

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, November 23, 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 Arakaki, Vice Chair, Public Member/Honolulu Commissioner
Rowena Cobb, Broker/Kauai Commissioner
Bruce Faulkner, Broker/Maui Commissioner
Aileen Wada, Broker/Honolulu Commissioner
Laurie A. Lee, Broker/Honolulu Commissioner
Aleta Klein, 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
Amy Endo, Real Estate Specialist
David J. Grupen, Real Estate Specialist
Carole Richelieu, Senior Condominium Specialist
Dathan L. Choy, Condominium Specialist
Glecy Seminuk, Office Assistant
Shari Wong, Deputy Attorney General
Kristen Kekoa-Nakasone, Recording Secretary

Others: Esta Mae Banks
Cheyne De La Garza
Robert Davison
Billy Boyle
Tim Harnan
Esther Brown, Esq.
Patrick Kelly, Esq.

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.

Executive Officer's Report: The Executive Officer ("EO") informed the Commissioners that the original application with any original associated documents to be considered at the meeting were available for review.

Announcement

Supervising Executive Officer Fujitani ("SEO") announced the retirement of Gleyc Seminuk, presented her a certificate and thanked her for years of service with the State and the Real Estate Branch.

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 October 28, 2016 meeting.

Licensing – Ratification: Upon a motion by Commissioner Pang, seconded by Commissioner Lee, it was voted on and unanimously carried to ratify the attached list as amended.

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.

Chair Senter announced she would be taking agenda items out of order for efficiency purposes.

Robert Frank Davison

Mr. Davison was present and was asked if he wished to have his application considered in executive session. He accepted the offer.

Timothy Robert Harnan

Mr. Harnan was present and was asked if he wished to have his application considered in executive session. He accepted the offer.

Cheyne De La Garza

Mr. De La Garza was present and was asked if he wished to have his application considered in executive session. He accepted the offer.

Esta Mae Banks

Ms. Banks was present and was asked if she wished to have her application considered in executive session. She accepted the offer.

Executive Session: Upon a motion by Commissioner Klein, seconded by Commissioner Cobb, 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 Klein, 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 9:36 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 Todd E. Hart, a real estate broker, Debra Hart, a real estate salesperson, and Hart of Kona Realty, Inc., a real estate broker: REC 2008-227-L, REC-2015-169-L [Consolidated Cases]

Upon a motion by Commissioner Klein, seconded by Commissioner Cobb, it was voted on and unanimously carried to defer the matter to the December 16, 2016 Real Estate Commission meeting.

In the Matter of the Application for a Real Estate Salesperson's License of Frankie Rippee: REC-LIC-2015-002

Upon a motion by Commissioner Klein, seconded by Commissioner Pang, it was voted on and unanimously carried to adopt the Hearing Officer's recommended decision as the Commission's Final Order.

In the Matter of the Real Estate License of James P. Brennan: REC 2016-36-L

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

In the Matter of the Real Estate Broker's License of Sarah R. McClendon: REC 2014-169-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 9:43 a.m.

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

Licensing –
Applications:

Robert Frank Davison

After review of the information presented by the applicant, Commissioner Pang moved to approve the real estate salesperson's license of Robert Frank Davison providing staff explain, via a letter of education, the importance of rules and laws including the severity of driving under the influence. Commissioner Arakaki seconded the motion. The motion was voted on and unanimously carried.

Timothy Robert Harnan

After review of the information presented by the applicant, Commissioner Arakaki moved to approve the real estate salesperson's license for Timothy Robert Harnan. Commissioner Faulkner seconded the motion. The motion was voted on and unanimously carried.

John Marcus Maxton

After review of the information presented by the applicant, Commissioner Pang moved to approve the real estate salesperson's license of John Marcus Maxton. Commissioner Klein seconded the motion. The motion was voted on and unanimously carried.

Anna M. Comly

After review of the information presented by the applicant, Commissioner Arakaki moved to approve the real estate salesperson's license of Anna M. Comly with conditions. Commissioner Faulkner 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, any violation of the terms of the payment plan with the State of Texas by the Applicant, 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 satisfaction of the Applicant from said payment plan(s) shall not change any terms of the conditional license.

That upon completion of payment plan(s) with the State of Texas, the Applicant must submit a written request to the Commission if the Applicant desires to have the conditions removed.

