

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, May 29, 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
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 (late arrival)
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
Shari Wong, Deputy Attorney General
Marilyn Antolin, Recording Secretary

Absent: Commissioner Scott Arakaki

Late: Commissioner Aleta Klein arrived at 9:07 a.m.

Other: Lei Fukumura, Special Deputy Attorney General

Call to Order: Chair Senter called the meeting to order at 9:04 a.m., at which time quorum was established.

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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.
- Executive Officer's Report: No report was presented.
- 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
- a. Laws and Rules Review Committee – Request for Informal Non-Binding Interpretation (HRS § 467-1)
 - b. Condominium Review Committee – Small Purchase Contract
- Minutes of the Previous Meetings: Upon a motion by Commissioner Faulkner, seconded by Commissioner Lee, it was voted on and unanimously carried to accept the minutes of the May 29, 2015 meeting as circulated.
- Committees and Program of Work: **Laws and Rules Review Committee** – Request for Informal Non-Binding Interpretation (HRS § 467-1)
- Specialist Grupen explained that the requestor David Dantes is requesting an informal non-binding interpretation of Hawaii Revised Statutes, Section 467-1, as to the definition of a property manager as it relates to the definition of a real estate broker. A real estate broker is defined as one who manages or offers to manage any real estate, among other things.
- 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 Faulkner, seconded by Commissioner Sherley, it was voted on and unanimously carried to move out of executive session.

Commissioner Cobb moved to defer the matter to allow staff time to research the issue including the legislative history of manages or offers to manage and present the information to the Commission. Commissioner Faulkner seconded the motion. Chair Senter and Commissioners Sherley, Lee, Wada and Klein voted aye. Commissioner Pang voted nay. The motion passed.

Condominium Review Committee – Small Purchase Contract
(Condominium Seminars/Educational Sessions Procurement)

Specialist Yee described in general the State of Hawaii eProcurement system. The solicitation was open for four weeks by the Buyer (State of Hawaii) and responded to by two vendors: Running Logistics LLC and Community Associations Institute (CAI), Hawaii Chapter. The response from Running Logistics LLC was incomplete. It was not responsive to the Request for Quote (RFQ). Running Logistics LLC's submittal did not specifically include the scope of work included in the Commission's RFQ.

Specialist Yee noted that each vendor was treated the same, of which the solicitation was made and responses reviewed. Specialist Yee shared that she had to contact CAI to clarify the information that was submitted and confirmed that their proposal includes the neighbor islands, nine (9) seminars as requested in solicitation. CAI's response met the requirement of the solicitation.

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

Commissioner Cobb moved to accept the only responsive, responsible offer and best value to the State submitted by CAI. Commissioner Sherley seconded the motion. It was voted on and the motion passed.

Program of Work

Upon a motion by Commissioner Sherley, seconded by Commissioner Pang, it was voted on and unanimously carried to approve the Program of Work and Budget, Fiscal Year 2016 for the Laws and Rules Review Committee, the Condominium Review Committee, and Education Review Committee.

The Chair noted that no applicants were present and proposed to take the agenda out of order. There were no objections.

Chapter 91, HRS,
Adjudicatory
Matters:

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

In the Matter of the Real Estate Licenses of Abe Lee Realty, LLC dba Abe Lee Realty, and Abraham W. H. Lee, a.k.a. Abe Lee, real estate brokers; REC 2011-292-L:

Upon a motion by Commissioner Sherley, seconded by Commissioner Faulkner, it was voted on to accept the Settlement Agreement. Commissioners Senter, Lee, Cobb, Pang and Wada voted aye. Commissioner Klein voted nay. The motion was carried.

In the Matter of the Real Estate Licenses of Waikiki Realty II, Inc, and Gwen M. Tanno, a real estate brokers; REC 2011-136-L:

Upon a motion by Commissioner Faulkner, seconded by Commissioner Cobb, it was voted on to accept the Settlement Agreement. Commissioners Senter, Lee, Sherley, Pang and Wada voted aye. Commissioner Klein voted nay. The motion was carried.

In the Matter of the Real Estate License of Paul A. Mainzer, a Real Estate Salesperson; REC 2014-132-L:

Upon a motion by Commissioner Faulkner, seconded by Commissioner Pang, 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 10:45 a.m.

Licensing Ratification: Upon a motion by Commissioner Faulkner, seconded by Commissioner Lee, 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.

