

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: Thursday, March 24, 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
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

Miles Ino, Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Amy Endo, Real Estate Specialist
David J. Grupen, Real Estate Specialist
Benedyne Stone, Condominium Specialist
Dathan L. Choy, Condominium Specialist
Shari Wong, Deputy Attorney General

Others: Catherine Awakuni Colón, Director, DCCA
Esther Brown Esq., Regulated Industries Complaints Office
Myoung Oh, Hawaii Association of Realtors
Nancy Donahue Jones
Mihoko Ito, Esq.
Mike Kido
Susan Savage
Kathy Lau
Alice Clay
Amber Lloyd
Albert Joy
Philip Lowenthal, Esq.

Absent: Aleta Klein, Broker/Honolulu Commissioner

Call to Order: The Chair called the meeting to order at 9:02 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 Officers 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.

Additional Distribution

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

4. Committees and Program of Work
 - a. Laws and Rules Review Committee – Rulemaking, Chapter 99, HAR, Real Estate Brokers and Salespersons
6. Licensing – Applications
 - b. Bruce Travis

Minutes of Previous Meeting

Upon a motion by Commissioner Cobb, seconded by Commissioner Arakaki, it was voted on and unanimously carried to accept the minutes of the February 26, 2016 meeting as revised.

Committees and Program of Work:

Laws and Rules Review Committee

Request to the Hawaii Real Estate Commission from the Hawaii Association of Realtors regarding Proposed Chapter 99 Rules:

1. REC will submit the proposed amendments to Chapter 99 without proposed amendments to Chapter 16-99-11 related advertising to the Governor for his signature. The parties understand that as a procedural matter, the REC may submit the proposed Chapter 99 rule amendments to the Governor without the proposed amendments to Chapter 16-99-11 related to advertising without further public notice or hearing. Going forward, the parties wish to have ample time to work together on amendments to the real estate advertising rules that provide clear guidance for consumers and practitioners.

2. HAR will provide support for the passage of the rules without the advertising section. Specifically, HAR will submit a letter to the Governor expressing support for the proposed rules, and explaining that the REC and HAR are committed to working together in the interim to clarify the advertising section.

3. HAR and REC will meet jointly with the Consumer Protection Chairs in the House and Senate to express our intent to work together during the interim [sic] and request that S.B. 2328 be deferred indefinitely. The parties will also jointly provide a status update to the House and Senate

Consumer Protection Chairs before the start of the 2017 Legislative session.

4. HAR and REC will continue to work collaboratively on the proposed advertising rules after the 2016 Legislative session, and develop mutually agreeable rule language prior to the start of the 2017 Legislative session.

5. The language of the proposed rule relating to advertising will specifically incorporate some form of "including but not limited to" language followed by examples of certain materials that will require a license number. Based upon the discussion of the group working on the proposed rule, the language may also add definitions and/or materials that will not require a license number.

Myoung Oh of the Hawaii Association of Realtors thanked the Commission for its efforts and work on the rules. Mr. Oh stated that everyone has spent a lot of time and energy on the rules. He has had discussions with the EO and Commissioner Pang and they were very worthwhile. Hopefully it will bring both parties in the right direction. Based on discussions with the EO, Mr. Oh is looking forward to the next round rule making which is advertising and team names.

Commissioner Pang asked Mr. Oh what is meant by "permanent deferral". Mr. Oh responded that the bills deferred when it reaches the deadline dies.

Chair Senter stated that she and Commissioner Arakaki had met with the Director and had a positive discussion and had invited her to this meeting on this matter. The discussion updated her on what been happening on this rule and the bill, and all their discussions with HAR. Chair Senter stated that she had invited the Director to this meeting.

Director Awakuni Colón thanked the Commission for their work and for the opportunity to appear. She stated that as Director she reviews the rules and transmits them to the Governor. Her role is to support the Commission and the staff to the best of her abilities. As the Commission is ready to move forward, she stands ready to support, particularly in communication.

