

LAWS AND RULES REVIEW COMMITTEE
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: Wednesday, June 10, 2015

Time: 9:30 a.m.

Place: Grove Farm Building, Conference Room
3-1860 Kaunualii Highway
Lihue, Kauai

Present: Scott Arakaki, Chair, Public / Honolulu Commissioner
Laurie Lee, Vice Chair, Broker / Honolulu Commissioner
Rowena Cobb, Broker / Kauai Commissioner
Bruce Faulkner, Broker / Maui Commissioner
Nikki Senter, Public / Honolulu Commissioner
Scott Sherley, Broker / Hawaii Commissioner
Aileen Wada, Broker / Honolulu Commissioner
Aleta Klein, Broker / Honolulu Commissioner

Neil Fujitani, Supervising Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Shari Wong, Deputy Attorney General
Tammy Norton, Recording Secretary

Others: Karen Ono, Kauai Board of REALTORS®
Lori Finch, Kauai Board of REALTORS®

Absent: Michael Pang, Broker / Honolulu Commissioner

Call to Order: The Chair called the meeting to order at 9:36 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 today's meeting. Prior notice of his non-attendance was received.

The Chair thanked the Grove Farm for allowing the Commission to hold its monthly committee meetings at its facilities.

SEO's Report: **Minutes of Previous Meetings**

Deputy Attorney General Wong noted a typographical error on page 2 relating to HB 279. The word "protective" should read "protected."

Upon a motion by Commissioner Klein, seconded by Commissioner Lee, it was voted on and unanimously carried to accept the minutes of the May 13, 2015, Laws and Rules Review Committee meeting with the correction to the typographical error.

Program of Work: **Rulemaking, Chapter 99, HAR, Real Estate Broker and Salespersons**

It was reported that the rules are currently being reviewed by the Attorney General's Office for approval as to form.

Deputy Attorney General Wong reported that she has reviewed approximately one half of the rules. Upon the Attorney General's approval as to form, the rules will then be transmitted to the Governor's Office for final approval and signature. The rules will then be filed with the Lt. Governor's Office and receive an effective date 10 days following the filed date which should be by the end of summer.

ARELLO, Other Organizations And Jurisdictions:

Arellogram and Other Informational Reports

The following were distributed for informational purposes: "Colorado Court Examines Public Policy Behind Licensing Laws in Wrongful Termination Claim" (ARELLO), "NAR Urges Support for Independent Contractor Relationship;" (ARELLO), and "A 2015 White Paper Report – Independent Contractor Status in Real Estate" (NAR).

Discussion surrounded the "Independent Contractor" status and the relationship between the Principal Broker and the licensee.

It was also noted that this topic was brought up at the recent ARELLO conference attended by Commission representatives.

Special Issues: None presented.

Budget and Finance Report: No report presented.

Next Meeting: Wednesday, July 8, 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, the Chair adjourned the meeting at 9:48 a.m.

Reviewed and approved by:

/s/ Neil K. Fujitani

Neil K. Fujitani
Supervising Executive Officer

June 16, 2015

Date

Approved as is.

Approved with amendments. See minutes of _____ meeting.