

**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, December 10, 2008

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  
Carol Ball, Broker/Maui Commissioner  
Trudy Nishihara, Broker/Honolulu Commissioner  
William Chee, Broker/Honolulu Commissioner – late arrival  
Mark Suiso, Public/Honolulu Commissioner

Neil Fujitani, Supervising Executive Officer  
Diane Choy Fujimura, Senior Real Estate Specialist  
Amy Endo, 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  
Michelle Miyasato  
Shari Motooka-Higa

Absent: Stanley Kuriyama, Broker/Honolulu Commissioner  
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.

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

SEO's  
Report:

#### **Additional Distribution**

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

4. Program of Work, FY09
  - g. Interactive Participation with Organizations

#### **Minutes of Previous Meetings**

Upon a motion by Commissioner Nishihara, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to accept the minutes of the November 12, 2008, Laws and Rules Review Committee meeting as circulated.

#### **Non Accessible Dates for January through June 2009**

Commissioners were requested to notate their non accessible dates for January through June 2009 on the calendars provided and to return to Karyn Takahashi.

Program of  
Work, FY09:

#### **Interactive Participation with Organizations**

SEO reported that on Tuesday, December 9, 2008, he attended the Hawaii Association of REALTORS' Legislative Day where HAR went over its issues for the 2009 State Legislative Program. HAR noted 5 points in its program. The 5 points are as follows: 1) Unauthorized Practice of Law, 2) Mortgage Rescue Fraud Prevention Act, 3) Historic Preservation Act, 4) Private Transfer Fee, and 5) General Excise Tax Exemption for Affordable Housing and Health Facilities. However, during the presentation, HAR noted that they will not move forward on point 5, General Excise Tax Exemption for Affordable Housing and Health Facilities, due to the poor economic climate.

#### **Commissioner Education Program**

A copy of the November 2008 OIP OpenLine Newsletter was distributed for informational purposes.

ARELLO,  
Other  
Organizations And  
Jurisdictions:

No report presented.

Special  
Issues:

#### **Supreme Court Rule Amendments**

Chair Abrams reported that in regards to the new "practice of law" definition, HAR is working towards solidifying the exemption for real estate licensees.

Commissioner Chee arrives.

#### **Mortgage Rescue Fraud Prevention Act**

A copy of the Office of Consumer Protection's proposed bill relating to Mortgage Rescue Fraud Prevention Act and Real Estate Brokers and Salespersons was distributed for the committee's information. Commissioners reviewed the

proposed legislation and were asked to submit any comments on the proposed legislation to the SEO.

SEO also notified the committee that if the committee is interested in pursuing legislation allowing criminal history background checks for either new or existing licensees this measure may be the way to accomplish it. However, prior to proposing any amendments, it would be prudent to enlist the support of the industry.

Open Forum: None.

Budget and Finance Report: Upon a motion by Commissioner Suiso, seconded by Commissioner Gendrano, it was voted on and unanimously carried to accept the Real Estate Recovery Fund Financial Report for the period ending September 30, 2008.

Next Meeting: Wednesday, January 7, 2009  
9:30 a.m.  
REALTORS® Association of Maui  
441 Ala Makani Place  
Kahului, Maui

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

Reviewed and approved by:

/s/ Neil K. Fujitani

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Neil K. Fujitani  
Supervising Executive Officer

December 23, 2008

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Date

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