Chair Senter thanked the Director for her support. The Chair noted that the proposal from HAR had not been discussed with Deputy Attorney General Wong about legal issues and processes and asked for a motion to take the matter under advisement. Commissioner Sherley moved to take the matter under advisement, Commissioner Faulkner seconded the motion, and it was passed unanimously.

Licensing –
Ratification:

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

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.

Amber Morena Lloyd

Ms. Lloyd was asked if she wanted to have her application considered in executive session and she declined. Chair Senter thanked Ms. Lloyd for appearing and asked her if she had any statement to make.

Ms. Lloyd thanked the Commission for allowing her to appear. She worked for nine years in real estate in New York. She currently works for Dan Ihara as the listing manager and wants the opportunity to work in sales.

Commissioner Faulkner asked if she had been licensed in New York and Ms. Lloyd answered "yes".

Commissioner Lee stated that Ms. Lloyd answered "no" on the application and did not provide license information for New York. Ms. Lloyd stated that she did not know why she answered the question that way.

Commissioner Pang stated that there were scant details regarding her conviction and asked Ms. Lloyd to explain the situation. Ms. Lloyd explained that she was 23, did not have a car, and was in the company car when the missing items were discovered. She took a plea to a lesser charge to get it out of the way. North Carolina does not expunge records for 15 years.

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

Michael L. Fulcher

Commissioner Pang asked if Mr. Fulcher had fulfilled all conditions. Specialist Endo answered "yes".

After a review of the information presented, Commissioner Pang moved to approve the request to remove conditions from the real estate salesperson license of Michael L. Fulcher. Commissioner Faulkner seconded the motion. The motion was voted on and unanimously carried.

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 Mark Gaughan dba Aloha Realty:
REC 2015-58-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 Real Estate License of Reid Ito: REC 2014-294-L

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

**In the Matter of the Real Estate Broker's License of Charles S. Portwood, III:
REC 2012-52-L**

Upon a motion by Commissioner Faulkner, seconded by Commissioner Lee, it was voted on and unanimously carried to accept the hearings officer's findings of facts, conclusions of law and recommended order.

**In the Matter of the Real Estate License of Robert R. Cowan, dba Bob
Cowan: REC 2014-415-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 Real Estate License of Germaine K. Hopkins: REC 2014-
172-L**

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

**In the Matter of the Real Estate License of Lauren Y.I. Miyahara, f.k.a.
Lauren Yoshiko Ige: REC 2014-130-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 Broker's License of Albert L. Joy: REC
2013-91-L**

Esther Brown, Esq. representing the Regulated Industries Complaints Office (RICO) and Phillip Lowenthal, Esq. representing respondent, and Albert Joy, respondent, presented oral argument.

Commissioner Arakaki moved to issue a Commission's Final Order imposing a fine of \$3,000 and a two and one half year suspension of Mr. Joy's license, with two years stayed, provided Mr. Joy comply with all conditions of his conviction and probation, and timely report any changes in conditions of his conviction or probation and any violations of said conditions. The stay of suspension of Mr. Joy's real estate broker license shall be automatically lifted if he violates any condition of his conviction or probation during the period of suspension, stayed or otherwise. Commissioner Lee seconded the motion, and Commissioners Senter, Lee, Arakaki, Sherley, Cobb, Faulkner, Wada voted aye, and Commissioner Pang voted nay. The motion passed.

**In the Matter of the Real Estate Broker's License of Judith Ann Pryne dba
Keale Realty: REC 2012-267-L**

The Chair announced that the matter would be deferred to a future meeting due to procedural issues.

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 11:00 a.m.

Executive Session: Upon a motion by Commissioner Sherley, seconded by Commissioner Cobb, it was voted on and unanimously moved to move into executive session.

Upon a motion by Commissioner Pang, seconded by Commissioner Sherley, it was unanimously carried to move out of Executive Session.

