane Choy Fujimura, Senior Real Estate Specialist  
Lorene Arata, Real Estate Specialist  
Cynthia Yee, Senior Condominium Specialist  
Cheryl Leong, Condominium Specialist  
Gina Watumull, Condominium Specialist  
Shari Wong, Deputy Attorney General  
Irene Kotaka, Secretary

Brian Thomas  
Joanna Markle, Hawaii Association of REALTORS  
Mary Begier, 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 wished those present a "Merry Christmas!" and a "Happy Hanukah!"

SEO's Report: **Minutes of Previous Meetings**

Upon a motion by Commissioner Rice, seconded by Commissioner Aki, it was voted on and unanimously carried to accept the minutes of the November 14, 2001 Laws and Rules Review Committee Meeting as circulated.

Program of Work, FY02:

**Commissioners Education Program**

A copy of the November 2001 issue of OpenLine was distributed to the Commissioners for their information.

**Division and Department Programs**

Upon a motion by Commissioner Imanaka, seconded by Commissioner Rice, it was voted on and unanimously carried to recommend approval of Kenneth Chong to the Real Estate Advisory Committee.

Special Issues:

**Marcus & Associates, Inc.**

Norman Noguchi, President and Principal Broker of Marcus & Associates, Inc., wrote a letter requesting that they be allowed to set up a holding company and wholly-owned subsidiaries. It will not be in the name of any licensee.

A copy of section 467-9(b) and (c), HRS, was distributed to the Commissioners. This section states that the Commission has the authority to approve such requests.

Upon a motion by Commissioner Imanaka, seconded by Commissioner Rice, it was voted on and unanimously carried to recommend approval of the request made by Marcus & Associates, Inc. to be allowed to create separate corporate entities under a blanket holding corporation and to continue to retain the use of "Marcus" in the name of each entity, subject to written approval from the legal representative of Marcus Nishikawa's estate.

**California Department of Real Estate**

A copy of California's criteria for determining rehabilitation was redistributed to the Commissioners for their information. The criteria will be incorporated into the next rule making.

The Chair asked the Deputy Attorney General to review the list of criteria for discussion and decision making at the Real Estate Commission meeting tomorrow.

The Deputy Attorney General stated that she had raised some concerns when the criteria list was originally distributed.

Commissioner C. Choi arrived.

ARELLO, Other  
Organizations and  
Jurisdictions:

**Maryland Real Estate Commission**

A copy of Chapter 5, entitled "Supervision", which appears in Title 09 of the Department of Labor, Licensing and Regulation, Subtitle 11 Real Estate Commission, was distributed to the Commissioners for their information.

### **South Carolina Real Estate Commission**

A copy of the disciplinary actions taken by the South Carolina Real Estate Commission was distributed to the Commissioners for their information.

### **Wisconsin Real Estate Commission**

Information on how the State of Wisconsin handles license renewal denials due to tax problems and supervision was distributed to the Commissioners for their information.

In Hawaii, if a licensee has outstanding tax obligations, their licenses will be renewed, however, the licensee must work out their tax problems with the Department of Taxation. If the problem cannot be worked out, then the Department of Taxation will ask RICO for assistance.

Commissioner Ching asked that the Commission consider extending the deadline for submitting proof of payment, a written payment plan or written proof of discharge from 60 days to a longer period of time.

The Commission could also give the applicant the option of withdrawing their application until they are able to resolve their problems. They can resubmit their application when they have been able to provide proof of payment, a written payment plan or written proof of discharge provided that their examination score has not expired.

The Commission could delegate to staff the responsibility of informing the applicants that the Commission will more than likely deny their application. Before the application is put on the agenda, applicants could be informed that they have the opportunity to withdraw and resubmit their application with a payment plan, provided they resubmit their application prior to the expiration date of the examination score.

Upon a motion by Commissioner Ching, seconded by Commissioner Rice, it was voted on and unanimously carried to recommend that staff be allowed to inform applicants who have not yet obtained written proof of payment, a written payment plan or written proof of discharge that their applications will most likely be denied by the Commission. Also inform the applicants that they have may withdraw their application and resubmit it once they have obtained written proof of payment, a written payment plan or written proof of discharge, provided that their examination score has not expired.

### **Colorado Real Estate Commission**

A copy of an article entitled, "Continuing Education Violations," which appeared in the October 2001 issue of the Colorado Real Estate News, was distributed to the Commissioners for their information.

An article entitled, "Commission Position Statement on Unlicensed Personal Assistants," which appeared in the October 2001 issue of the Colorado Real Estate News, was distributed to the Commissioners for their information.

Open Forum: The Commissioners thanked those in the audience for flying in for the meeting today despite the terrible weather conditions.

Commissioner Ohama stated that at the November 14, 2001 meeting, a committee, consisting of Commissioners Imanaka, Okawa and Ching, was formed to check on Internet practices. Commissioner Ohama asked for an update on the committee's progress. Commissioner Ching stated that the committee is accumulating information and will be meeting to discuss and review their findings. They hope to give a report in a few months.

Commissioner Ching congratulated Mary Begier for being recognized as HAR's Realtor of the Year.

Next Meeting: Friday, January 4, 2002  
9:30 a.m.  
Conference Room  
Maui Board of REALTORS  
441 Ala Makani Place  
Kahului, Maui

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 9:24 a.m.

Reviewed and approved by:

/s/ Calvin Kimura  
Calvin Kimura

January 4, 2002  
Date

[ X ] Approved as is.

[ ] Approved with amendments. See minutes of \_\_\_\_\_ meeting.