

**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, January 29, 2016

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 – early departure  
Scott A. Sherley, Vice Chair, Broker/Hawaii Island Commissioner  
Rowena Cobb, Broker/Kauai Commissioner  
Bruce Faulkner, Broker/Maui Commissioner  
Aileen Wada, Broker/Honolulu Commissioner  
Scott Arakaki, Public Member/Honolulu Commissioner  
Laurie A. Lee, Broker/Honolulu Commissioner  
Michael Pang, 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 J. Grupen, Real Estate Specialist  
Benedyne Stone, Condominium Specialist  
Shari Wong, Deputy Attorney General

Others: Lei Fukumura, Special Deputy Attorney General  
Brian M. Barnhart  
Rick Kiefer, Esq.  
Jonathan Chun, Esq.

Absent: Aleta Klein, Broker, Honolulu Commissioner

Call to Order: The Chair called the meeting to order at 9:00 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 to be considered at the meeting were available for review.

The Supervising Executive Officer announced to the Commissioners that Senior Condominium Specialist would retire at the end of February instead of January. In addition, the Branch's secretary has left the Branch and returned to her previous position. The Commission thanked her for her time with the Branch.

#### **Additional Distribution**

The following materials were distributed prior to the start of the meeting:

4. Committees and Program of Work
  - b. Condominium Review Committee – Request for Reconsideration of the Hawaii Real Estate Commission's informal non-binding interpretation relating to special units
6. Licensing – Applications
  - a. Brian M. Barnhart

#### **Minutes of Previous Meeting**

Upon a motion by Commissioner Arakaki, seconded by Commissioner Faulkner, it was voted on and unanimously carried to accept the minutes of the December 18, 2015, meeting as circulated.

At this time, Chair Senter announced she was taking the agenda out of order to accommodate those testifiers in attendance.

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.

#### **Brian M. Barnhart**

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

Executive Session:

Upon a motion by Commissioner Cobb, seconded by Commissioner Pang, 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.

Chapter 91, HRS,  
Adjudicatory  
Matters:

The Chair called for a recess from the meeting at 9:25 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 G. K. Pua Correa, also known as Greta K. Correa, a Real Estate Salesperson: REC 2015-183-L**

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

**In the Matter of the Real Estate Salesperson License of Branden Lee: REC 2014-456-L**

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

**In the Matter of the Broker's License of Raymond N. Oishi: REC 2015-276-L**

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

**In the Matter of the Broker's License of Oishi's Property Management Corp.: REC 2015-276-L**

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

**In the Matter of the Broker's License of Alfredo G. Salon: REC 2015-292-L**

Upon a motion by Commissioner Pang, seconded by Commissioner Faulkner, 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 9:40 a.m.

Committees and  
Program of Work:

**Condominium Review Committee – Request for Reconsideration of the Hawaii Real Estate Commission's Informal Non-binding Interpretation Relating to Spatial Units**

Rick Kiefer, Esq. from Cades Schutte, LLP, was present to discuss the issue regarding the Hawaii Real Estate Commission's informal non-binding interpretation relating to spatial units. Mr. Kiefer informed the Commission that he was providing testimony on this issue on his own behalf as a legal practitioner and not on behalf of any particular party or a particular project.

Mr. Kiefer's oral testimony included an explanation that spatial units are defined by space not by walls, HRS 514B specifically allows for such. Spatial units are allowed nationwide. There seems to be a consensus among practitioners that spatial units allow structures to exist in the spatial unit and if this is not the case many projects may have been registered in error. The space surrounding the structure, including the structure itself, is considered part of the spatial unit. He provided an example of a commercial project in a hotel where the developer drew the unit to include the rooftop deck and all the space above it as part of the developer's spatial unit.

Another example Mr. Kiefer provided was the Costco gas station on Maui. The developer built the gas station on one of two lots with Costco owning the lot with the gas facility and a private landowner owning the other. The developer built the facility within a spatial unit in order to provide the flexibility of ownership and to not have to consult with the association on changes within the lot.

