



DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
Office of Administrative Hearings

News Release

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GOVERNOR

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FOR IMMEDIATE RELEASE: MARCH 7, 2014

DCCA DISCIPLINARY ACTIONS
(Through February 2014)

HONOLULU - The Department of Commerce and Consumer Affairs (DCCA) and the State Boards and Commissions released a summary of disciplinary actions through the month of February taken on individuals and entities with professional and vocational licenses in Hawai'i. These disciplinary actions include dispositions based upon either the results of contested case hearings or settlement agreements submitted by the parties.

The DCCA and the Boards and Commissions are responsible for ensuring those with professional and vocational licenses are performing up to the standards prescribed by state law.

BOARD OF PUBLIC ACCOUNTANCY

Respondent: McGladrey, LLP
Case Number: ACC 2012-1-L
Sanction: \$1,000.00 fine
Effective Date: 2-14-14

Respondent allegedly violated of HRS § 466-9(b)(10) by engaging in conduct reflecting adversely upon a licensee's or permit holder's fitness to engage in the practice of public accountancy when Respondent entered into a stipulated order with the United States Commodity Futures Trading Commission on September 22, 2011. (Board approved Settlement Agreement)

BOARD OF NURSING

Respondent: Jane K. Campbell, fka Jane K. Romeo, fka Jane K. Powell, fka Jane K. Evans (Hawaii Island)
Case Number: RNS 2010-22-L
Sanction: \$1,000.00 fine; attend and complete a continuing education course(s) on medication administration, ethics and/or principles of professional conduct that is acceptable to the Board.
Effective Date: 2-6-14

Respondent allegedly engaged in unprofessional conduct in violation of HRS § 457-12(a)(6) when Respondent allegedly gave Klonopin pills belonging to a particular patient to another patient who had run out of her medication and was in crisis instead of taking the patient to the ER to get/renew her prescription. (Board approved Settlement Agreement)

Respondent: Gail D. Benjamin aka Gail B. Kagawa (Hawaii Island)
Case Number: RNS 2009-25-L
Sanction: License revoked
Effective Date: 2-6-14

On September 6, 2012, the Board approved a settlement agreement where Respondent allegedly engaged in unprofessional conduct in violation of HRS § 457-12(a)(3) and was unfit or incompetent in violation of HRS § 457-12(3) when Respondent, while working at the Yukio Okutsu Veterans Home from December 15, 2008 through and including March 12, 2009, allegedly received verbal warnings for altering the medication and treatment time codes without the approval of a supervisor, hanging the wrong IV on a patient and not intervening when a resident had not voided for more than 8 hours. Respondent's employment at the Yukio Okutsu Veterans Home was allegedly suspended on August 5, 2009 for administering the wrong insulin to a resident and later that evening failing to document the new order for Levemir insulin. The Settlement Agreement provided that Respondent agreed to pay a \$1,500.00 fine and attend and complete a continuing education course on ethics and/or principles of professional conduct acceptable to the Board and that her license would be automatically revoked if Respondent failed to fully and timely comply with the terms of the Settlement Agreement.

The Board found that Respondent failed to comply with all the terms of the settlement agreement because while she paid the fine, she did not timely complete the continuing education course approved by the Board. (Board's Final Order)

BOARD OF PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS

Respondent: Clifford R. Paul
Case Number: ENG 2012-24-L
Sanction: \$1,000.00 fine
Effective Date: 2-13-14

Respondent allegedly violated HRS § 436B-19(13) by having had disciplinary action taken against him by another state or federal agency for reasons provided by the licensing laws in Hawaii. On December 17, 2010, the South Carolina Board of Registration for Professional Engineers and Surveyors issued a Consent Agreement signed by Respondent. (Board approved Settlement Agreement)

MORTGAGE BROKERS AND SOLICITORS PROGRAM

Respondent: Carla A. Dutro
Case Number: MBS 2009-46-L
Sanction: License revoked
Effective Date: 2-4-14

The Director found that Respondent made untruthful statements in violation of HRS § 436B-19(2), engaged in professional misconduct in violation of HRS § 436B-19(7), failed to maintain a record or history of competency, trustworthiness and fair dealing in violation of HRS § 436B-19(8), failed to comply, observe or adhere to any law in a manner such that the licensing authority deemed the licensee to be an unfit or improper person to hold a license in violation of HRS § 436B-19(12) and pursued a course of misrepresentation, or false promises in violation of HRS §§ 454-4(1) and 454-4(2). In a Memorandum of Plea Agreement filed in the United States District Court for the District of Hawaii on June 30, 2009, Respondent admitted that as a result of submitting false statements to financial institutions, the financial institutions funded loans totaling \$1,361,617.00. (Director's Final Order after a contested case hearing)

