

**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, December 18, 2015

Time: 9:00 a.m.

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

Present: Nikki Senter, Chair, Public Member/Honolulu Commissioner  
Scott Sherley, Vice Chair, Broker/Hawaii Commissioner  
Scott Arakaki, Public Member/Honolulu Commissioner  
Aleta Klein, Broker/Honolulu Commissioner  
Aileen Wada, Broker/Honolulu Commissioner  
Bruce Faulkner, Broker/Maui Commissioner  
Rowena Cobb, Broker/Kauai Commissioner  
Laurie A. 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  
Dathan Choy, Condominium Specialist  
Shari Wong, Deputy Attorney General  
Marilyn Antolin, Recording Secretary  
Ruth Yamada, Office Assistant

Others: Manuel M. Fernandez  
Manaia Alalamua

Absent: Michael Pang, Broker, Honolulu Commissioner

Call to Order: The Chair called the meeting to order at 9 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.

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

Executive Officers  
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 Klein, it was voted on and unanimously carried to accept the minutes of the November 25, 2015, meeting as circulated.

Committees and  
Program of Work:

### **Laws and Rules Review Committee**

EO reported that the proposed Chapter 99 Rule Amendments were transmitted to the Governor's office on or about October 2, 2015. To this date, no status report has been received from the Governor's office. Deputy Attorney General (DAG) Wong commented that with the end of the year approaching and the start of the Legislative period around the corner, a 2-month review period at the Governor's office is not unusual. Chair Senter questioned whether it was customary practice to ask for status and suggested that if status is not received within the next month or two, perhaps we should request for an update from the Governor's office.

SEO said that if as according to the Deputy Attorney General a delay of this length is usual during this time of the year, it may be premature to expect execution and/or action soon. SEO further shared that he had anticipated a quicker response from the Governor's office; but the Governor's office may have other higher priorities.

Commissioner Wada commented that she had received feedback from some real estate members who felt that they were not able to contribute as much as they would have wanted to in drafting the proposed amendments.

Chair Senter recommended that this be revisited in an upcoming Real Estate Commission meeting as she also feels that due to the legislative session, execution and/or action may be further delayed.

Licensing –  
Ratification:

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

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.

### **Manual M. Fernandez**

Mr. Fernandez was present and asked if he wished to have his application for real estate salesperson license considered in executive session. He declined the offer.

Mr. Fernandez expressed his gratitude to the Commission for giving him an opportunity to address his situation. He shared his remorse for his past behavior and apologized for his past choices. He remembers his mistakes daily and holds himself accountable for any consequences that arise from his mistakes. He realizes that he is "unable to change the past, as today is the yesterday of tomorrow". If granted his license, he will continue to have each client's interest at heart. Mr. Fernandez thanked the Commission for their time and the opportunity to testify.

Commissioner Faulkner asked if Mr. Fernandez was with a union or non-union construction company and Mr. Fernandez responded that he believed it was a non-union company. Mr. Fernandez added that he is currently a student of the University of Hawaii Hilo campus, majoring in Accounting and does construction on the side to supplement his income. He is currently working with a rehabilitation coordinator who advised him that real estate would be an appropriate field to pursue.

Commissioner Faulkner asked what kind of real estate brokerage Mr. Fernandez is interested in working for. Mr. Fernandez said timeshare and high-end residential properties. Commissioner Lee asked if he was incarcerated and if so, the period of his incarceration. Mr. Fernandez replied, 2010 – 2015. Based on good behavior, Mr. Fernandez was released on a work furlough program in January 2014. Mr. Fernandez pointed out that he had also completed programs and attended classes which were not required. The certificates are with his application.

Upon a motion by Commissioner Klein, 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 9:20 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 Dayna E. Harris, individually and doing business as Molokai Vacation Properties**

Upon a motion by Commissioner Faulkner, seconded by Commissioner Arakaki, 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 9:25 a.m.

