

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, November 26, 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
Scott Sherley, Vice Chair, Broker, Hawaii Island Commissioner
Scott Arakaki, Public/Honolulu Commissioner
Rowena Cobb, Broker/Kauai Commissioner
Laurie Lee, Broker/Honolulu Commissioner
Aleta Klein, Broker/Honolulu Commissioner
Aileen Wada, Broker/Honolulu Commissioner
Michael Pang, Broker/Honolulu Commissioner

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

Absent: Bruce Faulkner, Broker/Maui Commissioner

Other: Lei Fukumura – Special Deputy Attorney General
Patrick Kelly - Regulated Industries Complaint Office, Staff Attorney
Dawnie Ichimura - Regulated Industries Complaint Office, Staff Attorney
Marc Nakamura - Regulated Industries Complaint Office, Staff Attorney
Eric Seitz, Esq.
Cesar Buted

Call to Order: Chair Senter called the meeting to order at 9:05 a.m., at which time quorum was established.

Real Estate Commission
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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.

Commissioner Faulkner was excused from the meeting. Prior notification of his non-attendance was received.

Executive Officer's Report: The Executive Officer (EO) informed the Commissioners that the original applications, with any original associated documents considered at the meeting, were available for review.

EO announced that the Commission shall afford all interested persons an opportunity to submit data, views, or arguments, in writing, on any agenda item and shall provide all interested parties an opportunity to present oral testimony on any agenda item subject to the conditions set forth in Section 16-99-83, HAR. The Commission may remove any person or persons who willfully disrupts a meeting to prevent and compromise the conduct of the meeting in accordance with Section 92-3, HRS.

Additional Distributions: 6. Licensing Applications –
c. Patrick J. Mannion – Motion for Final Judgment of Garnishment, file-marked June 28, 2012.

Minutes of the Previous Meetings: Upon a motion by Commissioner Cobb, seconded by Commissioner Sherley, it was voted on and unanimously carried to accept the minutes of the October 24, 2014 meeting, as circulated.

Committees and Program of Work: Laws and Rules Review Committee – Rulemaking, Chapter 99 Rules
EO announced that the public hearing will be held on December 1, 2014, 9:00 am to 12:00pm noon at the Capitol Auditorium Chamber level.

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

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.

Cesar B. Buted

Mr. Buted was present to answer any questions that the Commissioners may have regarding his application for a real estate salesperson license. Mr. Buted was asked if he wished to have his application considered in executive session. He accepted the offer.

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

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

Daniel Harlan Fisher

Mr. Fisher was not present but had requested to appear via teleconference to answer any questions that the Commissioners may have regarding his application for a real estate salesperson license. An attempt was made to contact Mr. Fisher, without success.

The Chair took the agenda out of order.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 9:25 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 Jeffrey N. Samuels, and Jeffrey Samuels Real Estate Services: REC 2012-12-L

Commissioner Pang moved to accept the settlement agreement. Commissioner Klein seconded the motion. Commissioners Senter, Sherley, Arakaki, Cobb, Lee, Klein, and Pang voted aye. Commissioner Wada voted nay. The motion passed and carried to accept the settlement agreement.

In the Matter of the Real Estate License of Todd T. Dickie: REC 2011-252-L

Eric Seitz, Esq. was present for Todd T. Dickie and informed the commissioners that Mr. Dickie was ill and could not appear. Mr. Seitz requested a continuance so that his client could appear before the commission. RICO Staff Attorney Patrick Kelly was present and had no

objection to the continuance. Mr. Seitz requested the matter be deferred and put on agenda for next scheduled Real Estate Commission meeting.

Commissioner Sherley moved to defer the matter of the Real Estate License of Todd T. Dickie to the December 19, 2014, Real Estate Commission meeting. Commissioner Cobb seconded the motion, it was voted on and unanimously carried to defer the matter to the commission meeting on December 19, 2014.

In the Matter of the Real Estate License of Phillip L. Lopez: REC 2011-256-L

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

In the Matter of the Real Estate License of Darlene Osterman: REC-LIC-2013-002

Commissioner Sherley moved to defer the matter of the Real Estate License of Darlene Osterman to the December 19, 2014 Real Estate Commission meeting. Commissioner Cobb seconded the motion, it was voted on and unanimously carried to defer the matter.

In the Matter of the Real Estate License of Keoni Smith aka Michael Keoni Smith: REC 2013-188-L

Commissioner Klein moved to adopt the Hearings Officer's Findings of Fact, Conclusions of Law, and issued a proposed final order. Commissioner Arakaki 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 10:46 a.m.

Licensing
Application:

Daniel H. Fisher

A second attempt to contact Mr. Fisher by telephone was successful. Mr. Fisher was asked if he wished for his application for real estate salesperson license considered in executive session. He declined the offer.

