

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, February 23, 2018

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, Public Member/Honolulu Commissioner
Rowena Cobb, Broker/Kauai Commissioner
Bruce Faulkner, Broker/Maui Commissioner
Sean Ginoza, Broker/Hawaii Island Commissioner
Aleta Klein, Broker/Honolulu Commissioner (late arrival)
Laurie A. Lee, Broker/Honolulu Commissioner
Michael Pang, Broker/Honolulu Commissioner
Aileen Wada, Broker/Honolulu Commissioner

Neil Fujitani, Supervising Executive Officer
Miles Ino, Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Amy Endo, Real Estate Specialist
Carole Richelieu, Senior Condominium Specialist
Dathan Choy, Condominium Specialist
Shari Wong, Deputy Attorney General
Kristen Kekoa-Nakasone, Recording Secretary

Others: Ely Spivack
Sherwin Panergo
Ann Gosling
John Love, Esq.
Lei Fukumura, 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 Commission shall afford all interested persons an opportunity to submit data, views, or arguments, in writing, on any agenda item and shall provide all interested parties an opportunity to present oral testimony on an agenda item subject to the conditions set forth in Section 16-99-83, HAR. The Commission may remove any person or persons, who willfully disrupt a meeting to prevent and compromise the conduct of the meeting in accordance with Section 92-3, HRS.

Minutes of Previous Meeting

Upon a motion by Commissioner Pang, seconded by Commissioner Cobb, it was voted on and unanimously carried to accept the minutes of the January 26, 2018 meeting.

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

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.

Licensing –
Applications:

Sherwin S. Panergo

Mr. Panergo was present and was asked if he wished to have his application for real estate salesperson considered in executive session. He declined the offer.

Mr. Panergo informed the Commission he was aware of and takes responsibility for his past mistakes. Commissioner Faulkner questioned applicant regarding his conviction. Mr. Panergo responded it was a palm-sized push button knife that he used for fishing and was unaware it was illegal to carry the blade because he bought it at a swap meet. He added he only realized it was in his backpack when he was going on a trip and it was discovered by TSA. Commissioner Pang asked applicant how many times he flew on an airplane. Mr. Panergo responded around a dozen times.

Commissioner Cobb moved to take the matter under advisement. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

Ellis E. Spivack

Mr. Spivack was present and was asked if he wished to have his application for real estate salesperson considered in executive session. He declined the offer.

Mr. Spivack presented letters of support regarding his application. He explained that his mother, Dr. Frieda Spivack, was Executive Director of their company, HCHC, Inc., and they both shared financial responsibility for unpaid taxes and penalties. Applicant added some payments have already been made to New York State.

(Commissioner Klein arrived at 9:11 a.m.)

Applicant stated he was employed by HCHC for 30 years until they closed the business due to lack of funding and added HCHC served the underprivileged. Applicant informed the Commission he was currently employed by Equity One Realty Estate, Inc., on Maui.

Commissioner Lee inquired how long HCHC had been in operation and how HCHC was funded. Applicant responded the school had been in operation for 40 years and was 95% funded through tuition that was paid by New York State and the remaining 5% was acquired via IDEA Grants. Commissioner Lee asked if the students paid any tuition and applicant responded students did not pay. Mr. Spivack added the school went without a tuition increase for over 7 years and only recently received a 2% increase.

Commissioner Pang asked the applicant to clarify amount of the compromise offer. Mr. Spivack responded the amount was in excess of the \$2 million and his parents were liquidating assets to cure this amount. Commissioner Pang inquired if real estate salesperson was the only job open to the applicant. Mr. Spivack answered that was the job he moved to Maui for and it was time for him to move on.

Commissioner Arakaki questioned applicant's statement that pending Offers in Compromise (OIC) would take 18 months for a decision to be made. Mr. Spivack answered IRS OIC was accepted in mid-January 2018 and State of New York OIC was accepted in mid-November 2017 and it would take 18 months from those dates.

