

**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](http://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 11, 2009

Time: 9:00 a.m.

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

Present: Louis Abrams, Chair, Broker/Kauai Commissioner  
Michele Sunahara Loudermilk, Vice Chair, Public/Honolulu Commissioner  
Frances Gendrano, Broker/Honolulu Commissioner  
Stanley Kuriyama, Broker/Honolulu Commissioner  
Carol Ball, Broker/Maui Commissioner  
Trudy Nishihara, Broker/Honolulu Commissioner  
Mark Suiso, Public/Honolulu Commissioner – late arrival  
William Chee, Broker/Honolulu Commissioner

Neil Fujitani, Supervising Executive Officer  
Diane Choy Fujimura, Senior 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  
Tammy Norton, Recording Secretary

Others: Myoung Oh, Hawaii Association of REALTORS®

Absent: Annette Aiona, Broker/Hawaii Commissioner

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 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.

Commissioner Aiona was excused from today's meeting. Prior notice of her non-attendance was received.

SEO's  
Report:

### **Minutes of Previous Meetings**

Upon a motion by Commissioner Nishihara, seconded by Commissioner Ball, it was voted on and unanimously carried to accept the minutes of the February 11, 2009, Laws and Rules Review Committee meeting as circulated.

Program of  
Work, FY09:

### **Legislative and Government Participation Report**

Legislative Report No. 2 was distributed to the Commissioners for their information. It was reported that Senate Bill No. 1107, S.D. 2 which merges the condominium management education fund and the condominium education trust fund is still alive. Although the measure is still moving, it is important to know that the changes to the original measure may place the funds in more financial difficulties. Staff met with the proponent of the changes and was unsuccessful in persuading him to stop pushing the changes. He is insistent for changes even with the knowledge that the Chapter 53 Fees may need increasing to meet his demands. The House Bill has died.

### **Subcommittee on Background Issues and Criminal History Checks**

Chair Abrams provided information he researched on other states requirements of criminal background checks.

Commissioner Suiso arrives at 9:06 a.m.

Chair Abrams further noted that he would suggest following the California model and do fingerprinting through the testing company and have the checks done prior to the individual applying for a license.

Myoung Oh of the Hawaii Association of REALTORS® informed the committee that HAR has deferred to the REC the issue of background checks. HAR previously did a survey of PBs and BICs which results showed a support of prohibiting felons from becoming licensees. Mr. Oh will provide information on the survey for the committee.

Upon a motion by Commissioner Nishihara, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to add Commissioner Gendrano to the subcommittee on Background Issues and Criminal History Checks. Commissioners Nishihara and Loudermilk currently serve on this working subcommittee.

ARELLO,  
Other  
Organizations  
And  
Jurisdictions:

### **National Association of Realtors® and Other Boards of Realtors**

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to approve sending one Commissioner and one staff member to the National Association of REALTORS® Midyear Legislative Meetings and Trade Expo, to be held May 13 to 15, 2008, in Washington, D.C., and one Commissioner and one staff member to the 2009 National Association of REALTORS® Conference and Expo scheduled to be held November 13 to 16, 2009, in San Diego, California, subject to budget and DCCA approval.

Special  
Issues:

**Supreme Court Rule Amendments**

The February 13, 2009 article entitled "Clarifying rules on the unauthorized practice of law" from the Pacific Business News was distributed for informational purposes.

Open Forum:

None.

Budget and  
Finance  
Report:

No report presented.

Next  
Meeting:

Wednesday, April 8, 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 9:20 a.m.

Reviewed and approved by:

/s/ Neil K. Fujitani

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Neil K. Fujitani  
Supervising Executive Officer

March 17, 2009

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Date

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Approved as is.

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