Chair Senter asked if there were documents and/or additional information, Mr. Fisher would like to add to what he had already submitted.

Mr. Fisher state he had nothing further to provide. However, Mr. Fisher said he felt it was important for him to be available in the event that the Commissioners had questions regarding his application.

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

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

Licensing
Applications:

Cesar B. Buted

After review of all the information presented at its November 26, 2014 monthly meeting, Commissioner Arakaki moved to deny Mr. Buted's application for real estate salesperson's license unless, within sixty (60) calendar days, he submits written proof of his compliance with the approved written payment plan with the Hawaii Department of Taxation for all outstanding tax obligations. Commissioner Pang seconded the motion. The motion was voted on and unanimously carried.

The denial of Mr. Buted's application is based on the following:

"§467-8 Prerequisites for license, registration, or certificate. (a) 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 application or holder to be an unfit or improper person to hold a license;. . ."

The Commission concluded that the information submitted, including Mr. Buted's financial record with the Hawaii Department of Taxation, indicates that he did not meet the requirements for licensure, pursuant to the provisions cited above. However, if Mr. Buted meets the Commission's requirements, he will be issued a conditional license.

Daniel H. Fisher

After review of the information presented by the applicant, Commissioner Sherley moved to approve the real estate salesperson license of Daniel H. Fisher. Commissioner Pang seconded the motion. The motion was voted on and unanimously carried.

Patrick J. Mannion

After review of all the information presented by the applicant, Commissioner Arakaki moved to deny Mr. Mannion's application for real estate salesperson's license unless, within sixty (60) calendar days, applicant submits written proof of payment, written proof of discharge, or an approved written payment plan from Citibank N. A. or written proof of discharge of satisfaction of the judgment. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

The denial of Mr. Mannion's application is based on the following:

"§467-8 **Prerequisites for license, registration, or certificate.** (a) 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 application or holder to be an unfit or

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON NOVEMBER 26, 2014

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Akamai Marketing, LLC Joni Shiraishi, PB	10/10/2014
Hawaii Beachside Realty, LLC Marcia C. Balgos, PB	10/14/2014
Rainbow Realty Oahu, LLC Reuben K. Nemoto, PB	10/16/2014
Jillan, LLC Robert M. Jilek, PB	10/28/2014
Kukio Real Estate Company, LLLP James A. Schneider, PB	11/14/2014
Kona Realty, LLC Todd Hart, PB	11/17/2014

<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Hawaii Real Estate Executives, Inc. Daniel Kisiel, PB	10/03/2014
Stark Services, Inc. Stephanie G. Stark, PB	10/23/2014
Hawaii Ocean Club Realty Group, Inc. Jacob M. Manegdeg, PB	10/30/2014

<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Scott P. Timberlake	09/02/2014
Patrick H. Callahan	09/04/2014
Mordecai Melamed	09/09/2014
Marion M. Kealoha	10/15/2014
Daniel Espinosa	10/16/2014
Robert W. Cohen	10/27/2014

<u>Trade Name</u>	<u>Effective Date</u>
Brian Contorno-Gaston dba Gaston Global Brokerage	10/27/2014
CBI, Inc. dba Newmark Grubb CBI	10/27/2014
Z & M, Ltd dba Coldwell Banker Turtle Cove Realty	11/04/2014

<u>Branch Office</u>	<u>Effective Date</u>
Hawaii Life Real Estate Svcs, LLC dba Hawaii Life Real Estate Brokers RBO 19928-12 Matt Beall, PB	09/02/2014
Hawaii Life Real Estate Svcs, LLC dba Hawaii Life Real Estate Brokers RBO 19928-13 Matt Beall, PB	09/15/2014
List International Realty, Inc. dba List Sotheby's International Realty Sandy Hanley, PB	09/18/2014

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Pamela Renee Blackful	10/15/2016
Peter H. Elliott	10/22/2016
Ashley MacMillan Van Duzer	10/22/2016
Todd Daniel Olson	10/22/2016
Harrison Dean Chambers	10/24/2016
James Phillip Ward	10/24/2016

