

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: Friday, December 16, 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

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
Shari Wong, Deputy Attorney General
Kristen Kekoa-Nakasone, Recording Secretary

Others: Maria Gerlie Garcia
Carlton Yim
Lei Fukumura, Esq., Special Deputy Attorney General
Esther Brown, Esq., Regulated Industries Complaints Office
Ronald Michioka, Esq.

Absent: Michael Pang, 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 Pang was excused from the meeting. Prior notification of his non-attendance was received.

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.

Additional Distribution

The following material was distributed prior to the start of the meeting:

- 5. Licensing and Registration – Ratification
- 8. Recovery Fund Report
 - a. Recovery Fund request for settlement in lieu of civil action

Minutes of Previous Meeting

Upon a motion by Commissioner Lee, seconded by Commissioner Klein, it was voted on and unanimously carried to accept the minutes of the November 23, 2016 meeting.

Committees and Program of Work:

**Laws and Rules Review Committee
Condominium Review Committee
Education Review Committee**

Condominium Review Committee – An operational clarification was made to the terms of the Real Estate Branch's mediation agreement with its providers. Specialist Stone informed Commission that current contract language of the Mediation Agreement prohibits parties other than owners or board members from participating in mediation. However, upon closer legal analysis, the Deputy Attorney General agrees with modifying the current contract terms to reflect the allowance of necessary and relevant third parties to a mediation. Mediators have noted that some third parties may be necessary and relevant to the resolution of the dispute. Until such time as the agreement terms are amended, all mediation providers have been informed in writing of the new change to acceptable parties and that in their discretion, they may accept certain third party participants to an Real Estate Branch subsidized mediation.

Licensing – Ratification:

Upon a motion by Commissioner Faulkner, 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.

Maria-Gerlie Garcia

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

Carlton P. Yim

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

Executive Session: Upon a motion by Commissioner Cobb, 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 Arakaki, seconded by Commissioner Lee, 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 9:30 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 Cobb, it was moved to revoke the brokers' licenses of Todd E. Hart and Hart of Kona Realty, Inc. and impose a \$10,000 on each respondent. Commissioner Faulkner seconded the motion. Commissioners Senter, Lee, Wada and Klein voted aye. Commissioner Arakaki abstained from the vote. The motion passed.

In the Matter of the Real Estate Broker's License of HIM USA PROPERTIES, LLC, a.k.a. H.I.M. USA PROPERTIES, LLC, a real estate broker: REC-2009-349-L

Upon motion by Commissioner Cobb, seconded by Commissioner Arakaki, it was voted on and unanimously carried to approve the Commission's Final Order.

In the Matter of the Real Estate License of Ashli P. Quevedo: REC 2015-215-L

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

In the Matter of the Real Estate License of Michael M. Okamoto: REC 2016-58-L

Upon a motion by Commissioner Arakaki, 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 Gina Trinidad Carlos: REC 2016-150-L

Upon a motion by Commissioner Arakaki, 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 11:20 a.m.

Executive Session: Upon a motion by Commissioner Cobb, seconded by Commissioner Klein, 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 Cobb, it was voted on and unanimously carried to move out of executive session.

Recovery Fund
Report:

Commissioner Arakaki recused himself from discussion and voting on this matter. Upon a motion by Commissioner Faulkner, seconded by Commissioner Klein, it was voted on and unanimously carried to accept counsel’s recommendation to deny claimant’s request for settlement and to advise claimant of the Commission’s decision. Counsel will draft letter to inform claimant. Commissioner Arakaki returned to the scheduled meeting.

Licensing –
Applications:

Maria-Gerlie Garcia

After review of the information presented by the applicant, Commissioner Klein moved to most likely deny the real estate salesperson license of Maria-Gerlie Garcia. Commissioner Faulkner seconded the motion. The motion was voted on and unanimously carried.

Carlton P. Yim

After review of the information presented by the applicant, Commissioner Klein moved to most likely deny the real estate salesperson license of Carlton P. Yim. Commissioner Cobb seconded the motion. The motion was voted on and unanimously carried.

Next Meeting:

Friday, January 27, 2017
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 11:31 a.m.