Commissioner Faulkner inquired if applicant was a licensed real estate salesperson elsewhere. Mr. Spivack responded he did not have a real estate license but had a securities license in the past.

Chair Senter asked if the \$2 million owed included penalties. Mr. Spivack confirmed it did.

Commissioner Cobb moved to take the matter under advisement. Commissioner Faulkner seconded the motion. The motion was voted on and unanimously carried.

Ann Margret Gosling

Ms. Gosling was present and was asked if she wished to have her preliminary real estate salesperson application considered in executive session. She accepted the offer.

Executive Session:

Upon a motion by Commissioner Pang, seconded by Commissioner Ginoza, 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 Commission 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 9:29 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 Andrea R. Botefuhr dba Andrea Von Botefuhr: REC 2017-222-L

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

In the Matter of the Application for a Real Estate Salesperson's License of Andrew Ah Moon Hatchie, Jr.: REC-LIC-2017-001-L

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

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 9:30 a.m.

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

Licensing –
Applications:

Duenna Yvel Gruetter

After review of the information presented by the applicant, Commissioner Wada moved to approve the real estate salesperson's license of Duenna Y. Gruetter with conditions. Commissioner Ginoza 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 United States Bankruptcy Court – District of Hawaii 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 shall not change any terms of the conditional license.
7. That upon completion of the payment plan with the United States Bankruptcy Court – District of Hawaii, the Applicant must submit a written request to the Commission if the Applicant desires to have the conditions removed.

Sherwin S. Panergo

After review of the information presented by the applicant, Commissioner Pang moved to approve the real estate salesperson's license of Sherwin S Panergo. Commissioner Faulkner seconded the motion. The motion was voted on and unanimously carried.

Ellis E. Spivack

After review of the information presented by the applicant, Commissioner Arakaki moved to deny the real estate salesperson's license of Ellis E. Spivack unless, within sixty (60) calendar days, applicant submits written proof of settlement of the outstanding obligations, written proof of discharge, or an approved written payment plan with the Internal Revenue Service ("IRS") and the State of New York Department of Taxation and Finance ("NYTF") for all outstanding tax obligations. Commissioner Lee seconded the motion. The motion was voted on and unanimously carried.

The Commission based their decision on the following grounds of the Hawaii Revised Statutes ("HRS"), which find factual support in the records and files of his application:

"§467-8 **Prerequisites for license, registration, or certificate.** (a) No license, registration, or certificate under this chapter shall be issued to:

- (3) Any person who does not possess a reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing;"

"§436B-19 **Grounds for refusal to renew, reinstate or restore and for revocation, suspension, denial, or condition of licenses.** In addition to any other acts or conditions provided by law, the licensing authority may refuse to renew, reinstate or restore or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee or the applicant thereof:

- (1) Failure to meet or maintain the conditions and requirements necessary to qualify for the granting of a license;
- (8) Failure to maintain a record or history of competency, trustworthiness, fair dealing, and financial integrity; and
- (12) Failure to comply, observe, or adhere to any law in a manner such that the licensing authority deems the application or holder to be an unfit or improper person to hold a license;"

Ann Margret Gosling

After review of the information presented by the applicant, Commissioner Klein moved to most likely approve the real estate salesperson's license of Ann Margret Gosling with conditions. Commissioner Arakaki seconded the motion. The motion was voted on and unanimously carried.

Committees and
Program of Work:

Laws and Rules Review Committee
Condominium Review Committee
Education Review Committee

Laws and Rules Review Committee – Legislative and Government Participation Report – Senate Bill 815 S.D.1 – Relating to Real Estate Disclosure – Requires disclosure of albizia trees in a disclosure statement as part of the sale or transfer of real estate assets.

The Commission agreed this Bill pertains to the real estate industry but does not fall under the jurisdiction of the Real Estate Commission.

Licensing –
Ratification:

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

Next Meeting:

Friday, March 23, 2018
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 Vice Chair adjourned the meeting at 10:11 a.m.

