

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, January 7, 2009

Time: 9:30 a.m.

Place: REALTORS® Association of Maui
441 Ala Makani Place
Kahului, Maui

Present: Louis Abrams, Chair, Broker/Kauai Commissioner
Michele Sunahara Loudermilk, Vice Chair, Public/Honolulu Commissioner
Frances Gendrano, Broker/Honolulu Commissioner
Carol Ball, Broker/Maui Commissioner
Trudy Nishihara, Broker/Honolulu Commissioner
Annette Aiona, Broker/Hawaii Commissioner
Mark Suiso, Public/Honolulu Commissioner

Neil K. Fujitani, Supervising Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Shari Wong, Deputy Attorney General
Karyn Takahashi, Recording Secretary

Others: Peter Rice
Russell Speck
Terry Tolman, REALTORS® Association of Maui
Dave DeLeon, REALTORS® Association of Maui
Sharon Viger
Cynthea Weldon
Virginia Brown
Melissa Namahoe

Absent: Stanley Kuriyama, Broker/Honolulu Commissioner
William Chee, Broker/Honolulu Commissioner

Call to Order: The Chair called the meeting to order at 9:34 a.m., at which time quorum was established.

Chair's Report: The Chair announced that the Committee may move into executive session 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.

Commissioners Kuriyama and Chee were excused from today's meeting. Prior notice of their non-attendance was received.

The Chair thanked the REALTORS® Association of Maui for the use of the facility.

SEO's
Report:

Minutes of Previous Meetings

Upon a motion by Commissioner Ball, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to accept the minutes of the December 10, 2008, Laws and Rules Review Committee meeting as circulated.

At this time, the SEO reminded the Commissioners to submit their availability calendars if they have not already done so.

Program of
Work, FY09:

Case Law Review

A copy of the West Law narrative of the Supreme Court of Hawaii case Hawaii Insurers Council v. Linda Lingle, Governor et al. was distributed to the Commissioners for their information.

Special
Issues:

Supreme Court Rule Amendments

Senior Specialist Fujimura reported that she recently attended a meeting with Hawaii Association of REALTORS® ("HAR") representatives and other interested parties regarding the issue of unauthorized practice of law. She reported that HAR is planning to introduce legislation that will affect section 467-7, Hawaii Revised Statutes, worded as follows ". . .No person within the purview of this chapter shall act, assume to act, or advertise as a real estate broker or real estate salesperson without a license previously obtained under and in compliance with this chapter and the rules and regulations of the real estate commission; provided that any licensed real estate broker or real estate salesperson in good standing under this chapter and applicable real estate commission rules shall not be deemed to be engaged in the practice of law when providing services for which a license is required under this chapter."

The HAR wanted to inform the interested parties. The legislation may be redundant if the Supreme Court comes out with a ruling on this issue.

The Chair inquired if HAR is seeking the Commission's support on their proposed bill. Senior Specialist Fujimura responded that there has been no formal request.

Questions were raised on how the judiciary may view the bill.

The Chair requested that this issue be included for discussion at the next meeting and requested to review the Supreme Court's proposed language.

Senior Specialist Fujimura reported that other parties at the meeting were satisfied with the process and were content to wait for the Supreme Court ruling.

The Deputy Attorney General reminded the Committee that the interest of the HAR is not necessarily the interest of the Commission.

The Chair stated it is based on whether or not it is good for the consumer.

Open Forum: None.

Budget and
Finance
Report: No report presented.

Next
Meeting: Wednesday, February 11, 2009
 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 9:46 a.m.

Reviewed and approved by:

/s/ Neil K. Fujitani

Neil K. Fujitani
Supervising Executive Officer

January 29, 2009

Date

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