

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, July 13, 2016

Time: 9:00 a.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Present: Scott Arakaki, Chair, Public / Honolulu Commissioner
Laurie Lee, Vice Chair, Broker / Honolulu Commissioner
Rowena Cobb, Broker / Kauai Commissioner
Nikki Senter, Public / Honolulu Commissioner
Scott Sherley, Broker / Hawaii 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
Amy Endo, Real Estate Specialist
David Grupen, Real Estate Specialist
Carole Richelieu, Senior Condominium Specialist
Benedyne Stone, Condominium Specialist
Dathan Choy, Condominium Specialist
Daniel Jacob, Deputy Attorney General
Tammy Norton, Recording Secretary
Torrie-ann Primacio, Office Assistant

Others: Dale Head, Hui 'Oia 'i'o
Alice Clay Hui Malama O Hale
Lila Mower, Hui 'Oia 'i'o
John White, Hui 'Oia 'i'o
Katrina Mizuuchi, American Warrior Initiative
Marcia Kimura

Absent: Bruce Faulkner, Broker / Maui 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 Faulkner was excused from today's meeting. Prior notice of his non-attendance was received.

SEO's Report: **Travel Policy**

A copy of the memo dated July 13, 2016 regarding the Commission's travel policy was distributed to the Commissioners for their information. The memo is based on the existing Commission travel policy and aligning it with PVLD, DCCA, Procurement policies, Ethics Commission policies and State travel policies and procedures.

Minutes of Previous Meetings

Upon a motion by Commissioner Klein, seconded by Commissioner Cobb, it was voted on and unanimously carried to accept the minutes of the June 8, 2016, Laws and Rules Review Committee meeting as circulated.

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

Deputy Attorney General Daniel Jacob reported that Deputy Attorney General Wong is currently reviewing Chapter 99 proposed rules and has found some formatting problems. Upon completion of her review, the draft proposed rules will be returned to the Branch for formatting revisions and forwarding through the department to the Governor.

A copy of draft 8 of HAR §16-99-11 was included in the packet materials for review. The draft incorporates comments and recommendations discussed at the REC sub-committee meeting.

Commissioner Klein suggested changing the semi-colon in the last sentence of (g) to a comma.

EO Ino also noted that the last sentence in (g) will be moved to the end of (h) to read as follows:

"(h) All real estate solicitation materials shall include the brokerage's license number. The license number of the brokerage is not required for solicitation materials which contain the legal name or license name of an individual real estate licensee and the licensee's license number. The license number of the brokerage or individual licensee shall not be required for office signage identifying the brokerage's place of business or branch office, and promotional materials of nominal value including but not limited to hats, clothing, pins, pens, memo pads, and name badges."

Upon a motion by Commissioner Cobb, seconded by Commissioner Wada, it was voted on and unanimously carried to adopt draft 8 of HAR §16-99-11 as amended.

ARELLO, Other
Organizations And
Jurisdictions:

ArellloGram, ARELLO Boundaries, and Other Informational Reports

The following articles from the June 2016 issue of *ARELLO Boundaries* was distributed for informational purposes: "Massachusetts Statute of Frauds Meets Text Messaging," "Illinois Launches E-License Pocket Cards," and "HUD Launches 'Healthy Homes' App."

Special Issues:

None.

Budget and
Finance Report:

Real Estate Recovery Fund

Commissioner Lee questioned the allocation to "Payables" and asked if the fund had made a payout from the fund.

Specialist Grupen responded that the amount related to administrative costs.

Upon a motion by Commissioner Lee, seconded by Commissioner Pang, it was voted on and unanimously carried to accept the Real Estate Recovery Fund Financial Report for the period ending March 31, 2016.

Next Meeting:

Wednesday, August 10, 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 9:14 a.m.

Reviewed and approved by:

/s/ Neil K. Fujitani

Neil K. Fujitani
Supervising Executive Officer

July 19, 2016

Date

Approved as is.
 Approved with amendments. See minutes of _____ meeting.