Executive Session:

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

Licensing  
Applications:

**Manuel M. Fernandez**

After review of the information presented by the applicant, Commissioner Klein moved to approve the conditional real estate salesperson license of Manuel M. Fernandez. Commissioner Cobb seconded the motion. The motion was voted on and unanimously carried.

The conditional real estate salesperson license is approved for the Applicant, 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 of license.
4. That the Applicant shall at all times be associated with and under the direct supervision of a principal broker ("PB") or one or more brokers in charge ("BIC"), for all real estate transactions.
5. That the Applicant shall inform the PB, sole proprietor real estate broker, or BIC of a real estate branch office with whom the Applicant associates that the Applicant holds a conditional real estate salesperson license and may only practice pursuant to certain terms of the conditional license. The Applicant shall present to the Applicant's PB, sole proprietor real estate broker, or BIC of a real estate branch office a copy of the Commission-issued conditional letter. The Applicant shall ensure that the PB, sole proprietor real estate broker, or BIC of a real estate branch office acknowledges the terms of the Applicant's conditional license by signing and returning a signed copy of the conditional letter to the Commission.
6. That ALL changes of association and/or employment by Applicant to another real estate broker shall be submitted in writing to the Commission. The new PB, sole proprietor real estate broker, or BIC of a real estate branch office shall acknowledge the terms of the Applicant's conditional license within ten (10) days of the change by submitting a completed Change Form along with a copy of the conditional letter signed by the new PB. Failure to attach the signed conditional letter by the new PB may result in disciplinary action.
7. That the release of the Applicant from parole/probation shall not change any terms of the conditional license.

8. That 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.

**Phil Jorgensen**

After review of the information presented by the applicant, Commissioner Arakaki moved to approve the conditional real estate salesperson license of Phil Jorgensen. Commissioner Klein seconded the motion. The motion was voted on and unanimously carried.

The conditional real estate salesperson license is **approved** for the Applicant, subject to the following conditions:

1. That during the term of this conditional license, any violation of the terms of the payment plan with the IRS and/or State Tax Office by the Applicant, 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 of license.
3. That the Applicant shall at all times be associated with and under the direct supervision of a principal broker ("PB") or one or more brokers in charge ("BIC"), for all real estate transactions.
4. That the Applicant shall inform the PB, sole proprietor real estate broker, or BIC of a real estate branch office with whom the Applicant associates that the Applicant holds a conditional real estate salesperson license and may only practice pursuant to certain terms of the conditional license. The Applicant shall present to the Applicant's PB, sole proprietor real estate broker, or BIC of a real estate branch office a copy of the Commission-issued conditional letter. The Applicant shall ensure that the PB, sole proprietor real estate broker, or BIC of a real estate branch office acknowledges the terms of the Applicant's conditional license by signing and returning a signed copy of the conditional letter to the Commission.
5. That **ALL** changes of association and/or employment by Applicant to another real estate broker shall be submitted in writing to the Commission. The new PB, sole proprietor real estate broker, or BIC of a real estate branch office shall acknowledge the terms of the Applicant's conditional license within ten (10) days of the change by submitting a completed Change Form along with a copy of the conditional letter signed by the new PB. Failure to attach the signed conditional letter by the new PB may result in disciplinary action.
6. That the satisfaction of the Applicant from said payment plan shall not change any terms of the conditional license.
7. That upon successful completion of the payment plan(s) with the IRS and/or State Department of Taxation, the Applicant must submit a written

request to the Commission if the Applicant desires to have the conditions removed.

Next Meeting: Friday, January 29, 2016  
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 adjourned the meeting at 9:40 a.m.