Mr. Kiefer also discussed the Federal Housing Administration's ("FHA") requirements for spatial units and the problem it creates without having the whole unit as a spatial unit. He further noted that nothing in the statute prohibits structures within the unit. The December 2015 informal non-binding interpretation came as a surprise.

Commissioner Pang noted that in a single-family condominium situation, one could still obtain FHA loans but it must go through an extended review. Senior Specialist Yee further noted that the Condominium Project Approval and Processing Guide indicates that FHA loans are available for many types of condominiums but Mr. Kiefer indicated that there may be additional hurdles to overcome.

Discussion ensued regarding the Maui Costco that the units were, more than likely sold, in excess of one million dollars and is a commercial condominium. In this situation, the Commission would not review the condominium project due to an exemption on registration.

Deputy Attorney General ("DAG") Wong then inquired of Mr. Kiefer about past registered projects. Mr. Kiefer indicated that the project would still be validly registered but there may be red flags on the unit. The DAG further questioned that in the Costco example of the two spatial cubes existence on the common elements. In response, Mr. Kiefer stated that the common elements are the land below the units, the airspace above the units, and usually a shared driveway and utility lines.

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

Committees and  
Program of Work:

**Laws and Rules Review Committee – Legislative and Government Participation Report**

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

Licensing –  
Ratification:

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

Executive Session:

Upon a motion by Commissioner Lee, 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 Pang, seconded by Commissioner Faulkner, it was voted on and unanimously carried to move out of executive session.

Chairperson Senter departed the meeting at 11 a.m. and Vice-Chairperson Sherley resumed the meeting.

Committees and  
Program of Work:

**Condominium Review Committee – Request for Reconsideration of the Hawaii Real Estate Commission's Informal Non-binding Interpretation Relating to Spatial Units**

Upon a motion by Commissioner Cobb, seconded by Commissioner Faulkner, it was voted on and unanimously carried to defer this issue to the February 10, 2016, Condominium Review Committee.

Licensing –  
Applications:

**Brian M. Barnhart**

After review of the information presented along with the personal statements made in his appearance, by the applicant, Commissioner Pang moved to approve a conditional real estate salesperson's license for Brian M. Barnhart. 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 this conditional license, failure to obtain the release of tax liens 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 Applicant's receipt of the release of tax liens shall not change any terms of the conditional license.
7. That upon receipt of the release of tax liens the Applicant must submit a written request to the Commission if the Applicant desires to have the conditions removed.

**Arthur Kaukaohu Trask, Jr.**

After review of the information presented by the applicant, Commissioner Pang moved to most likely approve the real estate salesperson's license of Arthur Kaukaohu Trask, Jr. Commissioner Faulkner seconded the motion. Commissioner Cobb abstained. The motion was voted on and approved with a 6-0 vote with one abstention.

**Kurtis Scott Becker**

After review of the information presented by the applicant, Commissioner Pang moved to approve the real estate salesperson license of Kurtis Scott Becker. Commissioner Faulkner seconded the motion. The motion was voted on and unanimously carried.

**Cole Franklin Sulenta**

After review of the information presented by the applicant, Commissioner Pang moved to remove the conditions placed on the real estate salesperson license of Cole Franklin Sulenta. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Next Meeting: Friday, February 26, 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 Vice Chairperson adjourned the meeting at 11:42 a.m.

