

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, March 28, 2014

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
Bruce Faulkner, Broker/Maui Commissioner
Scott Arakaki, Public/Honolulu Commissioner
Scott A. Sherley, Broker/Hawaii Island Commissioner
Rowena Cobb, Broker/Kauai 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
Cynthia Yee, Senior Condominium Specialist
Amy Endo, Real Estate Specialist
David Grupen, Real Estate Specialist
Benedyne Stone, Condominium Specialist
Katherine Linster, Condominium Specialist
Shari Wong, Deputy Attorney General
Marilyn Antolin, Recording Secretary

Others: Lei Fukumura, Special Deputy Attorney General
Hue Tu Duong
Ben Fukuyama
Sheldon Glassco

Call to Order: Chair Senter called the meeting to order at 9:00 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") reported that the Proposed Amendments to Chapter 99 Rulemaking was scheduled for a hearing on March 19, 2014, before the Small Business Regulatory Review Board (SBRRB). Due to a lack of quorum, 2 members absent and 2 members recused from discussion, the SBRRB hearing was deferred to April 16, 2014.

SEO provided an update on the status of the Real Estate Commission (REC) Board. REC currently has nine (9) approved board member seats, of which 1 is currently vacant. Commissioner Gendrano will be completing her second term, which expires on June 30, 2014. Two (2) board member seats will then be vacant on June 30, 2014.

Commissioners Senter and Cobb were both confirmed on their reappointments. Their new term expiration date is June 30, 2018. Commissioner Sherley's reappointment had been recommended but the Governor's office has not yet confirmed this. The Governor's office is to submit their recommendation(s) to the Legislature for consideration and confirmation.

SEO mentioned that we currently have eight (8) REC Board Members. Upon the expiration of Commissioner Gendrano's term, the Board will have seven (7) confirmed board members. Without the confirmation of Commissioner Sherley, the Board would only have six (6) remaining board members. In the future, agenda issues will be deferred until appropriate quorum requirement is met. SEO has discussed the situation with PVL Administrator and with the DCCA Director but to date, no response was provided.

Commissioner Sherley commented that he had received a phone call from Governor's office, on or about March 25. The deadline for the Governor's office to submit the names of nominees to the Legislature is close of business, Friday, March 28, 2013.

SEO asked Commissioner Sherley if he would be willing to continue to serve on the Board on a holdover status until confirmation of his reappointment is received and/or a replacement confirmed. Commissioner Sherley agreed to a holdover of his current appointment until further notice.

EO mentioned that it is a good idea for the Board to review the guidelines on permitted interactions on the Office of Information Practices (OIP) website for more information and update on quorum requirements.

SEO provided an update on legislative bill HB2482 HD1, Relating to Condominiums. This bill makes amendments to the condominium law. Decision-making was initially scheduled for Tuesday, March 25 but deferred to March 28 because of interested party(ies). The new decision-making date is March 28 @ 10am, before Chair Senator Baker. A proposed Senate Draft (SD) is expected.

SEO also provided an update on legislative bill SB 41, SD1, relating to transient accommodations. Proposed House Draft (HD)1 is expected to be uploaded onto the Legislature website soon. Real Estate is currently not affected by SD1 but possibly affected by proposed HD1.

EO informed the Commissioners that the original applications, with any original associated documents considered at the meeting, were available for review.

Minutes of Previous Meeting

Upon a motion by Commissioner Faulkner, seconded by Commissioner Sherley, it was voted on and unanimously carried to accept the minutes of the February 28, 2014 meeting, as amended.

Licensing
Ratification:

Upon a motion by Commissioner Cobb, seconded by Commissioner Gendrano, it was voted on and unanimously carried to ratify the February 28, 2014 list.

Committees and
Program of Work:

Laws and Rules Review Committee Condominium Review Committee Education Review Committee

The previously scheduled committee meetings of April 9, 2014, has been rescheduled to Monday, April 7, 2014 @ 9am due to a schedule conflict. A few commissioners will be participating in the Association of Real Estate Licensing Law Officials (ARELLO) Mid-Year meeting scheduled during the original scheduled meeting date.

Licensing
Applications:

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.

Hue T. Duong

Ms. Duong was present to answer any questions that the Commissioners may have regarding her application for a real estate salesperson license.

Ms. Duong was asked if she wished to have her application considered in executive session. She accepted the offer.

Ben Fukuyama

Mr. Fukuyama was present to answer any questions that the Commissioners may have regarding his application for preliminary decision for a real estate salesperson license.

Mr. Fukuyama was asked if he wished to have his application considered in executive session. He accepted the offer.

Sheldon K. Glassco

Mr. Glassco was present to answer any questions that the Commissioners may have regarding his application for a real estate broker license.

Mr. Glassco was asked if he wished to have his request to have his application considered in executive session. He accepted the offer.

Executive Session Upon a motion by Commissioner Arakaki, seconded by Commissioner Cobb, 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.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 9:55 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 Tiffany S. Bove, A Real Estate Salesperson; REC 2013-161-L

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

In the Matter of the Real Estate License of Andrew Ray Kress, A Real Estate Salesperson; REC 2013-217-L

Commissioner Arakaki recused himself from discussion and voting on this matter and left the meeting.