Reviewed and approved by:

/s/ Miles I. Ino

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Miles I. Ino  
Executive Officer

January 13, 2016

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Date

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

MLI:ma

APPROVED APPLICATIONS FOR REAL ESTATE  
REAL ESTATE COMMISSION MEETING ON DECEMBER 18, 2015

<u>Brokers – Individual</u>	<u>Effective Date</u>
Emily Noel Connolly	11/02/2015
Wendell G. M. Wong	11/04/2015
Jordan Panina Chow	11/10/2015
Kelli L. Braxton	11/19/2015
Melissa A. Harold	11/30/2015

<u>Brokers – Limited Liability Company (LLC)</u>	<u>Effective Date</u>
Hoaka Real Estate Services LLC Victorius Metzler, PB	11/03/2015

<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Emily Noel Connolly	11/02/2015
Kelli L. Braxton dba Maui Kama'aina Real Estate	11/19/2015
Howard S. Handa dba Handa Realty	12/04/2015

<u>Educational Equivalency Certificate (EW)</u>	<u>Expiration Date</u>
Sherri A. Fuller	11/13/2017
Alyssa Jeanne Anderson	11/13/2017
Chelsea Okamoto	11/13/2017
Terry Hamilton Bennett	11/16/2017
Cletus Joseph Girardot	11/16/2017
Gabriela J. Macias	11/25/2017
Edward L. Barry Jr.	11/27/2017
Gary K. Miyahara	11/30/2017
Cindy A. Holmstrom	11/30/2017
Nicholas T. Preovolos	12/01/2017
Clayton Richard Maciorowski	12/01/2017
Richard Lloyd Daskam	12/01/2017
Alison Louise Hunter	12/01/2017
Kyle Jamal Allen	12/01/2017
Danielle Kuaiwa Chavez	12/01/2017
Georgia Kay Hilgeman	12/07/2017
Dale Robert Feldman	12/07/2017

<u>Equivalency to Uniform Section of Examination Certificate (UEE)</u>	<u>Expiration Date</u>
Sherri A. Fuller	11/13/2017
Alyssa Jeanne Anderson	11/13/2017
Terry Hamilton Bennett	11/16/2017
Cletus Joseph Girardot	11/16/2017
Michael Shin	11/18/2017
Gabriela J. Macias	11/25/2017
Edward L. Barry Jr.	11/27/2017
Gary K. Miyahara	11/30/2017
Cindy A. Holmstrom	11/30/2017

Nicholas T. Preovolos	12/01/2017
Danielle Kuaiwa Chavez	12/01/2017
Richard Lloyd Daskam	12/01/2017
Alison Louise Hunter	12/01/2017
Kyle Jamal Allen	12/01/2017
Georgia Kay Hilgeman	12/07/2017
Dale Robert Feldman	12/07/2017

<u>Real Estate Broker Experience Certificate (BE)</u>	<u>Expiration Date</u>
Amy Lynn Kaiama	11/13/2017
Terry Hamilton Bennett	11/16/2017
Van E. Ko	11/27/2017
Donna Marie Brucato	11/27/2017
Cindy A. Holmstrom	11/30/2017
Michael M. Okamoto	11/30/2017
Keoki A. M. Osorio	11/30/2017
Brandon Shigeru Tabios	12/01/2017
Nicholas T. Preovolos	12/01/2017
Jay Wan Park	12/01/2017
Richard Lloyd Daskam	12/01/2017
Wendy Anne Torino Hatchie	12/01/2017
Dale Robert Feldman	12/07/2017

<u>Restoration – Real Estate Salesperson</u>	<u>Effective Date</u>
Michael Dohn Volosin	11/09/2015
William Jamal Samari	11/16/2015
Karey Passmore Thompson	11/16/2015
Ashlie Michelle Coffman	11/19/2015
Janese Elena Ululani Recolan	11/30/2015

<u>Restoration - Corporation</u>	<u>Effective Date</u>
John Dilks, Inc.	11/18/2015

<u>Restoration – Real Estate Broker</u>	<u>Effective Date</u>
Howard S. Handa	12/04/2015
Ronald W. Reynolds II	12/07/2015
Jeffrey B. Blair	12/07/2015

<u>Condominium Hotel Operator</u>	<u>Effective Date</u>
Vacation Marketing, Inc., Platinum Maui Vacations	11/30/2015