

**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: Friday, July 26, 2013

Time: 9:00 a.m.

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

Present: Walter Harvey, Chair Pro Tem, Broker/Honolulu Commissioner  
Bruce Faulkner, Broker/Maui Commissioner  
Rowena Cobb, Broker/Kauai Commissioner  
Scott Arakaki, Public/Honolulu Commissioner  
Scott A. Sherley, Broker/Hawaii Island Commissioner  
Aileen Wada, Broker/Honolulu Commissioner – late arrival  
Laurie Lee, Broker/Honolulu Commissioner

Neil K. Fujitani, Supervising Executive Officer  
Miles Ino, Executive Officer  
Diane Choy Fujimura, Senior Real Estate Specialist  
Cynthia Yee, Senior Condominium Specialist  
Amy Endo, Real Estate Specialist  
David J. Grupen, Real Estate Specialist  
Benedyne Stone, Condominium Specialist  
Shari Wong, Deputy Attorney General  
Tammy Norton, Recording Secretary

Others: Nilfa Cataraja  
Edward Brinkman  
Richard Laporga

Absent: Nikki T. Senter, Chair, Public/Honolulu Commissioner  
Frances Gendrano, Vice Chair, Broker/Honolulu Commissioner

Call to Order: Chair Pro Tem Harvey called the meeting to order at 9:00 a.m., at which time quorum was established.

Chair's Report: The Chair Pro Tem announced that the Commission may move into executive session to consider and evaluate personal information relating to individuals applying for licensure in accordance with section 92-5(a)(1), HRS, and/or 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 Senter and Gendrano were excused from the meeting. Prior notification of their non-attendance was received.

### **Organization of the Commission**

A copy of Chair Senter's memo dated July 2013 regarding the organization of the Commission for fiscal year 2014 was distributed to the Commissioners for their information.

The leadership positions are as follows:

Real Estate Commission - Frances Gendrano, Vice Chair

Laws and Rules Review Committee – Frances Gendrano, Chair;

Rowena Cobb, Vice Chair

Condominium Review Committee – Scott Sherley, Chair;

Bruce Faulkner, Vice Chair

Education Review Committee – Walter Harvey, Chair; Aileen Wada, Vice Chair

Executive  
Officer's Report:

The Executive Officer ("EO") informed the Commissioners that the original applications with any original associated documents to be considered at the meeting were available for review.

### **Minutes of Previous Meeting**

Upon a motion by Commissioner Sherley, seconded by Commissioner Faulkner, it was voted on and unanimously carried to accept the minutes of the June 28, 2013 meeting as distributed.

Committees and  
Program of Work:

No discussion.

Licensing –  
Ratification:

Upon a motion by Commissioner Cobb, seconded by Commissioner Arakaki it was voted on and unanimously carried to ratify the attached list.

Commissioner Wada arrives.

Licensing –  
Applications:

The EO informed the Commissioners that the information provided to the Commissioners is related only to the issue that is before the Commission for consideration. The other materials submitted are available for the Commissioners review should they desire to review it. If the applicants have an issue, which is personal in nature, they have the right to request that their application be considered in executive session.

Chair Pro Tem Harvey took the agenda out of order.

### **Alexandra Zachary Real Estate, LLC – Request for Reconsideration**

Chair Pro Tem Harvey recused himself from discussion and decision making due to a potential conflict of interest. Chair Pro Tem Harvey turned the meeting over to Commissioner Sherley and excused himself from the meeting.

Chair Pro Tem Harvey removed himself from the meeting room.

Upon a motion by Commissioner Arakaki, seconded by Commissioner Cobb it was voted on and unanimously carried to accept Mr. Brinkman's request to have the Application for License – Real Estate Limited Liability Company of Alexandra Zachary Real Estate, LLC, reconsidered by the Commission.

