

INSTRUCTIONS AND INFORMATION

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REAL ESTATE CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY (LLC), LIMITED LIABILITY PARTNERSHIP (LLP) LICENSE APPLICATION

Completing the Application:

Type or print legibly in black ink, providing the requested information.

1. Indicate the type of entity which is applying for the license. Mark one only.

The applicant's name must be exactly as registered with the Business Registration Division, Department of Commerce and Consumer Affairs.

If a trade name is used, the trade name must first be registered with the Business Registration Division.

Provide the physical location of the applicant's principal place of business. A brokerage firm shall maintain a principal place of business located in this State from which the brokerage firm conducts business and where the brokerage firm's books and records are maintained.

Provide a mailing address if different than the physical location of the principal place of business.

Provide the telephone number of the principal place of business.

Provide the name and license number of the principal broker.

You must answer ALL questions. If there are any unanswered questions, a deficiency notice will be issued and further review of the application will be suspended until a response is received. If there are any "Yes" answers to questions (1) through (6), refer to the section on Yes answers below.

Provide the names, addresses, and license number (if applicable), of officers and directors of a corporation, partners of a partnership or LLP, and manager and members of an LLC. Attach a separate sheet if necessary.

The application must be certified by an officer of a corporation, general partner of a partnership or LLP, or manager or member of an LLC AND by the principal broker. An officer of a corporation, general partner of a partnership or LLP, or manager or member of an LLC, AND the principal broker shall certify that the information provided is true and correct by signing the application.

Submit the Following with the Application:

ENTITY REGISTRATION: Corporation/ Partnership, LLC or LLP

We will require the following proof to show that the entity is properly registered with the Business REGISTRATION: Registration Division (BREG), Department of Commerce and Consumer Affairs, State of Hawaii, P.O. Box 40, Honolulu, Hawaii, 96810. Call 586-2727, or www.hawaii.gov/dcca/breg-seu.

If the entity has been registered in this State for LESS THAN one (1) year, ATTACH a "filed-stamped" copy of the document filed with BREG; or the same certificate mentioned below.

If the entity has been registered in this State for MORE THAN one (1) year, ATTACH a current "Certificate of Good Standing" or "Certificate of Qualification" that was issued not more than 12 months ago.

NOTE: The name of the brokerage firm shall conform to the following section of the Hawaii Revised Statutes 467-9(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.

TRADE NAME

If you are planning to use a trade name, submit a filed-stamped copy of current trade name registration approved by the Business Registration Division of the Department of Commerce and Consumer Affairs.

**ENTITY
RESOLUTION**

Submit a document reflecting an official act of the entity (e.g. corporate resolution) which shows that the applicant has appointed the principal broker and authorizing the principal broker to control, supervise, and manage the real estate operations of the applicant. Language in the authorizing document shall reflect the principal broker's duties and powers as stated in Hawaii Revised Statutes §467-1.6. Except in the case of one person entities, the authorizing document must be signed by an officer, partner, manager, or member other than the principal broker. If the principal broker is not an officer of a corporation, not a partner of a partnership, or not a member of a member-managed or manger of a manger-managed limited liability company, a statement must be included in the resolution certifying that the principal broker is instead an employee. (Sections 467-8(4), 467-8(5), and 467-8(8), HRS).

**CHANGE FORM -
PRINCIPAL BROKER**

Include a change form for the principal broker. If the principal broker is currently associated with a broker, the change form should show a release and sign on to the applicant. If the principal broker is currently inactive, the change form should show a reactivation and sign on to the applicant. **No change form fee for the category "Change of/to Principal Broker" is required.**

If license will be issued in an ODD-NUMBERED year, pay..... \$330
(Non-refundable application fee - \$50, License - \$50, recovery fund - \$50,
CRF - \$90, 1/2 renewal - \$50, education fund - \$40)

If license will be issued in an EVEN-NUMBERED year, pay \$235
(Non-refundable application fee - \$50, License - \$50, recovery fund - \$50,
CRF - \$45, education fund - \$40)

FEES

License fees may be paid by money order, cashier's check, personal money order or personal check made payable to "Commerce and Consumer Affairs." Acceptance or cashing of payment does not constitute approval of your license application. If for any reason your application is not approved or processing of your application is terminated, a refund will be processed. Refunds require approximately six to eight weeks to process.

Note: *One of the numerous legal requirements that you must meet in order for your new license to be issued is the payment of fees as set forth in this application. You may be sent a license certificate before the payment you sent us for your required fees is honored by your bank. If your payment is dishonored, you will have failed to pay the required licensing fee and your license will not be valid, and you **may not** do business under that license. Also, a \$25.00 service charge shall be assessed for payments that are dishonored for any reason.*

If for any reason you are denied the license you are applying for, you may be entitled to a hearing as provided by Title 16, Chapter 201, Hawaii Administrative Rules, and/or Chapter 91, Hawaii Revised Statutes. Your written request for a hearing must be directed to the agency that denied your application, and must be made within 60 days of notification that your application for a license has been denied.