Reviewed and approved by:

/s/ Miles I. Ino

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Miles I. Ino  
Executive Officer

February 17, 2016

\_\_\_\_\_  
Date

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

APPROVED APPLICATIONS FOR REAL ESTATE  
REAL ESTATE COMMISSION MEETING ON JANUARY 29, 2016

<u>Brokers – Individual</u>	<u>Effective Date</u>
Warren Kent Jorgensen	11/16/2015
Sonya Rene Johnston	11/19/2015
Darrell C. Bareng	11/25/2015
Monika Lynne Risner Kaui	12/03/2015
Branchflower, Richard	12/07/2015
Ryan Kyle Dawson	12/10/2015
Steven Alan McCoy	12/14/2015
Jeffrey Lynn Dunn	12/21/2015
Hobart Lee Epstein	12/21/2015
Ana Eveyln Kuna	12/21/2015
Todd Joseph Hudson	12/29/2015
John Douglas Dudek	01/01/2016
Ryan Kyle Dawson	01/08/2016
Norrey Le'ah Acasio	01/12/2016
Trisa Lynn Fischer	01/12/2016
Matthew Loo	01/12/2016
Susan Finks Mathis	01/12/2016
Gerald Steven Halpern	
<u>Brokers – Limited Liability Company (LLC)</u>	<u>Effective Date</u>
Home Town Hawaii Realty LLC Brenda L. Mariano, PB	12/03/2015
Real Estate Agency LLC Jan D. Paige, PB	12/16/2015
Key Properties Hawaii, LLC Gail K. Ota, PB	12/21/2015
Island Prime Properties, LLC Mirko Manfredi, PB	01/01/2016
Leonard Jaffe Real Estate LLC Leonard A. Jaffe, PB	01/01/2016
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Alice Ang Chuang dba Act Realty	11/16/2015
Warren Kent Jorgensen	11/16/2015
Mirko K. Manfredi	11/02/2015
William A. Bortfeld	11/02/2015
Derek C. Stattin	11/16/2015
John M. Mendivil	12/04/2015
Richard Branchflower	12/07/2015
Richard L. Boyd	12/16/2015
Jennifer A. Aquino	12/30/2015
Ted T. Takata	12/31/2015
John Douglas Dudek	01/01/2016
Mitchell R. King dba King Realty	01/06/2016
Donald Lee Bodine	01/07/2016

<u>Branch Office</u>	<u>Effective Date</u>
Hawaii Life Real Estate Services LLC dba Hawaii Life Real Estate Brokers Matt Beall, PB	11/02/2015
The Real Estate Resource LLC dba Better Homes & Gardens Real Estate Advantage Realty Simpson N. Tsang, PB	01/01/2016

<u>Trade Name</u>	<u>Effective Date</u>
Source Hawaii Realty LLC dba Source Group Realty	12/16/2015
Oneill Group LLC dba Luxury Homes International	12/22/2015

<u>Corp/Partnership/LLC/LLP Legal Name Change</u>	<u>Effective Date</u>
Pacific Hotel Investments LLC fka Pacific Advisory Services LLC	12/10/2015

<u>Educational Equivalency Certificate (EW)</u>	<u>Expiration Date</u>
Gary Gene Young	12/09/2017
James Castleton Faulkner	12/09/2017
Myra Kim Kurnow	12/09/2017
Ningjin Miao	12/09/2017
Andrew Ming Fat Lai	12/09/2017
Kenneth Allan Flynn	12/10/2017
Jason Charles Campbell	12/10/2017
Johnna M. Von Scheffel	12/14/2017
Cindy Zou	12/11/2017
Abdulhameed Al-Kadri Abdulgabbar	12/15/2017
Kirstin M. Punu	12/18/2017
Colin Crakow Davies	12/18/2017
Nanci Mavar	12/18/2017
Paul Andrew Romero	12/18/2017
Altrina L. Jones	12/18/2017
James Monte Brown	12/22/2017
Amir Adil Cordero Mohamed	12/28/2017
Blakely Christopher Parsons	12/29/2017
Penny Lynne Brumbaugh	12/29/2017
Nicole Lin Kramer	12/31/2017
Terry Lee Archambeau	12/31/2017
Ward Calvin Bolster	12/31/2017
Brandon Cord McCormick	01/05/2018
Christopher Wayne Mayer	01/05/2018
Jacqueline Murray Powaser	01/05/2018
Sharolyn Leigh Langseth	01/05/2018
Micah Rutiz	01/06/2018
Boris Simeon London	01/06/2018
Bruce Forrest Lowrey	01/06/2018
Susan Koehler McCann	01/06/2018
Andra Al Sejera	01/08/2018
Rufus G. Thayer	01/12/2018
Paula Josephine MacRae	01/12/2018
Jennifer Ann Reschan	01/12/2018
Carol Ann Collins	01/12/2018
Linda L. Green	01/12/2018