Jimi Paul Lasquete

Mr. Lasquete previously requested appearance via teleconference and was reached by telephone. Mr. Lasquete was asked if he wished to have his application for real estate salesperson license considered in executive session. He declined offer.

Specialist Gruppen introduced the Commissioners and asked if Mr. Lasquete had any questions and/or additional information to provide to the Commissioners. There were no additional questions and/or information. The Chair thanked Mr. Lasquete for his time and ended the teleconference.

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

Richard H. Betz

After review of the information presented by the applicant, Commissioner Pang moved to deny the real estate salesperson application of Richard H. Betz, unless within sixty (60) calendar days, applicant submits a written proof of payment, written proof of discharge, or an approved payment plan relating to his pending foreclosure.

The denial 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;. . ."

Commissioner Lee seconded the motion. The motion was voted on. Commissioners Klein, Wada, Cobb, and Senter voted aye. Commissioners Sherley and Faulkner voted nay. The motion was carried.

Kelly M. Hartman

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

Jimi Paul Lasquete

After review of the information presented by the applicant, Commissioner Sherley moved to approve the real estate salesperson license of Jimi Paul Lasquete. Commissioner Faulkner seconded the motion. The motion was voted on and unanimously carried.

Robin D. Savage-Thompson

After review of the information presented by the applicant, Commissioner Wada moved to deny the real estate salesperson application of Robin D. Savage-Thompson, unless within sixty (60) calendar days, applicant

submits a written proof of payment, written proof of discharge, or an approved payment plan relating to her court judgment.

The denial of her 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;. . ."

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

Robert Preston Oswald

After review of the information presented by the applicant, Commissioner Klein moved to approve the real estate salesperson license of Robert Preston Oswald. Commissioner Pang seconded the motion. The motion was voted on and unanimously carried.

Troy Takamoto

After review of the information presented by Troy Takamoto, Commissioner Sherley moved to approve the removal of the conditions attached to the real estate salesperson license of Mr. Takamoto. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

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Next Meeting: Friday, June 26, 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
 11:10 a.m.

Reviewed and approved by:

/s/ Miles I. Ino

Miles I. Ino
Executive Officer

June 15, 2015

Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON MAY 29, 2015

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Lotus Golden Realty, LLC	04/08/2015
Lotus Golden, PB	
The Big Island Real Estate Company LLC	04/15/2015
Leonora Prince, PB	
The Real Estate Resource Northshore, LLC	04/15/2015
Karin Moody-Tsutsui, PB	
Golden Pacific Properties, LLC	04/20/2015
Holden Kela Gannon, PB	
Fuku Ventures LLC	04/21/2015
Philip Fukushima, PB	
ECB In Hawaii, LLC	04/22/2015
Frank Latinis, PB	
TIM Hawaii, LLC	05/01/2015
Kingston J.T. Liao, PB	

<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Patricia S. Salvador	03/13/2015
Robert T Takafuji	04/02/2015
Cindy Kay Grossman	04/09/2015
Kristin C. Moreland	04/10/2015
Tomoko Jean Miller	04/17/2015
William L Duff	04/27/2015
Sheila M Morales	04/27/2015

<u>Trade Name</u>	<u>Effective Date</u>
Island Pacific Realtors LLC	03/31/2015
Rorie Urban Real Estate LLC	04/10/2015
Maui Real Estate Ventures, INC	04/23/2015
iHome Management, INC	04/27/2015
Jonathan S. Kono	05/06/2015
Sperry Van Ness®/Clark Commercial Group	05/11/2015

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Claire Christina Florio	04/10/2017
Jade Logan Brinkman	04/13/2017
Timothy James Butler	04/13/2017
Mark Andrew Lowe	04/13/2017
Colleen Mari Jones	04/13/2017
Xavier Calumpong Napala	04/13/2017
Lori K. Gemme	04/14/2017
James Ryan Jones	04/16/2017
Amy Elizabeth Shepherd	04/16/2017
Yvonne Aileen	04/16/2017
Jessmine Chisun Kim	04/16/2017
Jill Ellen Glenn	04/17/2017
Thomas Matthew Plaggemeier	04/20/2017
Seth Ruben Sharon	04/21/2017
Richard Joseph Ruppe	04/21/2017

