

**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: Wednesday, February 12, 2003

Time: 9:00 a.m.

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

Present: Iris Okawa, Chair  
Louis Abrams, Vice Chair  
Marshall Chinen, Member  
Mitchell Imanaka, Member  
John Ohama, Member  
Vern Yamanaka, Member  
  
Calvin Kimura, Supervising Executive Officer  
Alan Taniguchi, Executive Officer  
Cynthia Yee, Senior Condominium Specialist  
Diane Choy Fujimura, Senior Real Estate Specialist  
Lorene Arata, Real Estate Specialist  
Russell Wong, Real Estate Specialist  
Cheryl Leong, Condominium Specialist  
David Grupen, Condominium Specialist  
Gordon Arakaki, Recodification Attorney  
Shari Wong, Deputy Attorney General  
Irene Kotaka, Secretary

Others: Karen Iwamoto, Hawaii Association of REALTORS  
Hubert Poepoe

Excused: Patricia Choi, Member  
Kathleen Kagawa, Ph.D., Member  
Peter Rice, Member

Call to Order: The Chair called the meeting to order at 9:00 a.m., at which time quorum was established.

Chair's Report: No report was presented.

SEO's Report:

**Announcements, Introduction, Correspondence, and Additional Distributions**

The SEO informed the Commissioners that Administration has asked the Commissioners whose terms were expiring if they desired to be reappointed. If they would like to be reappointed, they were asked to submit an application form as soon as possible. Commissioner Chinen will not be seeking appointment. Commissioner Choi will be seeking reappointment.

**Additional Distribution**

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

6. Special Issues
  - a. Renewal – Real Estate Broker (Sole Proprietor): Eulogio J. Tabisola

**Minutes of Previous Meetings**

Upon a motion by Commissioner Abrams, seconded by Commissioner Ohama, it was voted on and unanimously carried to accept the minutes of the January 10, 2003 Laws and Rules Review Committee meeting as circulated.

Program of Work, FY03:

**Licensing, Registration and Certification Administration**

Statistics on the total number of real estate licenses issued from FY94-95 to FY01-02 were distributed to the Commissioners for their information.

**Neighbor Island Outreach**

The next neighbor island outreach is tentatively scheduled to be held on the island of Hawaii on May 8, 2003. The meetings will be held in the Conference Rooms of the Kona Board of REALTORS' office, located at 75-240 Nani Kailua Drive, Suite 157, Kailua-Kona, Hawaii. The Commissioners were asked to check their calendars and to notify staff if they will be unable to attend the meeting as soon as possible. Commissioner Choi will be unable to attend the meeting.

**Commissioners' Education Program**

The December 2002 issue of OpenLine was distributed to the Commissioners for their information.

### **Division and Department Programs**

The pertinent portions of the 2002 Annual Compliance Resolution Fund Report to the Legislature were distributed to the Commissioners for their information.

### **Subcommittee on Property Manager Licensing and Related Issues**

Commissioner Rice had conveyed his apologies for being unable to attend today's meeting to discuss this issue further. Commissioner Rice had indicated that it was unlikely that any changes would be made in the near future. He had also requested that Chair Ohama continue to keep the subcommittee active for the duration.

The SEO informed the Commissioners that some of the issues that Ms. Johnson had raised in her letter could be addressed through an informal, non-binding interpretation.

Discussion was deferred to the March 12, 2003 meeting so that Commissioner Rice may be present for the discussion.

### ARELLO, Other Organizations and Jurisdictions:

### **ARELLO**

Midyear Meeting – The SEO informed the Commissioners that there is a 5% reduction in spending that is being applied across the board. Due to the time constraints and in anticipation of possible delays in the approval process, REB staff would like to submit the travel request for the ARELLO Midyear and Western District Meetings now.

Upon a motion by Commissioner Ohama, seconded by Commissioner Imanaka, it was voted on and unanimously carried to recommend approval to send one Commissioner and one staff member to the ARELLO Midyear Meeting and the Western District Meeting, to be held at Incline Village, Nevada, on April 10 to 12, 2003, subject to the Governor's fiscal policy and budgetary approval.

President's Report – A copy of the ARELLO President's report was distributed to the Commissioners for their information. The SEO reported that budgetary constraints may prevent some States from participating at the meetings.

ARELLO Digest – The SEO informed the Commissioners that the latest copy of the ARELLO Digest is available for viewing in the Commission's office.

### Special Issues:

### **Renewal – Real Estate Broker (Sole Proprietor): Eulogio J. Tabisola**

The Commission considered Eulogio J. Tabisola's real estate broker's renewal application at the January 24, 2003 Real Estate Commission meeting. However, since the Commission was unable to reach a decision

due to a lack of quorum, this matter was referred to this Committee for decision making.

On February 11, 2003, REB staff received a written request from Mr. Tabisola to withdraw his application.

The Commissioners wanted to insure that Mr. Tabisola was aware that his withdrawal would mean that his real estate license was considered forfeited as of January 1, 2003 and that it is not considered to be inactive.

The Commission acknowledged receipt of the withdrawal of Mr. Tabisola's real estate broker's (sole proprietor) renewal application.

REB staff will inform Mr. Tabisola of the status of his license and will also remind him that he must comply with the terms of the Commission's Final Order prior to the restoration of his license.

#### **Request for Non-Binding Opinion**

The Commission received a request for a non-binding opinion from Ms. Yumi Matsumoto, principal broker for Hawaiian Joy, LLC. She wanted to know if it was legal for two companies could work together if there was no form of compensation involved. She submitted a copy of the agreement for the Commission's review and informal interpretation.

Chair Okawa stated that the Commission does not provide legal advice. Commissioner Imanaka agreed with the Chair and recommended that she be advised to consult an attorney for the information that she is seeking.

#### Open Forum:

No discussion presented.

#### Budget and Finance Report – RERF:

Upon a motion by Commissioner Abrams, seconded by Commissioner Yamanaka, it was voted on and unanimously carried to recommend acceptance of the financial summary of the Real Estate Recovery Fund, dated November 30, 2002.

#### Next Meeting:

Wednesday, March 12, 2003  
9:00 a.m.  
Kapuaiwa Room  
HRH Princess Victoria Kamamalu Building  
1010 Richards Street, Second Floor  
Honolulu, Hawaii

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 9:28 a.m.

Reviewed and approved by:

/s/ Calvin Kimura  
Calvin Kimura  
Supervising Executive Officer

March 12, 2003  
Date

[ X ] Approved as is.

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