Deputy Attorney General Wong informed Mr. Brinkman that he did notate on the meeting sign-in sheet that he wanted the application of Alexandra Zachary Real Estate, LLC, considered in executive session with only Commissioners and staff members present. Discussion of the application would then not be included in the public minutes.

Mr. Brinkman informed the Commission that he would like the discussion of his application made in an open meeting and therefore declined the offer of having his application discussed in executive session.

Specialist Grupen informed the Commission that at its June 28, 2013 Real Estate Commission meeting, the Commission denied the application for Alexandra Zachary Real Estate, LLC, based on section 467-9(b)(1), HRS, which states in part, "Unless approved by the Commission, no real estate broker's license shall be issued under or changed to any trade name, corporate name, or partnership name which contains the name, part of the name, initials, or nickname of...An unlicensed person."

Mr. Brinkman asked the Commissioners what is the problem with the proposed name of Alexandra Zachary Real Estate, LLC. He reported that the name was approved and used in the 1990s. He claims to have done everything by the book and wants an explanation for the denial of a name previously approved by the Commission.

Commissioner Arakaki questioned Mr. Brinkman whether he is aware of the law relating to names and if he is requesting an exception.

Mr. Brinkman responded in the affirmative.

Commissioner Arakaki questioned Mr. Brinkman as to what he believes are the standards for an exception.

Mr. Brinkman responded that the law was written allowing for exceptions. He stated that he is only a little guy, not a big developer. Alexandra Zachary Real Estate, LLC, is named after two of his children, Alexandra and Zachary whom he takes great pride in. He further noted that he had no problems in the past with the use of the name and never deceived the public; all he wants is to keep the name alive. Mr. Brinkman feels that his situation fits the standard for an exception.

Commissioner Faulkner questioned if Mr. Brinkman is currently a sole proprietor.

Mr. Brinkman responded in the negative and noted that he was previously a sole proprietor with the trade name Alexandra-Zachary Real Estate. He is currently applying for a Limited Liability Company with the entity name of Alexandra Zachary Real Estate, LLC. Mr. Brinkman also responded that if the Commission would allow him to use Alexandra-Zachary Real Estate as a trade name he could apply as a sole proprietor instead.

Commissioner Wada noted that at the time Mr. Brinkman's trade name was approved in 1990 his children were very young. His children are now grown adults and the name of the company could be misconstrued as licensed individuals.

Mr. Brinkman stated that the use of the name Alexandra Zachary is to honor his children who are good law abiding citizens and sees no danger in using their names for his company's name.

Deputy AG Wong informed Mr. Brinkman that the intent of the law was to not use names of unlicensed persons. The current Commissioners are not bound by the decision of previous Commissioners so long as they are basing their decision on the current laws and rules.

Specialist Grupen informed Mr. Brinkman and the Commission that in the last 20 years, there have been 12 requests, of which 10 were denied and two were approved, one of which was approved with conditions to open as a franchise.

Mr. Brinkman reiterated that the law allows for exceptions, which he is requesting.

Specialist Grupen provided the example of a request received for the entity name of CNA Realty, which stood for Craig and Amy Realty. Craig was a licensee, Amy was not. The Commission denied the request.

Commissioner Cobb noted that as a Principal Broker or Sole Proprietor with licensees under you, you are then the source of information to your licensee on the current laws. As the PB or Sole Proprietor, your resource book is the laws and rules. How can you ask for an exception and then explain the law to your licensees?

Mr. Brinkman responded the he can show his licensees the law, and that there are allowable exceptions to the law. He reiterated that he has a track record of using the name of Alexandra Zachary without incident. Of the requests Mr. Grupen noted, none have had the same circumstances.

Upon a motion by Commissioner Faulkner, seconded by Commissioner Wada, it was voted on and unanimously carried to enter into executive session, pursuant to section 92-5(a)(1), HRS, "To consider and evaluate personal information, relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and pursuant to section 92-5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities."

