

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, December 19, 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
Bruce Faulkner, Broker/Maui Commissioner
Laurie Lee, 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: Aleta Klein, Broker/Honolulu Commissioner

Other: Lei Fukumura – Special Deputy Attorney General
Patrick Kelly - Regulated Industries Complaint Office, Staff Attorney
Eric A. Seitz, Esq.
Todd T. Dickie
Said Bakrim
Marc Nakamura - Regulated Industries Complaint Office, Staff Attorney
Myoung Oh

Call to Order: Chair Senter called the meeting to order at 9:04 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 Klein was excused from the meeting. Prior notification of her 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: 4. Committees and Program of Work
c. Education Review Committee—Administration of Examinations-PSI

Minutes of the Previous Meetings: Upon a motion by Commissioner Sherley, seconded by Commissioner Arakaki, it was voted on and unanimously carried to accept the minutes of the November 26, 2014 meeting.

The Chair took the agenda out of order.

Chapter 91, HRS, Adjudicatory Matters: The Chair called for a recess from the meeting at 9:12 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 Todd T. Dickie:
REC 2011-252-L**

Patrick Kelly, attorney representing the Regulated Industries Complaints Office, was present for oral arguments. Mr. Eric Seitz, attorney for Todd T. Dickie was present for oral arguments.

Commissioner Arakaki moved to adopt the Hearings Officer's Findings of Fact, Conclusions of Law. Commissioner Sherley seconded the motion, it was voted on and unanimously carried.

**In the Matter of the Real Estate License of Mary A. Lapenia:
REC 2013-90-L**

Special Deputy Attorney General Lei Fukumura pointed out that Paragraph 7 contains a typographical error. The RICO Case No. should read as 2013-90-L, not Case No. 2013-89-L.

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

In the Matter of the Real Estate License of Ken Gines, a Real Estate Broker: REC 2013-195-L

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

Committees and
Program of Work:

Education Review Committee – Administration of Examinations – PSI

Said Bakrim – Candidate for Salesperson Examination

It was reported that information was received from PSI indicating that on November 24, 2014, Said Bakrim breached the PSI Security Agreement.

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 Arakaki, seconded by Commissioner Pang, it was voted on and unanimously carried to move out of executive session.

Upon a motion by Commissioner Arakaki, seconded by Commissioner Pang, it was voted on and unanimously carried to recommend issuance of a Commission's Proposed Final Order to bar Said Bakrim from taking future exams for a period of two years, and he will be allowed 60 days from the date of the proposed final order to respond and present oral arguments.

Laws and Rules Review Committee – Rulemaking, Chapter 99 Rules

EO announced that the public hearing was scheduled to be held on December 1, 2014, 9:00 am to 12:00 pm at the Capitol Auditorium Chamber level. It was disrupted by a change in venue due to a last minute cancellation

of the Capitol Auditorium reservation by the House Sergeant of Arms. The public hearing was held in the King Kalakaua Room, in the King Kalakaua Building instead. Notice of the change of venue was posted at the Capitol and the King Kalakaua Building.

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

Upon a motion by Commissioner Cobb, seconded by Commissioner Arakaki, it was voted on and unanimously carried to conduct a second public hearing for the Chapter 99 Rules.

Public notice, pursuant to Chapter 91 will be published in the newspapers, in all Counties. The draft of the proposed rules are already posted on our the real estate branch's website, under "HRS/HAR" section under "Proposed Rulemaking". A draft is also available for viewing in real estate branch's reception area, and hard copies of the draft are available to the public for a fee.

Condominium Review Committee – Developer's Public Report and Amendments - Revisions

The Commissioners discussed the recommendations and the Chair stated that they were good suggestions, and in her firm's practice, they already include these items.

Upon a motion by Commissioner Faulkner, seconded by Commissioner Pang, it was voted on and unanimously carried to approve the Developer's Public Report (DPR) and Amendments to DPR – Revisions.

Chair Senter announced that the Hawaii Chapter Community Associations Institute (CAI) presented the Hawaii Real Estate Commission with the Chapter Industry Appreciation Award, in appreciation for the support of the Education of Condominium Board of Directors, and Owners in the State of Hawaii.

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

Chapter 91, HRS, Adjudicatory Matters: The Chair called for a recess from the meeting at 10:50 a.m., to discuss and deliberate on the following adjudicatory matter, pursuant to Chapter 91, HRS:

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

This matter was deferred from previous Real Estate Commission meeting of November 26, 2014.

Commissioner Sherley moved to adopt the Hearings Officer's Findings of Fact and Conclusions of Law with modifications and issue a final order. Commissioner Pang seconded the motion, it 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 11:37 a.m.

Next Meeting: Wednesday, January 23, 2015
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 11:50 a.m.

Reviewed and approved by:

/s/ Miles I. Ino

Miles I. Ino
Executive Officer

1/13/2015

Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON DECEMBER 19, 2014

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Denys & Associates, LLC	11/12/2014
Rosalind V. Denys, PB	
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Redfin Corporation	12/10/2014
Michael D. Demello, PB	
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Cindy Kay Grossman dba BrokerInTrust Real Estate Network	11/20/2014
Takako Kenoi dba Takako Kenoi Realty	11/18/2014
Robert A. Ferrari dba Ferrari Pacific Realty	11/18/2014
<u>Trade Name</u>	<u>Effective Date</u>
Oahu Real Estate Online, LLC dba I Love Hawaii Homes	11/21/2014
Kelvin Elisary dba Calvallino Realty	12/01/2014
<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Steven Sang Hoon Yang	11/21/2016
Cabernet Michelle Nicodemus	11/17/2016
Neil T. K. Kuioka	11/17/2016
Chadd White	11/17/2016
Steven Sang Hoon Yang	11/21/2016
Mike Jean Chartier	11/28/2016
Keith Haines	12/05/2016
Kenneth Gregory Lanza	12/05/2016
<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Mike Jean Chartier	11/28/2016
Vickie Lee Fullard-Leo	12/05/2016
<u>Real Estate Broker Experience Certificate</u>	<u>Expiration Date</u>
Kurt Robert Carlson	11/18/2016
Claire Hellam	12/04/2016
Ian Warren Rasor	12/05/2016
<u>Real Estate Broker</u>	<u>Effective Date</u>
Matthew Walter Pennaz	11/14/2014
Halliene Rae Ellison	01/01/2015
Terry Lee Lambeth	01/01/2015
Hitoshi Okada	12/9/2014
Erik K. Jacobson	01/01/2015
Romy P. Jacobson	01/01/2015
<u>Continuing Education Equivalency</u>	<u>Effective Date</u>
Richard D. Rahn	11/25/2014
Nelida Mora	11/28/2014