

LAWS AND RULES REVIEW COMMITTEE
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 10, 2004

Time: 9:00 a.m.

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

Present: Iris Okawa, Chair
Louis Abrams, Vice Chair
Mitchell Imanaka, Member
Trudy Nishihara, Member (Late Arrival)
John Ohama, Member (Late Arrival)
Peter Rice, 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 Kimura, Real Estate Specialist
Ryan Yamashiro, Real Estate Specialist
Cheryl Leong, Condominium Specialist
Gordon Arakaki, Recodification Attorney
Shari Wong, Deputy Attorney General (Late Arrival)
Irene Kotaka, Secretary
Karyn Takahashi, Clerk-Stenographer

Others: Karen Iwamoto, Hawaii Association of REALTORS
Tom Gill, Hawaii Association of REALTORS
Janice Lind, RE3LLC

Excused: Marshall Chinen, Member
Kathleen Kagawa, PhD, 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 Chair's report was presented.

SEO's Report:

Announcements, Introduction, Correspondence, and Additional Distributions

Additional Distribution

The following materials were distributed prior to the meeting:

4. Program of Work, FY04
 - b. Licensing, Registration, and Certification Administration
 - f. Legislative and Government Participation
 - q. Division and Department Programs

Minutes of Previous Meetings

Upon a motion by Commissioner Rice, seconded by Commissioner Abrams, it was voted on and unanimously carried to accept the minutes of the February 11, 2004 Laws and Rules Review Committee meeting.

Program of Work, FY04:

Licensing, Registration and Certification Administration

A copy of an article entitled, "Qualifying for reduction of tax-bill debt difficult," which appeared in the March 7, 2004 issue of The Honolulu Advertiser, was distributed to the Commissioners for their information.

Legislative and Government Participation

The Deputy Attorney General arrived.

Legislative Report No. 5 was distributed to the Commissioners for their information. The SEO highlighted the bills impacting the Commission.

The SEO thanked the Hawaii Association of REALTORS and Mary Begier for their testimony in opposition to House Bill No. 2742.

Commissioner Ohama arrived.

Chair Okawa thanked staff for monitoring Senate Bill No. 2105.

Commissioner Nishihara arrived.

Chair Okawa also recognized Commissioners Ohama, Imanaka and Abrams for their assistance in shepherding the bills through the Legislature.

Neighbor Island Outreach

The next neighbor island outreach is scheduled for Tuesday, May 11, 2004, on the island of Hawaii. The meetings will be held in the State Office Building, located at 75 Aupuni Street, in Rooms A, B and C.

Commissioners' Education Program

A copy of the January-February 2004 issue of OpenLine was distributed to the Commissioners for their information.

Division and Department Programs

Specialist Yamashiro reported that PVL is offering new services to the public which allows people to build a customize list of licensees for a fee. The new services are available through eHawaiiGov (www.ehawaii.gov).

A copy of the DCCA News Release, dated February 26, 2004, was distributed to the Commissioners for their information.

ARELLO, Other Organizations and Jurisdictions:

ARELLO

Copies of the following were distributed to the Commissioners for their information:

- Memorandum, dated March 1, 2004, which provides an update on ARELLO activities
- Draft Minutes of the ARELLO Board of Directors Meeting, held on January 9 and 10, 2004, in Denver, Colorado.
- Memorandum, dated February 5, 2004, which provides an update on projects undertaken by ARELLO
- [Boundaries] ARELLO Real Estate Regulatory Review, January/February 2004 issue

A copy of a memorandum, dated February 4, 2004, regarding the formation of subcommittees to address portion of the license law resource document, was distributed to the Commissioners. The Commissioners were asked to inform staff if they were interested in serving on one of these subcommittees.

Special Issues:

Colorado Real Estate Commission

A copy of the Colorado Real Estate Commission's request for a written license agreement was distributed to the Commissioners for their information. REB staff will notify the Colorado Real Estate Commission of the Commission's proposed license recognition bill.

Office of the Comptroller of the Currency Rule v. Realtors

A copy of an article entitled "New bank rule terrifies Realtor group," which appeared in the Inman Real Estate News, was distributed to the Commissioners for their information.

ForSaleByOwner.com vs. California Department of Real Estate

A copy of an article entitled "Judge gives green light to FSBO lawsuit," which appeared in the Inman Real Estate News, was distributed to the Commissioners for their information.

Commissioner Abrams pointed out that during the next year, the major issues facing the Commission and the industry may be settled. The decisions may help the Commission to get a better understanding of internet advertising.

Chair Okawa stressed the importance of regulators knowing what is considered licensed and unlicensed activity.

Commissioner Abrams stated that he is being confronted by rental companies who want to split a referral fee for placing advertising of a vacation on a website and they are not licensed.

Open Forum:

Ms. Iwamoto informed the Commissioners that the Hawaii Association of REALTORS is active in supporting the Commission's legislation involving license recognition and the recodification of Chapter 514A, HRS. The Association had submitted a bill relating to landlord-tenant issues, but the bill was amended and is now ineffective in its present form. They are hoping that the bill will be put back into its original form when it crosses over. House Bill No. 1818 was submitted to assist owners in dealing with drug-related evictions.

Ms. Iwamoto also reported that the Association testified against House Bill No. 2742. The Association recognizes the effectiveness of DCCA in its use of the Compliance Resolution Funds.

Chair Okawa thanked Ms. Iwamoto and the Hawaii Association of REALTORS for their support.

Budget and Finance Report:

No report was presented.

Next Meeting:

Wednesday, April 14, 2004
9:00 a.m.
Queen Liliuokalani Conference Room
335 Merchant Street, First Floor
Honolulu, Hawaii

Adjournment:

With no further business to discuss, the Chair adjourned the meeting at 9:27 a.m.

Reviewed and approved by:

/s/ Calvin Kimura
Calvin Kimura
Supervising Executive Officer

April 14, 2004
Date

[X] Approved as is.
[] Approved with amendments. See minutes of _____ meeting.