Upon a motion by Commissioner Wada, seconded by Commissioner Faulkner, it was voted on and unanimously carried to move out of executive session.

After a review of the information presented by the applicant, Commissioner Arakaki moved to deny the real estate limited liability company license for Alexandra Zachary Real Estate, LLC, based on section 467-9(b), Hawaii Revised Statutes, which states:

". . .(b) Unless approved by the commission, no real estate broker's license shall be issued under or changed to any trade name, corporate name, or partnership name which contains the name, part of the name, initials, or nickname of:

- (1) An unlicensed person;
- (2) A real estate salesperson; or
- (3) A real estate broker whose real estate license is not associated with or employed by the subject real estate broker applicant. . . ."

Commissioner Cobb seconded the motion. The motion was voted on and unanimously carried.

Mr. Brinkman stated that Commissioner Arakaki was involved in something with him at HAR and questioned why Commissioner Arakaki did not recuse himself as Commissioner Harvey did.

Commissioner Arakaki questioned whether Mr. Brinkman was his client.

Mr. Brinkman responded in the negative but stated that Commissioner Arakaki was representing HAR at the time, resulting in thousands of dollars loss to himself.

Deputy AG Wong informed Mr. Brinkman that he has the right to appeal the Commission's decision with the Office of Administrative Hearings. Commission staff will provide Mr. Brinkman with a letter informing him of the process. The case will be reviewed by a single administrative hearings officer who will make recommendations and forward it back to the Commission. If not satisfied with that decision, he can also appeal to the Circuit Court.

Commissioner Arakaki informed Mr. Brinkman that he does not recall any issues that both he and Mr. Brinkman were involved in. He further noted that his representation of HBR to its Ethics Committee played no role in his decision making today. Deputy AG Wong questioned Commissioner Arakaki whether he was and is able to make a fair and objective vote and decision. Commissioner Arakaki responded that he could and did make a fair and objective decision.

Chair Pro Tem Harvey returned to the meeting at 9:42 a.m.

**Nilfa C. Cataraja**

Ms. Catajara was asked if she wished to have her application for real estate salesperson considered in executive session. She accepted the offer.

Executive Session: Upon a motion by Commissioner Cobb, seconded by Commissioner Sherley, it was voted on and unanimously carried to enter into executive session, pursuant to section 92-5(a)(1), HRS, "To consider and evaluate personal information, relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and pursuant to section 92-5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities."

Upon a motion by Commissioner Cobb, seconded by Commissioner Sherley, it was voted on and unanimously carried to move out of executive session.

Upon a motion by Commissioner Cobb, seconded by Commissioner Sherley, it was voted on and unanimously carried to take this matter under advisement

Licensing –  
Applications:

**Richard Laporga**

Mr. Laporga was asked if he wished to have his application for real estate broker considered in executive session. He accepted the offer.

Executive Session:

Upon a motion by Commissioner Cobb, seconded by Commissioner Sherley, it was voted on and unanimously carried to enter into executive session, pursuant to section 92-5(a)(1), HRS, "To consider and evaluate personal information, relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and pursuant to section 92-5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities."

Upon a motion by Commissioner Cobb, seconded by Commissioner Sherley, it was voted on and unanimously carried to move out of executive session.

Upon a motion by Commissioner Sherley, seconded by Commissioner Faulkner, it was voted on and unanimously carried to take this matter under advisement.

Executive Session:

Upon a motion by Commissioner Sherley, seconded by Commissioner Arakaki, it was voted on and unanimously carried to enter into executive session, pursuant to section 92-5(a)(1), HRS, "To consider and evaluate personal information, relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and pursuant to section 92-5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities."

Upon a motion by Commissioner Sherley, seconded by Commissioner Faulkner, it was voted on and unanimously carried to move out of executive session.