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

Commissioner Arakaki returned to the meeting.

In the Matter of the Real Estate License of Adam J. Lee, A Real Estate Salesperson; REC 2009-237-L; REC 2009-322-L; REC 2009-333-L; REC 2009-377-L [Consolidated Cases]; and REC 2013-342-L

Upon a motion by Commissioner Cobb, seconded by Commissioner Sherley, it was voted on and unanimously carried to defer the decision-making to obtain clarification from RICO of the penalty violation of 514B relating to the failure of the developer to amend the public report.

In the Matter of the Real Estate License of Denelle L. K. Valiera, A Real Estate Salesperson; REC 2013-151-L

Upon a motion by Commissioner Arakaki, seconded by Commissioner Sherley, 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 10:10 a.m.

Licensing
Applications:

Hue T. Duong

After review of the information presented by the applicant, Commissioner Gendrano moved to approve the real estate salesperson license of Hue T. Duong. Commissioner Arakaki seconded the motion. The motion was voted on and unanimously carried.

James Farrell

After review of the information presented by the applicant, Commissioner Arakaki moved to deny the real estate salesperson license of James Farrell, unless within 60 days, proof of a payment plan or satisfaction of the judgment is provided, due to the following:

"§467-8 **Prerequisites for license, registration, or certificate.** No license, registration, or certificate under this chapter shall be issued to:

- (3) Any person who does not possess a reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing;..." and

"§436B-19 **Grounds for refusal to renew, reinstate or restore and for revocation, suspension, denial, or condition of licenses.** In addition to any other acts or conditions provided by law, the licensing authority may refuse to renew, reinstate or restore or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee or the applicant thereof:

- (1) Failure to meet or maintain the conditions and requirements necessary to qualify for the granting of a license;. . .
- (8) Failure to maintain a record or history of competency, trustworthiness, fair dealing, and financial integrity;. . .
- (12) Failure to comply, observe, or adhere to any law in a manner such that the licensing authority deems the applicant or holder to be an unfit or improper person to hold a license;. . ."

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

Charles J. Klimer

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

Robert Neuman

After review of the information presented by the applicant, Commissioner Sherley moved to defer the decision making on the application for real estate salesperson license of Robert Neuman and requests that he provide a written explanation

relating to the activities of the Stipulated Judgment and Permanent Injunction, and that he appears at the next scheduled Real Estate Commission meeting scheduled for Friday, April 25, 2014. Commissioner Gendrano seconded the motion. The motion was voted on and unanimously carried.

Ben Fukuyama

After review of the information presented by the applicant, Commissioner Arakaki moved to most likely deny the request for preliminary decision for real estate salesperson license of Ben Fukuyama. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

Sheldon K. Glassco

After review of the information presented by the applicant, Commissioner Gendrano moved to approve the real estate broker license of Sheldon K. Glassco. Commissioner Faulkner seconded the motion. The motion was voted on and unanimously carried.

Barry S. Sheehan

After review of the information presented by the applicant, Commissioner Faulkner moved to most likely deny request for preliminary decision for real estate broker license of Barry S. Sheehan, unless within 60 days, he provide proof of a payment plan or satisfaction of the judgment. Commissioner Arakaki seconded the motion. The motion was voted on and unanimously carried.

Next Meeting: Friday, April 25, 2014
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, Chair Senter adjourned the meeting at 10:15 a.m.

Reviewed and approved by:

/s/ Miles I. Ino

Miles I. Ino
Executive Officer

April 14, 2014

Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON MARCH 28, 2014

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
T. Bradley, LLC Tracy Bradley, PB	02/05/2014
Lisa Hatem Real Estate Company, LLC Lisa Hatem, PB	02/10/2014
Hawaii Residential Management, LLC Gary Yamashiro, PB	02/13/2014
808 Hawaii Properties, LLC Andy T. Chen, PB	02/21/2014
Hawaii Sales and Marketing, LLC dba Tracy's Realty Tracy Davidson, PB	02/24/2014
Fathom Realty HI, LLC Thomas Tischer, PB	02/27/2014
Island Property Management, LLC Geoffrey Granum, PB	03/07/2014
Hawaii Executive Realty, LLC Dottie Jackson, PB	03/11/2014
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Ponoaloha, Inc. Junko Weeks, PB	02/14/2014
Newport Hospitality Group, Inc. Daniel Visconti, PB	02/18/2014
CG Hawaii Realty Corp Candace Gray, PB	02/19/2014
SRE Matrix, Inc. Rika A. Jones, PB	02/21/2014
Hanalei Bay Enterprises, Inc. Jeff A. Gude, PB	02/25/2014
Diamond Key Realty, Inc. Damir Joldic, PB	03/04/2014
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Andy Takagi dba Takagi Realty Hawaii	02/05/2014
Kenton Duane Sodeno	02/14/2014
Arden L. Aker	02/18/2014
Jason Ian Hector dba Hawaii Pacific Realty	02/18/2014
Gregory Neil McMurray	02/28/2014
Carla Ellis	03/10/2014

