



DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
Office of Administrative Hearings

NEIL ABERCROMBIE
GOVERNOR

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DIRECTOR

FOR IMMEDIATE RELEASE
May 21, 2014

DCCA DISCIPLINARY ACTIONS
(Through April 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 April 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.

REAL ESTATE APPRAISER ADVISORY PROGRAM

Respondent: Robert Pila, III
Case Number: REA 2013-6-L
Sanction: \$1,000.00 fine
Effective Date: 4-24-14

Respondent allegedly violated HRS § 466K-4(a) by failing to comply with the Uniform Standards of Professional Appraisal Practice ("USPAP") which: (1) forbids unethical conduct such as using or communicating a misleading report, (2) mandates sufficient information in the report to allow intended users to understand the scope of work performed or not performed, (3) requires that the appraiser not render appraisal services in a careless or negligent manner, (4) requires that the appraiser, when reporting the results of a real property appraisal, communicate each analysis, opinion and conclusion in a manner that is not misleading and (5) requires that each appraisal report clearly and accurately set forth the appraisal in a manner that will not be misleading. Respondent also allegedly violated HRS § 436B-19(2) by making untruthful or improbable statements, HRS § 436B-19(7) by engaging in professional misconduct, HAR § 16-114-106(5) by failing to comply with USPAP and HAR § 16-114-106(8) by failing to clearly and accurately set forth an appraisal in a manner that is not misleading. (Director approved Settlement Agreement)

HAWAII MEDICAL BOARD

Respondent: Ivan Andreas Berend, M.D.
Case Number: MED 2012-117-L
Sanction: License reprimand, \$2,000.00 fine
Effective Date: 4-10-14

Respondent allegedly violated HRS § 453-8(a)(11) by being disciplined in another state (Florida) and HRS § 453-8(a)(14) by failing to report the disciplinary decision to the Hawaii Board within 30 days. (Board approved Settlement Agreement)

Respondent: Denise H. Kameda
Case Number: MED 2012-123-L
Sanction: Certificate to practice as an emergency medical technician placed on probation for three (3) months; \$1,200.00 fine
Effective Date: 4-10-14

Respondent allegedly violated HRS § 453-8(a)(12) by being convicted of a crime substantially related to the profession, HRS § 436B-19(14) by being convicted of a penal crime directly related to the qualifications, functions or duties of the licensed profession or vocation and HRS § 453-8(a)(15) by submitting false or untrue statements or misrepresentations to the Board. Respondent was allegedly convicted of driving under the influence of alcohol on September 23, 2011 and failed to disclose it on her renewal application. (Board approved Settlement Agreement)

Respondent: Seth H. Tuzon
Case Number: MED 2012-137-L
Sanction: Certificate to practice as an emergency medical technician placed on probation for three (3) months; \$1,200.00 fine
Effective Date: 4-10-14

Respondent allegedly violated HRS § 453-8(a)(12) by being convicted of a crime substantially related to the profession, HRS § 436B-19(14) by being convicted of a penal crime directly related to the qualifications, functions or duties of the licensed profession or vocation and HRS § 453-8(a)(15) by submitting false or untrue statements or misrepresentations to the Board. Respondent was allegedly convicted of driving under the influence of alcohol on March 29, 2011 and failed to disclose it on his renewal application. (Board approved Settlement Agreement)

MIXED MARTIAL ARTS PROGRAM

Respondent: Up N Up Extreme Cage Fighting LLC
Case Number: ULT 2012-1, ULT 2012-3, ULT 2012-4
Sanction: License revoked; \$1,500.00 fine
Effective Date: 4-25-14

The Director found that for each of three events held on June 17, 2011, August 12, 2011 and October 15, 2011, Respondent failed to pay the required event fee, provide the required written report and furnish the required video record in violation of HRS §§ 440E-7(d)(1)(e), 440E-7(e), 440E-11 and 436B-19(17). (Director's Final Order after contested case hearing)

ACTIVITY DESK PROGRAM

Respondent: Korea Pacific Hawaii Tour, Inc.
Case Number: ADP 2012-16-L
Sanction: Voluntary revocation of registration
Effective Date: 4-24-14

Respondent admittedly violated: (1) HRS § 436B-19(8) by failing to maintain a record or history of competency, trustworthiness, fair dealing and financial integrity, (2) HRS § 468M-3(4) by violating limitations on withdrawing funds from client trust account and (3) HAR § 16-117-48(6) by failing to comply with deposit and withdrawal provisions. (Director approved Settlement Agreement)

REAL ESTATE COMMISSION

Respondent: Dale C.W. Ho, dba Dale Ho & Associates
Case Number: REC 2011-141-L
Sanction: \$1,000.00 fine
Effective Date: 4-25-14