Licensing  
Applications:

**Michael P. Swam**

After review of the information presented by the applicant, Commissioner Arakaki moved to approve the application for real estate salesperson license of Michael P. Swam. Commissioner Sherley seconded the motion, Commissioner Lee voted nay. The motion was voted on and carried.

**Nilfa C. Cataraja**

After review of the information presented by the applicant, Commissioner Sherley moved to approve the application for real estate salesperson license of Nilfa C. Cataraja. Commissioner Cobb seconded the motion. The motion was voted on and unanimously carried.

**Ren O. Grendahl**

After review of the information presented by the applicant, Commissioner Arakaki moved to approve the application for real estate broker license of Ren O. Grendahl. Commissioner Cobb seconded the motion. The motion was voted on and unanimously carried.

### **Richard Laporga**

After review of the information presented by the applicant, Commissioner Arakaki moved to approve the application for real estate broker license of Richard Laporga subject to the following conditions:

1. That any subsequent criminal conviction whether by nolo contendere or otherwise, of a penal crime directly related to the qualifications, functions, or duties of the licensed profession or vocation shall be grounds for revocation of license.
2. That failure to provide written notice within 30 days to the licensing authority of any judgment, award, disciplinary sanctions, order, or other determination, which adjudges or finds that the licensee is civilly, criminally, or otherwise liable for any personal injury, property damage, or loss caused by the licensee's conduct in the practice of the licensee's profession or vocation shall be grounds for revocation.
3. That the Applicant shall at all times be associated with and under the direct supervision of a principal broker or one or more brokers in charge, for all real estate transactions.
4. That the Applicant shall inform the principal broker or sole proprietor real estate broker (including a broker-in-charge of a real estate branch office) with whom the Applicant associates that such a conditional real estate broker license has been granted and the terms of the conditional license.
5. That any change of association and/or employment by Applicant to another real estate broker shall be submitted in writing to the Commission with the new broker, principal broker or sole proprietor, and if applicable the broker-in-charge, acknowledging the terms of the Applicant's conditional license within ten (10) days of the change.
6. If the Applicant wishes to remove these conditions, the Applicant must submit a written request to the Commission.

Commissioner Cobb seconded the motion. The motion was voted on and unanimously carried.

Next Meeting: Friday, August 23, 2013  
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 Pro Tem adjourned the meeting at  
10:05 a.m.

Reviewed and approved by:

/s/ Miles I. Ino

---

Miles I. Ino  
Executive Officer

August 2, 2013

---

Date

[  ]     Approved as circulated.  
[        ]     Approved with corrections; see minutes of \_\_\_\_\_ meeting.



APPROVED APPLICATIONS FOR REAL ESTATE  
REAL ESTATE COMMISSION MEETING ON JULY 26, 2013

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Navigation Real Estate, LLC Jeffrey E. Foster, PB	6/12/2013
TRE, LLC Jerald Y. Nakasone, PB	6/10/2013
Kohanaiki Service Company, LLC Eric R. Johnson, PB	6/25/2013
Rebate Realty, LLC Stephen Ozimec	6/25/2013
Honolulu HI 5 LLC George Krischke, PB	6/12/2013
Hale Investments LLC Anthony Pace, PB	7/01/2013

<u>Branch Office</u>	<u>Effective Date</u>
Hawaii Life Real Estate Services, LLC(1) Matt Beall, PB	5/13/2013
Hawaii Life Real Estate Services, LLC(2) Matt Beall, PB	5/13/2013
Hawaii Life Real Estate Services, LLC(3) Matt Beall, PB	5/13/2013
Hawaii Life Real Estate Services, LLC(4) Matt Beall, PB	5/13/2013
Hawaii Life Real Estate Services, LLC(5) Matt Beall, PB	5/13/2013
Hawaii Life Real Estate Services, LLC(6) Matt Beall, PB	5/13/2013
Hawaii Life Real Estate Services, LLC(7) Matt Beall, PB	5/13/2013
Hawaii Life Real Estate Services, LLC(8) Matt Beall, PB	5/13/2013

