

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, April 24, 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/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
Aleta Klein, 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
Dathan Choy, Condominium Specialist
David Grupen, Real Estate Specialist
Amy Endo, Real Estate Specialist
Shari Wong, Deputy Attorney General
Marilyn Antolin, Recording Secretary

Other: Lori Winterhalter
Bart Sitzberger

Call to Order: Chair Senter called the meeting to order at 9:02 a.m., at which time quorum was established.

Chair Senter, Commissioner Arakaki, Commissioner Cobb, and Supervising Executive Officer (SEO) Neil Furatani attended the 2015 ARELLO Mid-Year Meeting in Albuquerque, New Mexico on April 14 – 18, 2015.

Chair Senter reported that there appeared to be more attendees at this mid-year meeting, which is an indication that the real estate market is on an upswing. The meeting gave the Hawaii ARELLO team an opportunity to share issues and information relevant to real estate regulation in Hawaii and listen how other jurisdictions dealt with similar concerns.

The ARELLO District 4 Meeting was held during the same time. SEO Fujitani serves as a Representative and a Director on the ARELLO Board of Directors. Chair Senter serves on the ARELLO Laws and Rules Committee, Commissioner Cobb serves on ARELLO's Program Committee, & Commissioner Arakaki serves on ARELLO's Commissioner Resource Committee.

Commissioners Cobb and Arakaki acknowledged the positive benefits of Hawaii's participation and the networking opportunities ARELLO provides.

The Executive Officer (EO) 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:

No report was presented.

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.

Minutes of the
Previous Meetings:

Upon a motion by Commissioner Sherley, seconded by Commissioner Faulkner, it was voted on and unanimously carried to accept the minutes of the March 27, 2015 meeting as circulated.

Licensing
Ratification:

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

The Chair took the agenda out of order to hear from applicants in appearance first. There were no objection.

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.

Lori L. Winterhalter

Ms. Winterhalter was present to answer any questions the Commissioners had about her license application. Chair Senter asked Ms. Winterhalter if she wished to have her application considered in executive session. Ms. Winterhalter declined the offer.

Ms. Winterhalter traveled from Maui to Honolulu to attend the meeting. She inquired if the Board received a notarized copy of the letter dated April 10, 2015 from her ex-husband. Chair Senter acknowledged receipt. Ms. Winterhalter then described that her real estate broker application was reviewed and on agenda at the Board's February 27, 2015 meeting and approved subject to the receipt of the Final Determination from the Internal Revenue Service (IRS). When Ms. Winterhalter called the IRS, she was informed that they were backed up 3-4 months.

Ms. Winterhalter shared that she was married for 23 years to her ex-husband. Her ex-husband owed back taxes, which she was not aware of until after the divorce proceedings. She had filed an Innocent Spouse Claim with the IRS, which was acknowledged. Ms. Winterhalter stated that she filed the innocent spouse claim because she discovered that her husband, who handles everything, had been forging her signature.

Her Claim was granted a Preliminary Determination, dated February 2, 2015, which allowed her ex-husband to appeal within 30 days. The thirty (30) days have passed and her ex-husband did not file a claim. Further, Ms. Winterhalter said she received confirmation that her ex-husband will not be appealing her claim. She very recently contacted the IRS to obtain a Final Determination and was told that the IRS is backlogged approximately 3-4 months.

Ms. Winterhalter said that her ex-husband is taking full responsibility for the taxes. She is active in her community and volunteers regularly. She is current in her taxes. She is appearing before the Board to request that her application be approved without the Final Determination.

Deputy Attorney General (DAG) Wong inquired about the status of her Innocent Spouse Claim. Ms. Winterhalter responded that her Claim was processed and resulted in the Preliminary Determination dated February 2, 2015. Her ex-husband did not file an appeal to the Preliminary Determination and the time to appeal has lapsed. Her ex-husband has a bankruptcy plan in place with the IRS.

DAG Wong inquired if a copy of the approved payment plan was available. Ms. Winterhalter referred to the letter dated December 17, 2014, on page 29 of her application package. Ms. Winterhalter confirmed that she has no involvement in the payment plan.

Specialist Fujimura mentioned that Ms. Winterhalter's application was approved at the Board's February 27, 2015, subject to the receipt of the Final Determination from the IRS. Mr. Winterhalter then responded that the deadline for her ex-husband to appeal was March 2, 2015; and she continues to wait for the Final Determination from the IRS.

Commissioner Cobb inquired when the divorce was finalized. Ms. Winterhalter responded that the divorce was finalized on October 20, 2011. If she was aware of her ex-husband's tax obligations at the time of her divorce, she would have included it in her divorce decree.

Chair Senter inquired if a Final Determination will be awarded since her ex-husband did not appeal. Ms. Winterhalter responded that the IRS correspondence dated February 2, 2015 indicated that if her ex-husband doesn't appeal in 90 days, a final notice will be sent to her. The 90 days have since passed, and she is still not in receipt of the Final Determination. If she had the Final Determination, she would provide it to the Board.