Respondent admits that he violated HRS §§ 467-7 and 467-1.6(b)(7) by failing to ensure that his license and those licensees associated with him were current and active. (Commission approved Settlement Agreement)

Respondent: Ronald S. Stebbins, II dba Ron Stebbins II (Maui)
Case Number: REC 2013-170-L
Sanction: \$500.00 fine
Effective Date: 4-25-14

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 22, 2009, Respondent allegedly pled no contest to the crime of driving under the influence. (Commission approved Settlement Agreement)

Real Estate Commission – continued

Respondent: Carol J. Elias
Case Number: REC 2013-300-L
Sanction: \$500.00 fine
Effective Date: 4-25-14

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 March 13, 2008 and July 13, 2011, Respondent allegedly pled no contest to the crime of driving under the influence. (Commission approved Settlement Agreement)

Respondent: Marnie Meuser
Case Number: REC 2014-7-L
Sanction: \$500.00 fine
Effective Date: 4-25-14

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 November 13, 2012, Respondent allegedly pled no contest to the crime of driving under the influence. (Commission approved Settlement Agreement)

Respondent: Roger Cundall
Case Number: REC 2012-236-L
Sanction: \$2,500.00 fine
Effective Date: 4-25-14

Respondent admits that he engaged in the practice of real estate while his license was not active, in violation of HRS § 467-7. Respondent mistakenly believed that his license was current and restored his license as soon as he learned otherwise.

Respondents: Allen S. Fahrni, Jerome A. Edayan and Scott A. Langford
Case Numbers: REC 2013-30-L and REC 2013-54-L
Sanctions: Respondent Fahrni: \$1,000.00 fine
Respondent Edayan: \$1,000.00 fine
Respondent Langford: \$2,000.00 fine
Effective Date: 4-25-14

Respondents admit that they violated HRS §§ 467-7 and 467-1.6(b)(7) by failing to ensure that their licenses and those licensees associated with them were current and active. (Commission approved Settlement Agreement)

Real Estate Commission - continued

Respondents: Adam J. Lee, Abe Lee Realty, LLC and Abe W.H. Lee, aka Abraham W. H. Lee
Case Numbers: REC 2009-237-L, REC 2009-322-L, REC 2009-333-L, REC 2009-377-L, REC 2013-342-L
Sanctions: Respondent Adam J. Lee: Voluntary revocation of license; \$10,000.00 fine
Respondent Abe Lee Realty: \$10,000.00 fine
Respondent Abe W.H. Lee: \$5,000.00 fine
Effective Date: 4-25-14

Respondent Abe W.H. Lee, as principal broker, allegedly failed to have direct management and supervision of the brokerage firm and its real estate licensees, failed to be responsible for the brokerage firm's records, contracts and documents, and failed to be responsible for all real estate contracts of the firm and its handling the associated real estate salespersons in violation of HRS §§ 467-1.6(a), 467-1.6(b)(2) and 467-1.6(b)(3). Respondents also allegedly violated HRS § 467-14(1) by making misrepresentations concerning real estate transactions, HRS § 467-14(2) by making false promises of a character likely to mislead another, HRS § 467-14(3) by pursuing a continued and flagrant course of misrepresentation, or making false promises through advertising, HRS § 467-14(8) by engaging in conduct constituting fraudulent or dishonest dealings, HRS § 467-14(18) by failing to ascertain and disclose all material facts concerning every property for which the licensee accepts the agency so that the licensee may fulfill the licensee's obligation to avoid error, misrepresentation, or concealment of material facts, HRS § 467-14(20) by failing to maintain a reputation for or record of honesty, truthfulness, financial integrity and fair dealing, HRS § 436B-19(2) by engaging in false, fraudulent or deceptive advertising or making untruthful or improbable statements, HRS § 436B-19(6) by aiding and abetting an unlicensed person to directly or indirectly perform activities requiring a license, HRS § 436B-19(7) by engaging in professional misconduct, incompetence, gross negligence or manifest incapacity in the practice of the licensed profession or vocation, HRS § 436B-19(16) by failing to comply, observe, or adhere to any law in a manner such that the licensing authority deems the licensee to be an unfit or improper person to hold a license, HRS § 436B-19(16) by employing, utilizing, or attempting to employ or utilize any person not licensed under the licensing laws when licensure is required and HAR § 16-99-3(b) by failing to protect the public against fraud, misrepresentation, or unethical practices in the real estate field. This case arose from the sales of condominium units in a twenty (20) unit building at 1402 Piikoi Street, Honolulu, Hawaii. (Commission approved Settlement Agreement)

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http://cca.hawaii.gov/oah/oah_decisions/ .

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