

REAL ESTATE COMMISSION
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii
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, September 27, 2013

Time: 9:00 a.m.

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

Present: Nikki T. Senter, Chair, Public/Honolulu Commissioner
Frances Gendrano, Vice Chair, Broker/Honolulu Commissioner
Walter Harvey, 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
Laurie Lee, Broker/Honolulu Commissioner

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

Others: Lei Fukumura, Special Deputy Attorney General
Patrick Kelly, Regulated Industries Complaints Office, Staff Attorney
Ronald Michioka, Esq., Ayabe, +Chong, Nishimoto, Sia, & Nakamura
Carolyn Y. Landon (via teleconference)
Darlene Osterman
Anthony Groman

Call to Order: Chair Senter called the meeting to order at 9:10 a.m., at which time quorum was established.

Chair's Report: The Chair 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.

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 August 23, 2013 meeting as distributed.

Committees and Program of Work: No discussion.

Licensing – Ratification: Upon a motion by Commissioner Cobb, seconded by Commissioner Gendrano, it was voted on and unanimously carried to ratify the attached list.

Chair Senter took the agenda out of order.

Recovery Fund Report: **Carol A. Bucauto, Country Lands & Homes, Inc.**

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

Upon a motion by Commissioner Sherley, seconded by Commissioner Cobb it was voted on and unanimously carried to accept Mr. Michioka's recommendation and approve the settlement agreement.

Chapter 91, HRS, Adjudicatory Matters: The Chair called for a recess from the meeting at 9:20 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate License of Kelly Ann Wakayama, a Real Estate Salesperson; REC 2013-72-L

Upon a motion by Commissioner Sherley, seconded by Commissioner Faulkner, it was voted on and unanimously carried to accept the settlement agreement.

Following the Commission's review, deliberation, and decisions in these matters, pursuant to Chapter 91, HRS, the Chair announced that the Commission was reconvening its scheduled meeting at 9:30am

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.

Licensing –
Applications:

Anthony Groman

Mr. Groman was asked if he wished to have his request for preliminary decision for a real estate salesperson considered in executive session. He accepted the offer.

Executive Session:

Upon a motion by Commissioner Sherley, seconded by Commissioner Faulkner, 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 Faulkner, seconded by Commissioner Arakaki, 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.

Darlene Osterman

Ms. Osterman was asked if she wished to have her application for real estate broker 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 Sherley, seconded by Commissioner Faulkner, it was voted on and unanimously carried to take this matter under advisement.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 9:50 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate Salesperson License of Carolyn K. Ko, now known as Carolyn Y. Landon, Respondent; REC 2008-102-L

Commissioner Laurie Lee recused herself from discussion and voting on this matter.

Commissioner Cobb moved to adopt the Hearings Officer's Findings of Fact and Conclusions of Law and issue a proposed final order revoking Respondent's license. Commissioner Harvey seconded the motion. The motion was voted on and unanimously carried.

Following the Commission's review, deliberation, and decisions in these matters, pursuant to Chapter 91, HRS, the Chair announced that the Commission was reconvening its scheduled meeting at 10:05 a.m.

Executive Session: Upon a motion by Commissioner Sherley, seconded by Commissioner Harvey, 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 Arakaki, seconded by Commissioner Wada, it was voted on and unanimously carried to move out of executive session.

Licensing
Applications:

Anthony Groman

After review of the information presented by the Applicant, Commissioner Gendrano moved to most likely approve the real estate salesperson's license of Anthony Groman with conditions. Commissioner Arakaki seconded the motion. Commissioners Arakaki, Cobb, Faulkner, Gendrano, Harvey, Wada, Senter, and Sherley, voted aye. Commissioner Lee voted nay. The motion passed.

David Rothenberg

After review of the information presented by the Applicant, Commissioner Gendrano moved to most likely approve the real estate salesperson's license of David Rothenberg. Commissioner Arakaki seconded the motion. The motion was voted on and unanimously carried.

Timothy Caviezel

After review of the information presented by the Applicant, Commissioner Gendrano moved to approve the real estate salesperson's license of Timothy Caviezel subject to the following conditions:

1. That during the term of parole/probation, any violation of the terms of the parole/probation, by the Applicant, shall be grounds for revocation of license.
2. 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.
3. 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.

4. 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.
5. 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 salesperson license has been granted and the terms of the conditional license.
6. 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.
7. That the Applicant shall pay all fines/fees ordered by the courts.
8. And that the release of the Applicant from parole/probation shall not imply any changes upon the conditions of the license.
9. Upon successful completion of parole/probation, the Applicant must submit a written request to the Commission if the Applicant desires to have the conditions removed.