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Brooke Ann Sipe	04/21/2017
Chelsea Boyer	04/23/2017
Camille Denise Brady	04/23/2017
Charlotte K Kekela	04/23/2017
Jeremy Allen Marlar	04/23/2017
Steven J Pagano	04/23/2017
Patricia Marie Montour Kelin	04/24/2017
Toni Jean Cameron	04/27/2017
Thomas C Leigh	04/30/2017
Vincent Robert Rigoni	05/01/2017
Maziar Charles Rahimi	05/05/2017
Daniel Brian Johnson	05/05/2017
Ronald F. Hixson	05/05/2017
Tamra Marie Berbaum	05/08/2017
Wilfred Sambrano Tangonan	05/08/2017
Jarod Bjorn Meyer	05/11/2017
Chad Eric Miller	05/11/2017
Don G. Bartley	05/11/2017

Equivalency to Uniform Section of Examination Certificate

Expiration Date

Claire Christina Florio	04/10/2017
Jade Logan Brinkman	04/13/2017
Timothy James Butler	04/13/2017
Mark Andrew Lowe	04/13/2017
Lori K. Gemme	04/14/2017
James Ryan Jones	04/16/2017
Amy Elizabeth Shepherd	04/16/2017
Yvonne Aileen	04/16/2017
Jessmine Chisun Kim	04/16/2017
Jill Ellen Glenn	04/17/2017
Thomas Matthew Plaggemeier	04/20/2017
Seth Ruben Sharon	04/21/2017
Richard Joseph Ruppe	04/21/2017
Brooke Ann Sipe	04/21/2017
Camille Denise Brady	04/23/2017
Jeremy Allen Marlar	04/23/2017
Steven J Pagano	04/23/2017
Patricia Marie Montour Kelin	04/24/2017
Toni Jean Cameron	04/27/2017
Thomas C Leigh	04/30/2017
Vincent Robert Rigoni	05/01/2017
Maziar Charles Rahimi	05/05/2017
Ronald F. Hixson	05/05/2017
Tamra Marie Berbaum	05/08/2017
Jarod Bjorn Meyer	05/11/2017
Don G. Bartley	05/11/2017

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Andrew Ray Kress	04/13/2017
Peter Hideki Enomoto-Hahn	04/13/2017
James Ryan Jones	04/16/2017
Yvonne Aileen	04/16/2017
Daniel Bush Jarrett III	04/16/2017
Debra Sue Parmley	04/16/2017
Kymberley Ann McKenna	04/17/2017
Seth Ruben Sharon	04/21/2017
Richard Joseph Ruppe	04/21/2017
Brooke Ann Sipe	04/21/2017
Steven J Pagano	04/23/2017
Monika Lynne Risner Kauhi	04/27/2017
Thomas C Leigh	04/30/2017
Vincent Robert Rigoni	05/01/2017
Darrell C Bareng	05/05/2017
Kelli Lynn Braxton	05/08/2017
Douglas E Crum	05/08/2017
Jarod Bjorn Meyer	05/11/2017
Don G. Bartley	05/11/2017

Real Estate Broker

	<u>Effective Date</u>
Baron Scott Graham	04/02/2015
Maria Michelle House	04/08/2015
Richard Allen Evans	04/15/2015
Tomoko Jean Miller	04/17/2015
Matthew David Pauli	04/20/2015
Stephanie Wiles Oswald	04/20/2015
Celeste C Borges	04/24/2015
Ted Ray Gillum	04/28/2015
Kyle Spencer Oda	04/29/2015
Andrew David Reenders	05/08/2015

Restoration – Limited Liability Companies and Partnerships

	<u>Effective Date</u>
M & J Wilkow LTD	04/02/2015
Interstate Realty Management Company	04/29/2015
Tower Commercial LLC	04/01/2015

Restoration – Corporations and Partnership

	<u>Effective Date</u>
West Coast Island Properties INC	04/06/2015
Castle Resorts & Hotels Inc.	05/08/2015

Surrender – Limited Liability Companies and Partnerships

	<u>Effective Date</u>
Luxury Maui Real Estate Group, LLC	04/06/2015
Kailua Realty LTD	02/20/2015

Surrender – Corporations and Partnership
Devereux/Ackerson INC

Effective Date
04/17/2015

Surrender – Salesperson
Stewart L. Munroe

Effective Date
04/24/2015