Trade Name
Horita Realty, LLC dba Horita Realty

Effective Date
02/20/2014

Educational Equivalency Certificate

Expiration Date

Michael James Marcum	02/14/2016
Chao Liu	02/14/2016
Brent Paxton Ryan	02/14/2016
Juana Aguayo	02/14/2016
Duane P. Fouts	02/14/2016
Kim Marth	02/14/2016
Julia Renee Kleinfeld	02/18/2016
Lori Dawn Gardner	02/18/2016
Russell Kazuo Uyeno	02/19/2016
Deanne Lehuanani Yee Morimoto	02/21/2016
Caroline Gardiner O'Connor	02/21/2016
Joan Thompson Pagan	02/25/2016
Rusty Ann N. F. Smith	02/26/2016
Kelly Ann Smales	02/26/2016
Mark L. James	02/26/2016
William Orion Cottle	02/26/2016
Garrett Seijin Taira	02/26/2016
Joslyn Noelani Gibbs	02/26/2016
Jonathan Robert Garnett	02/26/2016
Vincent Lin-Watanabe	02/26/2016
Elizabeth Ann DuPont	02/26/2016
Deann Monique Salazar	02/28/2016
Jon Edward Nesbitt	02/28/2016
Robert Stock	02/28/2016
Shauna Alaine Zinn	03/04/2016
Gayle Sharp-Prince	03/06/2016
Jason David Trindade	03/06/2016
Sandra H. Downey	03/06/2016
Bradley Ware Jakobsen	03/06/2016
Chad M. Iida	03/06/2016
Carla Hough	03/07/2016
Jonathan Loyd McCumsey	03/07/2016
Debora Anne Ziel	03/07/2016
Bernard Vaughn Mora	03/07/2016
Tobias Benjamin Koehler	03/07/2016
Paul Bryan Shimomoto	03/07/2016
Trevor Roy Jones	03/12/2016
Mark Alii Homer	03/13/2016
Lisa S. Latham	03/13/2016
Molly Thurston Macom	03/13/2016
Sinclair Lloyd Szebrat	03/14/2016
Juana Aguayo	03/14/2016

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Chao Liu	02/14/2016
Brent Paxton Ryan	02/14/2016
Duane P. Fouts	02/14/2016
Julia Renee Kleinfeld	02/18/2016
Lori Dawn Gardner	02/18/2016
Caroline Gardiner O'Connor	02/21/2016
Mark L. James	02/26/2016
William Orion Cottle	02/26/2016
Vincent Lin-Watanabe	02/26/2016
Elizabeth Ann DuPont	02/26/2016
Deann Monique Salazar	02/28/2016
Jon Edward Nesbitt	02/28/2016
Robert Stock	02/28/2016
Shauna Elaine Zinn	03/04/2016
Jason David Trindade	03/06/2016
Sandra H. Downey	03/06/2016
Bradley Ware Jakobsen	03/06/2016
Carla Hough	03/07/2016
Jonathan Loyd McCumsey	03/07/2016
Debora Anne Ziel	03/07/2016
Trevor Roy Jones	03/12/2016
Lisa S. Latham	03/13/2016
Molly Thurston Macom	03/13/2016
Juana Aguayo	03/14/2016

<u>Real Estate Broker Experience Certificate</u>	<u>Expiration Date</u>
Ayako Ide Ancheta	02/14/2016
Duane P. Fouts	02/14/2016
Masa Yamazaki	02/24/2016
Joseph Kaleo Ahina	02/25/2016
William Orion Cottle	02/26/2016
Garrett Seijin Taira	02/26/2016
Elizabeth Ann DuPont	02/26/2016
Hiromi Shinohara Farmer	02/26/2016
Cindy Barnett	02/26/2016
Jon Edward Nesbitt	02/28/2016
Robert Stock	02/28/2016
Takashi Nakayama	03/04/2016
Shauna Elaine Zinn	03/04/2016
Gayle Sharp-Prince	03/06/2016
Jason David Trindade	03/06/2016
Carrie Ann Gorospe	03/07/2016
Jonathan Loyd McCumsey	03/07/2016
Cynthia M. Fullmer	03/07/2016
Trevor Roy Jones	03/12/2016

Leanne S. Kwock	03/12/2016
Molly Thurston Macom	03/13/2016
Catherine Marie Peavy	03/14/2016
Juana Aguayo	03/14/2016

Real Estate Broker

	<u>Effective Date</u>
Katherine Annette Hatch	02/05/2014
Carol Ann Lopez	02/05/2014
Andy Takagi	02/05/2014
Lisa Hatem	02/10/2014
Kenton Duane Sodeno	02/14/2014
Melissa M. Iwai	02/11/2014
Barbara K. Beerling	02/12/2014
Daniel Visconti	02/18/2014
Jason Ian Hector	02/18/2014
David R. Peacock	02/20/2014
Gregory Neil McMurray	02/28/2014
Carla Ellis	03/10/2014

Restoration – Real Estate Salesperson

	<u>Effective Date</u>
Alexander Haig Papazian	03/06/2014

Condominium Hotel Operator

	<u>Effective Date</u>
Alii Destinations LLC	03/12/2014