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

Jeffrey Higgs

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

Darlene Osterman

After review of the information presented by the applicant, Commissioner Harvey moved to deny the application for real estate salesperson license of Darlene Osterman based on HRS §§ 467-8(a)(3), 467-14(20), and 436B-19(7)(8)(11)(12). Commissioner Arakaki seconded the motion. The motion was voted on and unanimously carried.

Next Meeting: Friday, October 25, 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 Senter adjourned the meeting at 10:45 a.m.

Reviewed and approved by:

/s/ Miles I. Ino

Miles I. Ino
Executive Officer

October 4, 2013

Date

[X] Approved as circulated.
[] Approved with corrections; see minutes of _____ meeting.

MI:ma/131004

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON SEPTEMBER 27, 2013

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Monifi Hawaii Realty, LLC Miho Choo O'Grady, PB	08/05/2013
Prestige Realty Group Limited Liability Company Sherrie Au, PB	08/15/2013
Infinity Realty, LLC Russell Lui, PB	08/20/2013
Big Island Resort Management, LLC Paul G. Matsuwaki, PB	08/29/2013
Brinkman Properties, LLC Edward W. Brinkman, PB	08/29/2013
Hawaii Preferred, LLC Steve Cohen, PB	09/03/2013

<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Sweet Home Realty, Inc. Thomas Zhuang, PB	08/07/2013
Maui Real Estate Solutions, Inc. JoAnn B. Jordon, PB	08/12/2013
Hyatt Residential Marketing Corporation Bradley D. Salter, PB	08/19/2013
List International Realty, Inc. Sandy Hanley, PB	08/20/2013
96761 Realty Corporation John J. Cote, PB	08/21/2013

<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Linda K. Hamp	08/05/2013
Samuel J. Campiformio	08/05/2013
Diana C. Prentiss	08/19/2013
Steven J. Faulkner	08/23/2013
Sandra K. Kelley	08/30/2013
Terrie Lynn L.M.L. Spotkaeff	09/04/2013
Angela L. Hardy	08/30/2013
Leslie Harrington Brown dba Leslie Brown Associates	09/10/2013

<u>Branch Office</u>	<u>Effective Date</u>
Savio Realty, Ltd Dana Kenny, PB	08/06/2013
Savio Realty, Ltd Dana Kenny, PB	08/06/2013
Savio Realty, Ltd Dana Kenny, PB	08/06/2013
Hawaii Life Real Estate Services, LLC Matt Beall, PB	08/30/2013

<u>Trade Name</u>	<u>Effective Date</u>
Hale Investments, LLC dba Keller Williams Honolulu	7/26/2013
Russell W. Rodgers dba Pacific Rim Business Consultants	8/21/2013

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Sarah Shojinaga	08/09/2015
Lanissa Kendra Fortner	08/09/2015
Constantino B. Siador	08/13/2015
David Bradley Watkins	08/19/2015
Kona Colin Bridges	08/19/2015
Richard Alm Horton	08/19/2015
Kevan Jun Wah Kamakana Wong	08/19/2015
Claudia Heck	08/19/2015
Milan Frank Vacek	08/19/2015
Catherine M. Quaglia	08/19/2015
Carol Lynne Hinderstein	08/19/2015
Jill Margaret Ward	08/19/2015
Seong Jin William Kim	08/21/2015
Brooke Leimomi Ingle	08/21/2015
Brian Scott Kamenca	08/21/2015
Cindy Lu Sparks	08/26/2015
Amy S. Vasquez	08/26/2015
Marrianna Bacon	08/26/2015
Edward R. Shaughnessy	08/27/2015
Danielle Leigh Travis	08/28/2015
Claude Wesley Allen	08/28/2015
Brian James Pugh	08/29/2015
Christine A. Noreen	08/29/2015
Carla Kelly Lorimor	09/03/2015
Carl Bradley Graumann	09/04/2015
Charles Alva Jones, III	09/04/2015
Melissa Virginia Kiser	09/05/2015
Tiffany Dean Donnelly	09/06/2015
John Michael Kliminski	09/06/2015
Laura Jean Fuentes	09/06/2015
Mina Ferguson	09/09/2015
Melissa Virginia Kiser	09/05/2015
Barbara Kay Beerling	09/10/2015
David Wallace Gullifer	09/11/2015
Adam Alexander	09/11/2015
Jonelle Lynn Bechard	09/11/2015
Jin Kobayashi	09/11/2015
Linda Frix Zell	09/11/2015
Lee Dumond	09/11/2015
Hayley D. Carradine	09/11/2015
Joseph S. Regelbrugge	09/11/2015
Karen Noelani Campbell	09/11/2015
Robb Miki Taone	09/11/2015
Kelli Kendahle Banas	09/11/2015
Kristen Duncan deClive-Lowe	09/11/2015
Yuki Shoji	09/11/2015
Richard Ward Harris	09/11/2015