Robert George Ryan

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

Cheyne Steven De La Garza

After review of the information presented by the applicant, Commissioner Pang moved to most likely approve the real estate salesperson license of Cheyne Steven De La Garza. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Esta Mae Banks

After review of the information presented by the applicant, Commissioner Faulkner moved to approve the real estate broker's license of Esta Mae Banks with conditions. Commissioner Wada seconded the motion. Commissioners Senter, Arakaki, Klein, Faulkner, Wada, Cobb and Lee voted aye. Commissioner Pang voted nay. The motion passed.

The conditional real estate broker license is approved for the Applicant, subject to the following conditions:

1. That during the term of this conditional license, any violation of the terms of the obligation with the Internal Revenue Service ("IRS") by the Applicant, 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 broker 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 satisfaction of the tax obligation with the IRS shall not change any terms of the conditional license.
7. That upon the removal/satisfaction of the tax obligation with the IRS, the Applicant must submit a written request to the Commission if the Applicant desires to have the conditions removed.

Violation of any of the aforementioned conditions may result in a prolonged duration of the conditions associated with this license, disciplinary action, and/or revocation of this real estate broker's license.

Richard La Porga

After due consideration of the information provided, the Commission voted to deny request for removal of conditions, basing its decision on Mr. La Porga's failure to comply with all terms and conditions agreed upon to prior to issuing his real estate broker's license. Specifically, condition #5 in the letter dated July 26, 2013, from the Commission that stated:

"That **any** change of association and/or employment by Applicant to another real estate broker shall be submitted in writing to the Commission with the new broker, principal broker or sole proprietor, and if applicable the broker-in-charge, acknowledging the terms of the Applicant's conditional license within ten (10) days of the change."

Applicant acknowledged, consented, and agreed to this condition by signing and returning the letter to the Commission on August 7, 2013. However, a review of his licensing records reflects that when he joined Hawaii Ocean Club Realty Group, Inc., on January 8, 2015, he failed to provide to the Commission, in writing, his new principal broker's acknowledgment of the terms of his conditional license.

The Commission's decision is based on its belief that an applicant, when granted a conditional license with terms agreed to and accepted by the applicant, should be held accountable for completely satisfying all those conditions. As Mr. La Porga failed to perform all terms and conditions of the conditional real estate license issued, the Commission is not inclined to remove the conditions placed on his real estate broker's license at this time.

Commissioner Klein moved to deny applicant's request for removal of conditions. Commissioner Wada seconded the motion. The motion was voted on and unanimously carried.

Next Meeting: Friday, December 16, 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 10:39 a.m.

Reviewed and approved by:

/s/ Miles I. Ino

Miles I. Ino
Executive Officer

November 30, 2016

Date

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

MIl:kkn

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON November 23, 2016

<u>Brokers – Individual</u>	<u>Effective Date</u>
Ryan Paul Williams	10/18/2016
Joan Keiko Sato	10/18/2016
Gregory Bradford Kostanoski	10/25/2016
Patricia Nash	10/26/2016
Shinji Kamimura	10/28/2016
Virginia Dixon	10/28/2016
Susan J. K. Hong	10/31/2016
Matthew Andrew Brummel	10/31/2016
Benjamin James Garner	11/07/2016
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Kema Kama Resort Properties Inc. dba Kema Kama	10/26/2016
<u>Brokers – Limited Liability Company</u>	<u>Effective Date</u>
Live Maui Real Estate, LLC Robert Leialoha Horcajo, PB	10/11/2016
Kaizawa Realty, LLC Lori K. Kaizawa, PB	10/14/2016
The Virtual Realty Group, LLC Christopher B. Johnson, PB	10/21/2016
Mikhono Realty, LLC Mikki Kim, PB	11/07/2016
Vacasa Vacation Rentals of Hawaii, LLC Kenneth M. Rothman, PB	11/14/2016
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Pat Reilly	10/07/2016
Francis T. Kubota dba Francis Kubota Real Estate	10/11/2016
Christian Normann	10/14/2016
Sonya R. Johnston	10/20/2016
Philip Kai Binney	10/27/2016
Michael Y. M. Loo	10/28/2016
Carol A. Aki	10/28/2016
Dina M. Danko dba Luxury Island	11/02/2016
Elizabeth Thole Merk dba Islandwide Estates	11/07/2016
<u>Branch Office</u>	<u>Effective Date</u>
Hawaii Affordable Properties, Inc. Michael Sohriakoff, PB	10/06/2016
<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Kathleen Callahan	10/20/2018
Jean-Chua Calbonero	10/20/2018