Darryl Barret Ng	10/24/2016
George Belk Stamps	10/27/2016
Wendi D. Mielke	10/27/2016
Sante Campanile	10/27/2016
LizaMarie L. Camacho	10/27/2016
Stephen Paul McFadden	10/28/2016
Donna Lisa Chandler	10/28/2016
Edward F. Zwick	10/28/2016
Marla Ann Cooper	10/28/2016
Karen H. Wetmore	10/28/2016
Monique Rosanne Hastings	10/29/2016
Linda Lee Partyka	10/29/2016
Michael Charles Johnson	10/29/2016
Korby Matsen	10/29/2016
Nicole Marie Egner	10/30/2016
Lilia Florence Clark	10/30/2016
Lori L. Winterhalter	10/31/2016
Bernadette M. Pillar	10/31/2016
Kevin O'Neal Kern	10/31/2016
Jun Watanabe	11/03/2016
Tomas Desset	11/05/2016
Sabrina Octavia Warren	11/05/2016
Lawrence Anselm Ward, III	11/07/2016
Reshanda R. Fowler	11/07/2016
Alan Shoji Tamayose	11/07/2016
Mark Ryan Simonds	11/10/2016
James Dejon	11/12/2016
Maria Elizabeth Lane	11/13/2016
Cara P. Flores	11/13/2016
Scott Ayres DeYoung	11/14/2016
Kathren Jo Rusinovich	11/17/2016
Gregory Robert Gagnon	11/17/2016

Equivalency to Uniform Section of Examination Certificate

Expiration Date

Pamela Renee Blackful	10/15/2016
Jeanette Elizabeth Greene	10/16/2016
Peter H. Elliott	10/22/2016
Ashley MacMillan Van Duzer	10/22/2016
Wendi D. Mielke	10/27/2016
Sante Campanile	10/27/2016
LizaMarie L. Camacho	10/27/2016
Csaba Meresz	10/28/2016
Stephen Paul McFadden	10/28/2016
Monique Rosanne Hastings	10/29/2016
Donna Lisa Chandler	10/28/2016
Linda Lee Partyka	10/29/2016
Stephen Paul McFadden	10/28/2016
Michael Charles Johnson	10/29/2016
Korby Matsen	10/29/2016
Nicole Marie Egner	10/30/2016
Lilia Florence Clark	10/30/2016

Lori L. Winterhalter	10/31/2016
Bernadette M. Pillar	10/31/2016
Kevin O'Neal Kern	10/31/2016
Reshanda R. Fowler	11/07/2016
Lawrence Anselm Ward, III	11/07/2016
James Dejon	11/12/2016
Maria Elizabeth Lane	11/13/2016
Cara P. Flores	11/13/2016
Scott Ayres DeYoung	11/14/2016
Kathren Jo Rusinovich	11/17/2016
Gregory Robert Gagnon	11/17/2016

Real Estate Broker Experience Certificate

Expiration Date

Ashley MacMillan Van Duzer	10/22/2016
Yuri Onikubo Plant	10/22/2016
Wendi D. Mielke	10/27/2016
Sante Campanile	10/27/2016
Kristin Sayuri Mukai	10/28/2016
Andrew Leong	10/28/2016
Monique Rosanne Hastings	10/29/2016
Paz Abastillas	10/29/2016
Tyler Masaharu Koreyasu	10/29/2016
Korby Matsen	10/29/2016
Tristen Ige Nakamura	10/29/2016
Stacy Punahalee Disney	10/29/2016
Nicole Marie Egner	10/30/2016
Lori L. Winterhalter	10/31/2016
Bernadette M. Pillar	10/31/2016
Kevin O'Neal Kern	10/31/2016
Tomas Dasset	11/05/2016
Reshanda R. Fowler	11/07/2016
Lawrence Anselm Ward, III	11/07/2016
Baron Scott Graham	11/07/2016
Liam S. Ball	11/07/2016
Scott Ayres DeYoung	11/14/2016
Kathren Jo Rusinovich	11/17/2016

Real Estate Broker

Effective Date

Lovette Llantos	09/30/2014
Josie Lucy Apodaca	10/10/2014
Judith A. Sheller	10/10/2014
Marisa M. Piazza-Keach	10/15/2014
Puanani K. Hardwick	10/17/2014
Emma Furukawa Miyaki	10/17/2014
Stephanie G. Stark	10/23/2014
Gerald W. Scatena	10/27/2014
Stephanie Marie Barela	11/10/2014
Jennifer Lynn Vinson	11/10/2014
Korby Matsen	11/14/2014
James Allen Karlovsky	01/01/2015
Steven Mark Darling	01/01/2015

Christina N. Sotelo

01/01/2015

Restoration – Real Estate Salesperson

Shawn Kelelani Makaiau

Effective Date

10/16/2014

Gary Dennis Stice

10/23/2014

Darrin Scot Araki

10/23/2014

Branden A. K. Lee

11/06/2014

Michelle Ann Lum

11/10/2014

Continuing Education Equivalency

Sarah Bakewell

Effective Date

10/17/2014

Thomas D. Muldoon

10/22/2014

Cynthia S. Lewis

10/30/2014

Lemin Chang

11/13/2014

Lorena Goya

11/13/2014

Nicholas Joseph Fidelibus

11/18/2014

Michael Carmen Baratta

11//20/2014

Carl Edwin Baker

11//20/2014