SUBMIT TO

Mail or deliver the completed application and all required fees and documents to: **Real Estate Commission, PVL Licensing Branch, DCCA, 335 Merchant Street, Room 301, P.O. Box 3469, Honolulu, HI 96801.**

Review and Approval: All applications must be reviewed and approved by the Real Estate Commission. *Unnecessary calls and visits will only delay processing.* If your application is approved, a "Notice of Licensure" will be mailed to you. If your application is required to be reviewed at a Commission meeting, the processing time will be longer. You will receive notification of the date, time, and location of the meeting. The Commission meets once each month.

Instructions for "Yes" Answers to Questions (1) through (6) of the Application for License (Form ENTITY09_2010).

- A. The following documentation must be submitted with the license application. Applications for license will not be considered without this material.
1. Questions (1) through (6) refer to complaints, charges of unlicensed activity, or pending disciplinary actions for any profession, occupation, or license, both real estate and those other than real estate. If your answer is "yes" to one or more of these questions, read paragraph "B" below, AND you must submit the following:

- i. A statement signed by you explaining the circumstances;
 - ii. Copies of any documents from the agency, including final orders, petitions, complaints, findings of fact and conclusions of law, and any other relevant documents;
 - iii. A resume of any employment, business activities, and education since the date of the action; and
 - iv. You may also include statements from employers, business associates, clients, and others who can attest to your reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing.
- 2) If your application indicates a criminal conviction, read paragraph "B" below, and you must submit the following:
- i. A statement signed by you explaining the circumstances leading to the conviction and detailing all activities since the conviction, including employment and business involvements. Include job title, period of employment, employer's name, description of duties, training attended, and educational courses attended;
 - ii. A copy of the court order, verdict, and terms of sentence; written proof of completion and/or compliance with applicable terms of sentence, e.g., payment of fine(s) or restitution;
 - iii. If applicable, a copy of the terms of probation and/or parole and a statement from your probation or parole officer as to your reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing; and
 - iv. Signed statements from employers, business associates, clients, and others who can attest to your business dealings since the conviction, including a statement as to your reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing.
- 3) If you have any pending lawsuits, unpaid judgments, outstanding tax obligations, or any other type of involuntary liens against you, submit the following:
- i. A statement signed by you explaining the circumstances and current status, and if no payment or payment arrangement has been made, the reason;
 - ii. A resume of employment and business activities; and
 - iii. Copies of the court complaint, judgment, documentation of payment arrangements, lien documents, records of any payments, and other relevant documents.
- B. If you answered "yes" to any of the questions from (1) through (6), your application will be reviewed at a monthly Real Estate Commission meeting if you have provided all applicable information and documents as described above. The Commission will not review incomplete applications. If you wish to present oral testimony at the meeting, submit a written request with your application. A courtesy notice with information on the date, time, and location of the meeting will be sent to you.

BIENNIAL RENEWAL All licenses expire on December 31 of each even-numbered year and must be renewed by **RENEWAL** November 30, regardless when the license was issued. License fees and renewal fees are not prorated.

LAWS & RULES PUBLICATIONS To obtain a copy of the Real Estate laws and rules, send a written request: The Real Estate Commission, PVL Licensing Branch, DCCA, P.O. Box 3469, Honolulu, Hawaii 96801.

Real Estate Brokers and Salespersons, Ch 467, HRS; Ch 99, HAR;
 Real Estate Condominium Property Regime, Ch 514A, HRS; Ch 514B, HRS; Ch 107, HAR;
 Uniform Land Sales, Ch 484, HRS; Ch 104, HAR;
 Professional & Vocational Licensing Act, Ch 436B, HRS.

NOTE: Under Hawaii law, it is a criminal offense to submit false information to the Real Estate Commission.

§467-20 False statement. It shall be unlawful for any person or the person's agent to testify before or file with the commission, or the testing service agency designated by the commission, any notice, statement, or other document required under this chapter, that is false or untrue or contains any material misstatement of fact, or contains forgery. In addition to any sanctions or remedies as provided in this chapter, any violation of this section shall constitute a misdemeanor punishable pursuant to sections 706-640 or 706-663, or both, and not pursuant to section 467-26. (HRS Ch. 467).

This material can be made available for individuals with special needs. Please call the Licensing Branch Manager at (808) 586-3000 to submit your request.