Judith Ann Basolo	01/12/2018
Jacquelyn Moy Mehood	01/12/2018
Munro Murdock	01/14/2018

<u>Equivalency to Uniform Section of Examination Certificate (UEE)</u>	<u>Expiration Date</u>
Gary Gene Young	12/09/2017
James Castleton Faulkner	12/09/2017
Myra Kim Kurnow	12/09/2017
Andrew Ming Fat Lai	12/09/2017
James Castleton Faulkner	12/09/2017
Myra Kim Kurnow	12/09/2017
Kenneth Allan Flynn	12/10/2017
Jason Charles Campbell	12/10/2017
Edward Henry Reiners	12/10/2017
Cindy Zou	12/11/2017
Colin Crakow Davies	12/18/2017
Nanci Mavar	12/18/2017
Paul Andrew Romero	12/18/2017
Altrina L. Jones	12/18/2017
James Monte Brown	12/22/2017
Amir Adil Cordero Mohamed	12/28/2017
Nicole Lin Kramer	12/31/2017
Terry Lee Archambeau	12/31/2017
Ward Calvin Bolster	12/31/2017
Christopher Wayne Mayer	01/05/2018
Jacqueline Murray Powaser	01/05/2018
Sharolyn Leigh Langseth	01/05/2018
Boris Simeon London	01/06/2018
Susan Koehler McCann	01/06/2018
Andra Al Sejera	01/08/2018
Rufus G. Thayer	01/12/2018
Paula Josephine MacRae	01/12/2018
Carol Ann Collins	01/12/2018
Linda L. Green	01/12/2018
Judith Ann Basolo	01/12/2018

<u>Real Estate Broker Experience Certificate (BE)</u>	<u>Expiration Date</u>
Gary Gene Young	12/09/2017
Christine Garganta Adderley	12/09/2017
Jason Hiroshi Bostick	12/09/2017
Jason Charles Campbell	12/10/2017
Edward Henry Reiners	12/10/2017
Kyle Nitahara	12/10/2017
Andrew Ming Fat Lai	12/10/2017
James Castleton Faulkner	12/10/2017
Myra Kim Kurnow	12/10/2017
Nanci Mavar	12/18/2017
Paul Andrew Romero	12/18/2017
Steven Bradford Dutcher	12/18/2017
James Monte Brown	12/22/2017
Nobuyuki Takimoto	12/30/2017
Neena Khosla	01/05/2018
Christopher Wayne Mayer	01/05/2018
Jacqueline Murray Powaser	01/05/2018
Susan Koehler McCann	01/06/2018

Andra Al Sejera	01/08/2018
Natalie Wolz-Fonda Jones	01/08/2018
Rufus G. Thayer	01/12/2018
Derek Pak Sung Kamm	01/12/2018
Carol Ann Collins	01/12/2018
Linda L. Green	01/12/2018
Terra Dawn Garrigus	01/12/2018
Munro Murdock	01/14/2018

Restoration – Real Estate Salesperson

	<u>Effective Date</u>
Janese Elena Ululani Recolan	11/25/2015
Julie Linville Joy	12/08/2015
Francisco Jose Caires De Sousa Pinto	12/10/2015
Sun Bak Hospital	12/24/2015
Kathleen Keiko Greer	12/28/2015
Kauai Fonoimoana	12/31/2015
Lyn H. Nanni	01/08/2016

Restoration – Real Estate Broker

	<u>Effective Date</u>
Jeffrey B. Blair	12/07/2015
Omni Ikaika Kaohiai Casey	12/17/2015
Marc Toby Lum	12/18/2015
Donald Lee Bodine	01/07/2016