<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Julieann Lam Phan	11/13/2012
Philip G. Smith	11/13/2012
James E. McKellar	11/21/2012
Steven J. Simonetti	5/03/2013
Thomas T. Ishii, Jr.	5/06/2013
Katherine A. Ingoglia	5/22/2013
Matilda L. Keith	5/17/2013
David L Moyer	5/24/2013
Danna L. Christensen	5/28/2013
Ryan Lewis Eck	6/13/2013

<u>Trade Name</u>	<u>Effective Date</u>
Fidelibus Properties, LLC dba Surf and Sea Realty	7/09/2013

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Debbie Hicks Sclafani	6/24/2015
Khang Quang Dang	6/24/2015
David Findley	6/24/2015

Dewey Albert Keithly, IV	6/24/2015
Jeremy James Moncur	6/24/2015
Beatriz M. Lacson	6/24/2015
Timothy Landon Easley	6/24/2015
Go Robert Kobayashi	6/24/2015
Jerry-Lee Noelani Kupau-Cardenas	6/27/2015
Mark Christopher Bennett	6/27/2015
Gordon Heinicke	6/27/2015
Warren Oda	6/27/2015
Carol Ann Seno	6/27/2015
Leslie A. Sherman	7/01/2015
Richard Warren Russell	7/01/2015
Kynan Kwai Lum Pang	7/01/2015
Marina Kaiulani Sands	7/01/2015
Ani Simonian	7/02/2015
Robert W. Dudek	7/03/2015
Seiichi Saito	7/03/2015
Harold Sender	7/03/2015
H. Scott Rotheiser	7/09/2015
Kelley Ann OToole	7/09/2015
James Riley Dollens	7/12/2015
Sophia O. Tam	7/12/2015

Equivalency to Uniform Section of Examination Certificate

Expiration Date

Tawnya Lynn Skinner	6/20/2015
Debbie Hicks Sclafani	6/24/2015
David Findley	6/24/2015
Beatriz M. Lacson	6/24/2015
Mark Christopher Bennett	6/27/2015
Gordon Heinicke	6/27/2015
Carol Ann Seno	6/27/2015
Leslie A. Sherman	7/01/2015
Ani Simonian	7/02/2015
Robert W. Dudek	7/03/2015
Seiichi Saito	7/03/2015
Harold Sender	7/03/2015
H. Scott Rotheiser	7/09/2015
Kelley Ann OToole	7/09/2015
Rhonda Gayle Vilott	7/11/2015

Real Estate Broker Experience Certificate

Expiration Date

Debbie Hicks Sclafani	6/24/2015
Ryan Alapaki MacLaughlin	6/24/2015
Bryan Vincente Balisacan	6/24/2015
Kathryn E. Petty-Tubman	6/25/2015
Mark Christopher Bennett	6/27/2015
Karen E. Texeira	6/27/2015
Paul Glenn Takashi Matsuwaki	6/27/2015
Nancy Lee Price	6/27/2015
Richard Warren Russell	7/01/2015
Ani Simonian	7/02/2015
Kelly Edward Lee	7/03/2015
Robin L. Markle	7/03/2015
Lauren Elise Horikoshi	7/03/2015

Robert W. Dudek	7/03/2015
Seiichi Saito	7/03/2015
Harold Sender	7/03/2015
H. Scott Rotheiser	7/09/2015
Krzysztof Borko	7/12/2015
<u>Real Estate Broker</u>	<u>Effective Date</u>
Jeffrey E. Foster	5/14/2013
Andrea Eva Lavoie	6/04/2013
Eric R. Johnson	6/25/2013
Kurt S. DeMeire	6/13/2013
Michael E. Zimmerman	7/05/2013
Ada E. Hayashi	7/05/2013
<u>Restoration – Real Estate Salesperson</u>	<u>Effective Date</u>
Jay Mellon	6/03/2013