

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 12, 2017

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
Michael Pang, Vice Chair, Broker / Honolulu Commissioner
Laurie Lee, Broker / Honolulu Commissioner
Rowena Cobb, Broker / Kauai Commissioner
Bruce Faulkner, Broker / Maui Commissioner
Nikki Senter, Public / Honolulu Commissioner
Aileen Wada, Broker / Honolulu Commissioner
Aleta Klein, Broker / Honolulu Commissioner
Sean Ginoza, Broker / Hilo 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
Shari Wong, Deputy Attorney General
Tammy Norton, Recording Secretary
Dorothy Aquino, Real Estate Branch
Kristen Kekoa-Nakasone, Real Estate Branch

Others: Lourdes Scheibert, Condo Owner
Lila Mower, Hui 'Oia'i'o
Daria Loy-Goto, DCCA Regulated Industries Complaints Office
John Hassler, DCCA Regulated Industries Complaints Office
Marsha Shimizu, Hawaii Association of REALTORS®

Absent: None

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.

SEO's Report: **Minutes of Previous Meetings**

Upon a motion by Commissioner Faulkner, seconded by Commissioner Lee, it was voted on and unanimously carried to accept the minutes of the July 14, 2017, Laws and Rules Review Committee meeting as circulated.

Program of Work: **Legislative Acts and Resolutions – ACT 64 Relating to Public Meetings**

Commissioners were provided with a copy of Act 64 and a summary sheet produced by the Office of Information Practices.

SEO Fujitani reported that Act 64 takes effect on July 1, 2018. The Act provides the following: 1) boards must make board meeting packets available for public inspection in the board's office at the time they are distributed to board members – staff to review, redact and make available an additional packet; 2) electronic notice of meetings must be posted on the state calendar no less than 6 calendar days prior to the meeting date, when feasible post the notice at the meeting location, and provide a copy of the notice to the Lt. Governor's office – REC is already following this practice; and 3) meeting minutes to be posted to the board's website within forty days – the change was from 30 to 40 days. With the change, approved minutes can now be made available rather than draft minutes.

Staff will await further direction from the Department as other questions arise such as how long the public copy of the packet needs to be retained and made available, and copyright issues on articles provided in the packet.

ARELLO, Other
Organizations And
Jurisdictions:

ARELLO 2017 Mid-Year Meeting Report

The committee acknowledged receipt of the ARELLO 2017 Mid-Year Report submitted by Commissioners Senter, Arakaki, Cobb and SEO Fujitani.

Chair Arakaki noted that ARELLO, the Association of Real Estate License Law Officials, is a national organization of real estate regulators. The conference allows for the sharing of knowledge and ideas with other jurisdictions.

SEO Fujitani noted that Hawaii is a part of District 4 which is made up of the West Coast jurisdictions. The district 4 meeting which SEO Fujitani finds vital to attend is held in conjunction with the Mid-Year meeting

It was noted that the 2017 Annual Conference will be held in Hawaii. Commissioner Cobb is co-chair of the programs committee. Staff and Commissioners will be registered to attend the Hawaii conference.

Commissioner Klein requested that all Commissioners be made aware of upcoming conferences and noted her interest to attend the conferences and seminars.

As agreed upon by the Chair and the SEO, it was noted that past practice has been that the Chair of the REC along with one staff member attend the ARELLO conference, the Chair of the Condominium Review Committee and one staff member attend the Community Association Institute Conference and the Chair of the Education Review Committee and one staff member attend the Real Estate Educators Association Conference. With the new administration, the Commission has attempted to send additional members.

Commissioner Cobb noted that in the past, she has traveled to a conference on her own.

ARELLO Boundaries (June 2017)

The following articles from the June 2017 issue of ARELLO Boundaries was distributed for informational purposes: "Make Your Plans to Attend the 2017 ARELLO Annual Conference," "Enhance Regulatory Decision-Making at the 2017 ARELLO Commissioner College," and "Florida Court: Commission Share May Render Broker Vicariously Liability for Associated Licensee's Conduct."

Next Meeting: Wednesday, August 9, 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 9:30 a.m.

Reviewed and approved by:

/s/ Neil K. Fujitani

Neil K. Fujitani
Supervising Executive Officer

July 14, 2017

Date

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