Marlinda Campos Girley	10/21/2018
Brian Thomas Stewart	10/21/2018
Wilson Angelito Unga	10/21/2018
Benjamin Eugenio Tabios	10/24/2018
Trevor Roy Jones	10/24/2018
Kammy Elizabeth Hodges	10/25/2018
Joel Lazar	10/25/2018
Ronald Cook	10/26/2018
John Douglas Kost	10/26/2018
Keli Hemingway	10/26/2018
Shoshana Rachel O'Brien	10/26/2018
Kevin Jermaine Rayford	10/26/2018
David Michael Striph	10/26/2018
Spencer James Timmons	10/26/2018
Alina Spatariu	10/26/2018
William Michael Keeney	10/28/2018
Brian D. Jacobs	10/28/2018
Seung-Ji Robert Lee	10/28/2018
Kimberly Anne Williams	10/28/2018
Michael Wayne Sundberg	10/31/2018
James Robert Danz	11/01/2018
Derek Judd Whetten	11/02/2018
Vanessa Lynn Sanders	11/04/2018
Michelle P. Eckenfels	11/04/2018
Terri Anne Nicholson	11/04/2018
Lixian Liu	11/10/2018
Melisande Frances Van Liedekerke	11/10/2018
Kelly Huynh Tran	11/10/2018

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Kathleen Callahan	10/20/2018
Jean-Chua Calbonero	10/20/2018
Marlinda Campos Girley	10/21/2018
Trevor Roy Jones	10/24/2018
Kammy Elizabeth Hodges	10/25/2018
Joel Lazar	10/25/2018
John Douglas Kost	10/26/2018
Keli Hemingway	10/26/2018
David Michael Striph	10/26/2018
Spencer James Timmons	10/26/2018
Alina Spatariu	10/26/2018
William Michael Keeney	10/28/2018
Brian D. Jacobs	10/28/2018
Kimberly Anne Williams	10/28/2018
Michael Wayne Sundberg	10/31/2018
James Robert Danz	11/01/2018
Derek Judd Whetten	11/02/2018
John Anthony Nicoletti	11/02/2018
Vanessa Lynn Sanders	11/04/2018
Terri Anne Nicholson	11/04/2018

Garrett Ryan Frakes	11/09/2018
Melisande Frances Van Liedekerke	11/10/2018

<u>Real Estate Broker Experience Certificate</u>	<u>Expiration Date</u>
Marlinda Campos Girley	10/21/2018
Carol Yanagi Hayashi	10/21/2018
Trevor Roy Jones	10/24/2018
Moritaka Adachi	10/24/2018
Jenny Pham	10/26/2016
Benjamin West Massie	10/26/2016
David Michael Striph	10/26/2018
Emily Wai Man Wong Cheung	10/26/2018
Juliane Laine Douglas	10/28/2018
Brian D. Jacobs	10/28/2018
Justin J. Hopkins	10/28/2018
Kevin Torre Gendrano	11/02/2018
Derek Judd Whetten	11/02/2018
Terri Anne Nicholson	11/04/2018
Celester Thomas	11/07/2018
Kathleen Leilani Query	11/07/2018
Garrett Ryan Frakes	11/09/2018
Isileli Nau Jr.	11/10/2018

<u>Continuing Education Equivalency</u>	<u>Effective Date</u>
Thomas D. Muldoon	10/26/2016
Richard Dale Rahn	10/27/2016
Jessica Murgage	10/28/2016
Kelly M. Byrne	10/28/2016
Gerald Verratti	11/03/2016
Linette Lum Silsbee	11/04/2016
Dennis Robert Fransen	11/10/2016
Nicolas Fidelibus	11/10/2016
Annette Preece Judd	11/10/2016
Dennis Robert Fransen	11/10/2016

<u>Restoration – Real Estate Salesperson</u>	<u>Effective Date</u>
Kayla S. Kim	10/17/2016
Jennifer Marie Ai	10/17/2016
Ross Kenji Morishige	10/27/2016
Doris Bucaneg Mosuela	10/26/2016
Kiana Diana Scadina	11/02/2016
Joani M. Ahuna	11/02/2016

<u>Restoration – Real Estate Broker</u>	<u>Effective Date</u>
Philip Kai Binney	10/27/2016
Jennifer Ann Richardson	10/28/2016
Elizabeth Thole Merk	11/07/2016