Commissioner Arakaki inquired if an estimated time was given as to when a Final Determination can be expected. Ms. Winterhalter responded that she does not know but was told 3-4 months by the IRS.

Commissioner Faulkner inquired if the ex-husband recently spoke to the IRS. Ms. Winterhalter responded that she spoke to the IRS and did not think that her ex-husband recently spoke to the IRS.

Commissioner Wada inquired if Ms. Winterhalter relocated to Hawaii to become a broker. Ms. Winterhalter responded that she did not. She is currently unemployed and a stay at home mother. Chair Senter asked if there were any further questions.

DAG Wong asked about the Innocent Spouse Claim. Ms. Winterhalter stated that she had a copy but did not bring it with her. Ms. Winterhalter pointed out that the Preliminary Decision indicates that the IRS had approved her claim. DAG inquired if the Form 885-7 is the Innocent Spouse Claim. Ms. Winterhalter nodded in agreement.

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

Bart F. Sizberger

Mr. Sizberger was present to answer any questions the Commissioners had about his license application. Chair Senter asked Mr. Sizberger if he wished to have his application considered in executive session. He accepted the offer.

Executive Session: Upon a motion by Commissioner Arakaki, 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 Sherley, seconded by Commissioner Pang, 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 9:35 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

**In the Matter of the Real Estate Broker's License of Albert L. Joy:
REC-2013-91-L:**

Commissioner Klein moved to adopt the Hearings Officer's Findings of Fact and Conclusions of Law and issue a proposed final order revoking the license of Albert L. Joy and imposing a fine of \$3,000. Commissioner Lee seconded the motion. Commissioners Klein, Lee, Sherley, Cobb, Faulkner, Wada, Arakaki and Chair Senter voted aye. Commissioner Pang voted nay. The motion passed.

In the Matter of the Real Estate Salesperson's License of Jennifer G. Miguel: REC-2013-88-L:

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

Commissioner Pang moved to adopt the Hearings Officer's Findings of Fact and Conclusions of Law and Final Order. Commissioner Sherley 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 9:40 a.m.

Licensing
Applications:

Seth S. Gambee

After review of the information presented, Commissioner Pang moved to most likely deny the real estate sales license application of Seth S. Gambee. Commissioner Faulkner seconded the motion, and the motion was voted on and passed unanimously.

Steven Mahoney

After review of the information presented, Commissioner Pang moved to most likely deny the real estate sales license application of Steven Mahoney. Commissioner Klein seconded the motion, and the motion was voted on and passed unanimously.

Bart F. Sitzberger

After review of the information presented, Commissioner Faulkner moved to approve the real estate broker application of Bart F. Sitzberger. Commissioner Klein seconded the motion, and the motion was voted on and passed unanimously.

Lori L. Winterhalter

After review of the information presented, Commissioner Faulkner moved to rescind the Real Estate Commission's previous decision and to approve the real estate broker application of Lori L. Winterhalter. Commissioner Sherley seconded the motion, and passed unanimously.

Miran Arakelian

After review of the information presented, Commissioner Sherley moved to remove the conditions of the real estate salesperson license of Miran Arakelian. Commissioner Faulkner seconded the motion. The motion was voted on and passed unanimously.

Collette M. Cardoza

After review of the information presented, Commissioner Lee moved to remove the conditions of the real estate salesperson license of Collette M. Cardoza. Commissioner Cobb seconded the motion. The motion was voted on and passed unanimously.

Next Meeting:

Friday, May 29, 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
10:20 a.m.

Reviewed and approved by:

/s/ Miles I. Ino

Miles I. Ino
Executive Officer

May 18, 2015

Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON APRIL 24, 2015

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Zane Real Estate and Property Management, LLC Aaron J. Zane, PB	03/05/2015
Hawaii Top Realty, LLC Jeannie Yu, PB	03/11/2015
On Point Property Management, LLC Barbie Y. Hee, PB	03/13/2015
Fine Island Properties, LLC Gina Duncan, PB	03/20/2015
Hale Nani Realty, LLC Mon Jiuan Ide, PB	03/20/2015
Devereux/Ackerson LLC Dorothy D. Devereux-Ackerson, PB	03/27/2015
Hawaii Land and Homes, LLC Robert Stock, PB	04/06/2015
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Kawakami Property Management, Inc. Sheila Kawakami, PB	03/11/2015
Kailua Beach Realty, Ltd. William G. Boyle, PB	03/30/2015
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Nicole Marie Egner	03/02/2015
Jerry L. Snow	03/05/2015
Amanda S. Chang	03/05/2015
Thomas S. Anderson	03/06/2015
Michael H. Ferreira	03/09/2015
Kelen E. Uslan dba Hope Properties	03/12/2015
Arthur J. Sonen	03/16/2015
Richard P. Koval dba Richard P. Koval & Associates	03/16/2015
Warren K. Dote	03/30/2015
Thomas C. Thompson	03/30/2015
Jason I. Hector	03/30/2015
John C. Pinchiaroli	03/27/2015
Melisa Nicole Marker	04/01/2015
John C. Reilly	04/06/2015
<u>Branch Office</u>	<u>Effective Date</u>
West Maui Resort Partners LP Lynn C. Rattay, PB	03/17/2015