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Sarah Shojinaga	08/09/2015
Lanissa Kendra Fortner	08/09/2015
Constantino B. Siador	08/13/2015

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David Bradley Watkins	08/19/2015
Richard Alm Horton	08/19/2015
Claudia Heck	08/19/2015
Milan Frank Vacek	08/19/2015
Catherine M. Quaglia	08/19/2015
Carol Lynne Hinderstein	08/19/2015
Jill Margaret Ward	08/19/2015
Brian Scott Kamenca	08/21/2015
Cindy Lu Sparks	08/26/2015
Amy S. Vasquez	08/26/2015
Edward R. Shaughnessy	08/27/2015
Claude Wesley Allen	08/28/2015
Brian James Pugh	08/29/2015
Christine A. Noreen	08/29/2015
Carla Kelly Lorimor	09/03/2015
Carl Bradley Graumann	09/04/2015
Melissa Virginia Kiser	09/05/2015
John Michael Kliminski	09/06/2015
Laura Jean Fuentes	09/06/2015
Mina Ferguson	09/09/2015
Barbara Kay Beerling	09/10/2015
David Wallace Gullifer	09/11/2015
Jonelle Lynn Bechard	09/11/2015
Jin Kobayashi	09/11/2015
Linda Frix Zell	09/11/2015
Lee Dumond	09/11/2015
Hayley D. Carradine	09/11/2015
Joseph S. Regelbrugge	09/11/2015
David John Seiler	09/11/2015
Kelli Kendahle Banas	09/11/2015
Kristen Duncan deClive-Lowe	09/11/2015
Richard Ward Harris	

<u>Real Estate Broker Experience Certificate</u>	<u>Expiration Date</u>
Lanissa Kendra Fortner	08/09/2015
Constantino B. Siador	08/13/2015
David Bradley Watkins	08/19/2015
Jack M. Sanders	08/19/2015
Elizabeth A. Yoshimura	08/19/2015
Milan Frank Vacek	08/19/2015
Catherine M. Quaglia	08/19/2015
Joreen Knox	08/19/2015
Nancy O'Grady Cook	08/19/2015
Kelli D.Y. Wilinski	08/19/2015
Charles Alan Taylor	08/19/2015
Jill Margaret Ward	08/19/2015
Francis Benjamin McClelland	08/21/2015
Hatsumi Y. Campbell	08/21/2015
Seong Jin William Kim	08/21/2015
Brian Scott Kamenca	08/21/2015
Francis Gerard Hutchinson	08/26/2015
Jocelyn Marie Eaton	08/26/2015
Cindy Lu Sparks	08/26/2015
David Joseph Michael	08/27/2015
Atsuko Sato	08/27/2015

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Claude Wesley Allen	08/28/2015
Brian James Pugh	08/29/2015
Christine A. Noreen	08/29/2015
Carla Kelly Lorimor	09/03/2015
Alejandro Cortez	09/04/2015
Steven H. Latham	09/06/2015
Barbara Kay Beerling	09/10/2015
David Wallace Gullifer	09/11/2015
Linda Frix Zell	09/11/2015
Donald Matthew Pakkala	09/11/2015
Janice Marie Eisler	09/11/2015
David John Seiler	09/11/2015
Kevin Gendrano	09/11/2015
Yuki Shoji	09/11/2015
Richard Ward Harris	09/11/2015

<u>Real Estate Broker</u>	<u>Effective Date</u>
Brian G. Walulik	06/24/2013
Thomas Zhuang	08/07/2013
Kathy L. Becklin	08/08/2013
Larry Edward Hinman	08/09/2013
Kenneth J. Molina	08/12/2013
Minoo Elison Timm	08/12/2013
Jeannie Yu	08/13/2013
Jeanne K. Johnston	08/15/2013
Alette M. L. K. Kanakaole	08/19/2013
Teri Freeman	08/21/2013
Glenda R. Somera	08/21/2013
Carlin Yamashita	08/22/2013
Paul Matsuwaki	08/26/2013
Bryan V. Balisacan	08/28/2013
Nancy O'Grady Cook	08/28/2013
Angela L. Hardy	08/30/2013
Gary Tibljas	09/06/2013

<u>Condominium Hotel Operator</u>	<u>Effective Date</u>
Maui Seabreeze Vacation Rentals LLC	08/14/2013