Licensing Applications: **Amber Morena Lloyd**

After a review of the information presented along with personal statements made in her testimony, Commissioner Sherley moved to approve the real estate salesperson application for Amber Morena Lloyd, Commissioner Pang seconded the motion. The motion was voted on and unanimously carried.

Bruce Travis

After a review of the information presented in the Request For Preliminary Decision, Commission Pang moved to most likely deny the request for preliminary decision for Bruce Travis. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

Committees and Program of Work:

Rulemaking, Chapter 16-99, Hawaii Administrative Rules

After a review of the information presented, Commissioner Pang moved for the Commission to work with HAR in the collaborative spirit of HAR's request dated March 22, 2016. Commissioner Cobb seconded the motion. The motion was voted on and unanimously carried.

Next Meeting: Friday, April 29, 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 Chair adjourned the meeting at 12:04 p.m.

Reviewed and approved by:

/s/ Miles I. Ino

Miles I. Ino
Executive Officer

April 4, 2016

Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON MARCH 24, 2016

<u>Brokers – Individual</u>	<u>Effective Date</u>
Donn Clark Rasch	01/19/2016
Wagdi Michel Wahba	01/19/2016
Derek Kalani Pavao	01/25/2016
Donna M. Brucato	01/25/2016
Nobuyuki Takimoto	02/01/2016
Evelyn Sylvia Bouzaglou	02/02/2016
Andrew Russell Apodaca	02/02/2016
Howard John Newhall	02/18/2016
Vicky Lynn Roberts	03/01/2016
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
The Lore Institute Corporation William K. Malish, PB	02/23/2016
Hawaii Ocean Realty Corporation Masaru Kobayashi, PB	02/25/2016
<u>Brokers – Limited Liability Company (LLC)</u>	<u>Effective Date</u>
Hawaii RE, LLC Laura Awana Lewis, PB	02/01/2016
Navigation Real Estate, LLC Jeffery E. Foster, PB	02/08/2016
ILC & Swell Realty LLC Patrick Nakamura, PB	02/17/2016
GREP Southwest, LLC dba Graystar Melecio Z. Santos Jr., PB	02/26/2016
Kohala Properties LLC Gregory J. Pelayre, PB	02/26/2016
Star International LLC Carol Star, PB	03/02/2016
Realty Prime LLC Sandy Tang Ho, PB	03/15/2016
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Wagdi Michel Wahba	01/19/2016
Brenda L. Stuart	01/25/2016
Joseph T. Hass dba Tower Realty Association	01/25/2016
Stephen Ozimec	01/27/2016
Jim Mazzola	01/28/2016
Leonard H. Zalopany Jr.	02/08/2016
Heather Singleton	02/10/2016
Gary Otis Gaines Sr.	03/01/2016
<u>Branch Office</u>	<u>Effective Date</u>
Premier Kauai Real Estate LLC, dba Re/Max Kauai Living Yvonne Summerfield, PB	01/06/2016
Elite Pacific Properties LLC Stephen Cipres, PB	01/11/2016
List International Realty Inc., dba List Sotheby's International Realty Myra Brandt, PB	01/19/2016

<u>Trade Name</u>	<u>Effective Date</u>
SGG LLC, dba Mauilife Realty fka Steven G. Gatchell Realty	02/29/2016
Realty Pro Inc., dba Realty Pro fka Help-U-Sell Realty Pro	03/02/2016