CONTRACTORS LICENSE BOARD

Respondents: Pacific Energy Strategies, LLC and Steven P. Olsen
Case Number: CLB 2010-79-L and CLB 2010-367-L
Sanction: \$3,000.00 fine
Effective Date: 2-21-14

Respondents allegedly failed to provide required homeowner disclosures in violation of HRS § 444-25.5 and HAR §§ 16-77-80 and allegedly engaged in dishonest, fraudulent and deceitful acts in violation of HRS § 444-17(1) by allegedly using the names and license numbers of licensed plumbing specialty contractors without their permission. (Board approved Settlement Agreement)

Respondents: KJ Walk, Inc. and Warren J. Israelson
Case Number: CLB 2012-111-L and CLB 2012-141-L
Sanction: \$1,000.00 fine
Effective Date: 2-21-14

Respondents allegedly violated HRS § 436B-19(16) by utilizing unlicensed persons for drywall installation, carpentry work on the exterior and interior of Building C of the Hualalai Village construction project, hanging drywall lids and walls on the second floor and taping and mudding on the ground floor. (Board approved Settlement Agreement)

HAWAII MEDICAL BOARD

Respondent: William H. Shuler, M.D.
Case Number: MED 2012-94-L
Sanction: License on probation for three (3) months; \$2,500.00 fine
Effective Date: 2-13-14

Respondent allegedly violated HRS § 453-8(a)(11) by being disciplined by another state, HRS § 453-8(a)(14) by failing to report disciplinary decisions to the Hawaii Board within 30 days and HRS § 453-8(a)(15) by filing with the Hawaii Board a document which contained an omission of fact. Respondent allegedly failed to disclose disciplinary action taken against him in California on his renewal application. Respondent also had disciplinary action taken against him in Utah, Wisconsin and Tennessee. (Board approved Settlement Agreement)

REAL ESTATE COMMISSION

Respondent: Jessica L. Zeller
Case Number: REC 2013-59-L
Sanction: \$500.00 fine
Effective Date: 2-28-14

Respondent allegedly failed to adhere to a law in a manner such that the licensing authority deems the holder of the license to be an unfit or improper person to hold the license in violation of HRS § 436B-19(12) and was allegedly convicted of a penal crime directly related to the qualifications, functions or duties of the licensed profession or vocation in violation of HRS § 436B-19(14). On July 8, 2011, Respondent allegedly pled no contest to the crime of driving under the influence. (Commission approved Settlement Agreement)

Respondent: Carolyn Y. Ko, nka Carolyn Y. Landon
Case Number: REC 2008-102-L
Sanction: License revoked
Effective Date: 2-28-14

The Commission found that Respondent made misrepresentations concerning real estate transactions in violation of HRS § 467-14(1) and 467-14(3), engaged in conduct constituting fraudulent or dishonest dealings in violation of HRS § 467-14(8), filed a false statement with the Commission in violation of HRS § 467-20, made untruthful or improbable statements in violation of HRS § 436B-19(2), procured a license through fraud, misrepresentation or deceit in violation of HRS § 436B-19(5) and engaged in professional misconduct in the practice of real estate in violation of HRS § 436B-19(7). The Commission also found that Respondent, a real estate salesperson, acted as a real estate broker in violation of HRS § 467-14(6). (Commission's Final Order after a contested case hearing)

Real Estate Commission - continued

Respondent: Robert E. Wills, dba Bob Wills
Case Number: REC 2013-61-L
Sanction: \$500.00 fine
Effective Date: 2-28-14

Respondent allegedly failed to adhere to a law in a manner such that the licensing authority deems the holder of the license to be an unfit or improper person to hold the license in violation of HRS § 436B-19(12) and was allegedly convicted of a penal crime directly related to the qualifications, functions or duties of the licensed profession or vocation in violation of HRS § 436B-19(14). On January 4, 2011, Respondent allegedly pled guilty to the crime of driving while impaired. (Commission approved Settlement Agreement)

Respondent: Sean S. Takamori
Case Number: REC 2013-106-L
Sanction: \$500.00 fine
Effective Date: 2-28-14

Respondent allegedly failed to adhere to a law in a manner such that the licensing authority deems the holder of the license to be an unfit or improper person to hold the license in violation of HRS § 436B-19(12) and was allegedly convicted of a penal crime directly related to the qualifications, functions or duties of the licensed profession or vocation in violation of HRS § 436B-19(14). On May 11, 2011, Respondent allegedly pled no contest to the crime of driving under the influence. (Commission approved Settlement Agreement)

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