Reviewed and approved by:

/s/ Miles I. Ino

Miles I. Ino
Executive Officer

December 27, 2016

Date

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

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON DECEMBER 16, 2016

<u>Brokers – Individual</u>	<u>Effective Date</u>
Mami Y. Takeda	11/14/2016
Christopher Michael Morgan	11/10/2016
Celester Thomas	11/17/2016
Benjamin Eugenio Tabios	11/18/2016
Debbie Y. Kauffman	11/21/2016
Makiko Osawa	11/21/2016
Esta Mae Banks	11/28/2016

<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
HI Basic Inc. dba HI Choice Realty Charles C. Shin	12/5/2016

<u>Brokers – Limited Liability Company</u>	<u>Effective Date</u>
KMR Properties, LLC Kevin Rathbun, PB	11/23/2016
Aloha Island Rentals, LLC Robert Keane, PB	11/21/2016
Soldier to Soldier Hawaii Realty, LLC Celester Thomas, PB	11/17/2016
AFFF Holdings, LLC dba First Hawaiian Realty Nicholas Fidelibus, PB	11/28/2016
Hawaiian Island Management, LLC Daniela Gale Hanna, PB	11/28/2016

<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Darl Ok Kim	11/4/2016

<u>Trade Name</u>	<u>Effective Date</u>
Wailea Realty Corporation dba Windermere Maui	11/01/2016

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Jennifer BGY Yiu	11/10/2018
Kristina Sanchez	11/10/2018
Chasin Alexander Prather	11/14/2018
Thomas Eliopoulos II	11/14/2018
David Arnold Caccavo	11/16/2018
Diem Thi Vu	11/17/2018
David Anthony Buehler	11/18/2018
Matthew Akira Kodama	11/18/2018
Max Che Tsai	11/18/2018
Jennifer Delia Proulx	11/21/2018
Erica Diana Butters	11/21/2018
Tricia Ann Kamikawa	11/21/2018

Linda Frix Zell	11/22/2018
Shaelene Kuulei Kamakaala	11/23/2018
Heather Ashley String	11/23/2018
Jonida Arben Vejsiu	11/23/2018
James Howard Shook	11/25/2018
Torry Layne Lozano	11/28/2018
Brian Paul Giangrande	11/28/2018
Clarita M. W. Ramsey	11/30/2018
Linda M. Peterson	11/30/2018

Equivalency to Uniform Section of Examination Certificate

Expiration Date

Chasin Alexander Prather	11/14/2018
Thomas Eliopoulos II	11/14/2018
Diem Thi Vu	11/17/2018
Max Che Tsai	11/18/2018
Jennifer Delia Proulx	11/21/2018
Erica Diana Butters	11/21/2018
Linda Frix Zell	11/22/2018
Shaelene Kuulei Kamakaala	11/23/2018
Heather Ashley String	11/23/2018
Jonida Arben Vejsiu	11/23/2018
James Howard Shook	11/25/2018
Torry Layne Lozano	11/28/2018
Brian Paul Giangrande	11/28/2018
Nani April Vermillion	11/29/2018
Clarita M. W. Ramsey	11/30/2018
Linda M. Peterson	11/30/2018

Real Estate Broker Experience Certificate

Expiration Date

Camille Rios	11/14/2018
Chasin Alexander Prather	11/14/2018
Brandy Ann Saulnier	11/15/2018
Max Che Tsai	11/18/2018
Judy Sobin	11/21/2018
Linda Frix Zell	11/22/2018
Alejandra Elizabeth Alexander	12/01/2018

Restoration – Real Estate Salesperson

Effective Date

Sapapali'i Toomalatai	10/27/2016
Eden V. Barayuga	11/15/2016
Michelle Marie Ticconi	11/07/2016
Michael Thomas Haney	11/14/2016
Kilileo Garrett	11/16/2016
Kimberly Heather Brown	11/18/2016
Manaia Enele Alalamua	11/18/2016
Scott Paul Timberlake	11/18/2016
Angela Y. K. Choo	11/21/2016
John Theodore Weaver	11/22/2016
Kyle T. Yokoyama	11/22/2016
Aaron I. C. M. Tangonan	12/02/2016

Restoration – Real Estate Broker

Darl Ok Kim

Effective Date

11/04/2016

Continuing Education Equivalency

Elerina P. Ambrocio

Robert Hepple

Zachary Andrue Knysh

Effective Date

11/17/2016

11/23/2016

11/25/2016