<u>Trade Name</u>	<u>Effective Date</u>
Locations, LLC dba Locations	03/11/2015
Amado C. Quemado dba Sam's Realty Company	04/07/2015

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Bruce Seth Portner	03/17/2017
Rechelle A. M. Barbour	03/17/2017
Robyn M. Apisa-Matie	03/17/2017
Christine L. Najem	03/23/2017
Richard Allen Evans	03/24/2017
Alexander Gat	03/25/2017
Grant M. Woodruff	03/30/2017
Jason C. Nau	03/30/2017
Ricahrd A. Loman	03/30/2017
Bradley R. Tamm	03/30/2017
Bill Mastrodimos	03/30/2017
Sulieti Fetulikivaiola Pulotu	03/30/2017
Oprah Z. Morales	04/02/2017
Kenneth Wells	04/02/2017
Chihoko Kajima	04/02/2017
Tea H. Kim	04/02/2017
Geoff R. Wong	04/02/2017
Bryson S.B. Lum	04/06/2017
Ginelle E. Tanno	04/06/2017
Mark S. Dobson	04/06/2017
Romina L. Hancock	04/06/2017
Joan Annette Remkus	04/07/2017
Steven Jeffery Sopha	04/07/2017
Clayton Koon Ieu Young	04/07/2017
Yara Mila Sutton	04/07/2017
Steven Idemoto	04/07/2017
Royce L. Jones	04/07/2017
Richard Edwin Stuart III	04/07/2017
Samuel Mark Cavallaro	04/07/2017
Robert Neuman	04/07/2017
Presley Leihuanani Pawn	04/08/2017
Brad Richard Santiago	04/08/2017
Joshua Scott Neely	04/08/2017
Anthony M. C. Chang	04/08/2017
Tatiana Andrea Rojas	04/09/2017
Anne Chapman Sardena	04/09/2017

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Bruce Seth Portner	03/17/2017
Christine L. Najem	03/23/2017
Richard Allen Evans	03/24/2017
Alexander Gat	03/25/2017

Jason C. Nau	03/30/2017
Ricahrd A. Loman	03/30/2017
Bill Mastrodimos	03/30/2017
Suyun C. Huang	04/02/2017
Oprah Z. Morales	04/02/2017
Kenneth Wells	04/02/2017
Mark S. Dobson	04/06/2017
Romina L. Hancock	04/06/2017
Joan Annette Remkus	04/07/2017
Steven Jeffery Sopha	04/07/2017
Clayton Koon Ieu Young	04/07/2017
Richard Edwin Stuart III	04/07/2017
Samuel Mark Cavallaro	04/07/2017
Robert Neuman	04/07/2017
Joshua Scott Neely	04/08/2017
Tatiana Andrea Rojas	04/09/2017
Anne Chapman Sardena	04/09/2017

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Robyn M. Apisa-Matie	03/17/2017
Lori-Ann L. K. Tsang	03/18/2017
Richard Allen Evans	03/24/2017
Michael N. Ellis	03/30/2017
Jodie T. Tamaye	03/30/2017
Bill Mastrodimos	03/30/2017
Davilyn Sato	03/30/2017
Suyun C. Huang	04/02/2017
Ted Ray Gillum	04/02/2017
Joan Annette Remkus	04/07/2017
Andrew David Reenders	04/07/2017
Clayton Koon Ieu Young	04/07/2017
Samuel Mark Cavallaro	04/07/2017
Robert Neuman	04/07/2017
Tatiana Andrea Rojas	04/09/2017
Steven Moses Yamamoto Jr	04/09/2017

Real Estate Broker

	<u>Effective Date</u>
Pedro M. Nicado	03/04/2015
Sean Ahearn	03/10/2015
Dennis J. O'Shea	03/11/2015
Mele Heresa	03/12/2015
Julie A. Sparks	03/13/2015
Richard P. Koval	03/16/2015
John C. Pinchiaroli	03/27/2015
Lawrence Anselm Ward III	03/30/2015
Charles Haverty	04/02/2015

Restoration – Real Estate Salesperson

Jeannie Rapoza
Ryan S. Aspengren

Effective Date

03/17/2015
03/23/2015

Restoration – Real Estate Broker

Effective Date

Restoration – Limited Liability Company

Zialcita Realty, LLC dba Prestige Hawaii
LAH Management LLC

Effective Date

03/17/2015
04/01/2015

Restoration – Corporations and Partnership

Vacation Resorts International
Inga's Realty, INC.
Redico Management INC

Effective Date

03/11/2015
03/17/2015
03/30/2015

Trade Name – Limited Liability Company

Maui & Co Real Estate LLC

Effective Date

03/18/2015