<u>Educational Equivalency Certificate (EW)</u>	<u>Expiration Date</u>
Brian Zisk	02/17/2018
Ronald James Brown	02/17/2018
Shoshana Samole Zisk	02/18/2018
Robert Thomas Crowley	02/18/2018
Lilia Andallo Retuta	02/22/2018
Anthony Mitchell Brown	02/22/2018
Matthew Vere Pietsch	02/23/2018
Justin Michael Shepherd	02/23/2018
Matthew C. Larson	02/23/2018
Janis Alene Scobee	02/23/2018
Andrea Vasconellos	02/23/2018
Ralph Frederick Gorgoglione	02/23/2018
Steven Walter Parson	02/23/2018
Nicholas Ross Cushnie	02/23/2018
Deborah Michele Wynn	02/23/2018
Richard Adrian Ruggaber	02/23/2018
Robert Alan Baker	02/23/2018
William Douglas Dalton	02/23/2018
Boyd Skiles Smith	02/23/2018
Jeffery Jon Dupont	03/01/2018
Marissa Marie Hattori Wakita	03/01/2018
Arthur Kaukaohu Trask Jr.	03/01/2018
Christopher Earl Harrington	03/01/2018
Frank James Cellucci	03/01/2018
David James Leeds	03/01/2018
Jonathan Keith Lisicki	03/01/2018
Kimberly Kristine Norton	03/01/2018
Charles Gene Chan	03/01/2018
Gina Michelle Clifton	03/01/2018
Loredana Woodley	03/01/2018
Scott Knox Cursey	03/08/2018
Sara Margalus	03/15/2018
Chazz Kidane Goins	03/15/2018

<u>Equivalency to Uniform Section of Examination Certificate (UEE)</u>	<u>Expiration Date</u>
Ronald James Brown	02/17/2018
Robert Thomas Crowley	02/18/2018
Lilia Andallo Rertuta	02/22/2018
Anthony Mitchell Brown	02/22/2018
Justin Michael Shepherd	02/23/2018

Ralph Frederick Gorgoglione	02/23/2018
Steven Walter Parson	02/23/2018
Deborah Michele Wynn	02/23/2018
Richard Adrian Ruggaber	02/23/2018
Robert Alan Baker	02/23/2018

William Douglas Dalton	02/23/2018
Jeffery Jon Dupont	03/01/2018
Christopher Earl Harrington	03/01/2018
Frank James Cellucci	03/01/2018
Kimberly Kristine Norton	03/01/2018
Sara Margalus	03/15/2018
Chazz Kidane Goins	03/15/2018

Real Estate Broker Experience Certificate (BE)

Expiration Date

Danny Kim	02/17/2018
Ronald James Brown	02/17/2018
Cecilia, D. Manungas	02/17/2018
Robert Thomas Crowley	02/18/2018
Anthony Mitchell Brown	02/22/2018
Matthew C. Larson	02/23/2018
Kay Yoo	02/23/2018
Ryan Mitsura Okamura	02/23/2018
Steven Walter Parson	02/23/2018
Tiffany Io Cheng Chu	02/23/2018
Robert Alan Baker	02/23/2018
Margaret Stacy	02/23/2018
William Douglas Dalton	02/23/2018
Limei Huang	03/01/2018
Jeffery Jon Dupont	03/01/2018
Cannie Ho Ki Chum	03/01/2018
Frank James Cellucci	03/01/2018
Jeanie Merrie Schmaltz	03/01/2018
Charles Gene Chan	03/01/2018
Loredana Woodley	03/01/2018
Mark Katsumi Awaya	03/10/2018
Elizabeth Partido Ayroso	03/14/2018
Lily Cheung	03/15/2018
Dwight Miller Ellis	03/15/2018
Kathryn Shurtleff	03/15/2018
Millie Dreher	03/15/2018

Restoration – Real Estate Salesperson

Effective Date

Monika Joanna Catanzaro	02/13/2016
Derrick Arnold Sarmiento	02/24/2016
Madelyn C. Sales	02/25/2016
William T. Crowley	03/01/2016
Curt Ken Hasegawa	03/09/2016
Holly Ann Watson	03/10/2016

Restoration – Real Estate Broker

Effective Date

Marvin H. Scharosch	02/23/2016
Riccardo A. Figliuzzi Jr.	02/26/2016