Reviewed and approved by:

/s/ Miles I. Ino

Miles I. Ino
Executive Officer

February 28, 2018

Date

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Approved as circulated.

Approved with corrections; see minutes of _____ meeting.

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON February 23, 2018

<u>Brokers – Individual</u>	<u>Effective Date</u>
David Isamu Haverly	01/05/2018
Erin Evans	01/05/2018
Matthew Nelson Yo Sop Wong	01/05/2018
Reginald Vernon Golden aka Reginald Golden	01/05/2018
Wade W. Wertz	01/08/2018
Yun Hong G. Zheng aka Joanna Y. H. Zheng	01/09/2018
Kimberley Nicole Shimonishi aka Kim Shimonishi	01/09/2018
Katherine Sue Muhs aka Kit Muhs	01/10/2018
Terry Mario Cardone aka Terry Cardone	01/16/2018
Ray Radim Prosek aka Remax Ray Prosek	01/18/2018
Margit A. Tolman	01/19/2018
Bob Sorey	01/19/2018
Brittney S. Bell aka Brittney S. Bell	01/19/2018
Denis Wayne Piosalan aka Denis W. Piosalan	01/22/2018
Eve Lisa Conley aka Lisa Conley	01/22/2018
Rachel Ann Barnette aka Rachel Barnette	01/24/2018
Bruce R. Gorman	01/24/2018
June C. Okabe aka June C. Okabe	01/26/2018
Karen Yu-Kyong Lee aka Karen Y. Lee	01/26/2018
Yun Kyong Yi aka Yun Yi	01/29/2018
Joshua Chaco Arnett aka Josh Arnett	02/01/2018
Robert David Luecke aka Rob Luecke	02/06/2018
<u>Salesperson – Individual</u>	<u>Effective Date</u>
Barry Dean Allen	01/08/2018
Barbara Servello-Knoeppel	01/16/2018
Barbara A. Kong aka Barbara Kong	01/16/2018
Cora T. Newman	01/16/2018

Jason M. Nagai aka Jason Nagai	01/16/2018
Kathryn R. Walter aka Kathryn Walter	01/16/2018
Nikki A. Braun aka Nikki Braun	01/16/2018
Prabhas K. Upadhyaya aka Joe Upadhyaya	01/16/2018
Samantha G. Kapaun aka Samantha Grace Kapaun	01/16/2018
Tiffany N. Martinez aka Tiffany Martinez	01/16/2018
Yolanda M. Guss	01/16/2018
Yu Jung Huang	01/16/2018
Hiromitsu Teraki aka Hiro Teraki	01/17/2018
Jamie L. F. M. Higa aka Jamie Higa	01/17/2018
Joanne L. Maltezo aka Joanne Maltezo	01/17/2018
Radsford I. Felix aka Rads Felix	01/17/2018
Trisha E. Kagawa aka Trisha Kagawa	01/17/2018
Alexander P. C. Michaels aka Alexander Michaels	01/18/2018
Anthony G. Deangelo aka Gino Deangelo	01/18/2018
Anton Steenman	01/18/2018
Breanna H. Gaddis aka Breanna Gaddis	01/18/2018
Grace S. W. Ho aka Grace Ho	01/18/2018
Micah C. Aki aka Micah Aki	01/18/2018
Michelle Cheung	01/18/2018
Monty M. Mills	01/18/2018
Qishan Lin	01/18/2018
Saul S. Kantor aka Saul Seifert Kantor	01/18/2018
Summer X. Xie aka Summer Xie	01/18/2018
Cruz Kai	01/19/2018
Joshua D. Snell aka Josh Snell	01/19/2018
Kaihan S. Irani aka Kaihan Irani	01/19/2018
Kelly A. Hart	01/19/2018
Kirsten A. Moe aka Kirsten Moe	01/19/2018

Renee T. Watkins	01/19/2018
Thomas D. Griffith Jr. aka Thomas Donald Griffith Jr.	01/19/2018
Anela N. Haina aka Anela Haina	01/22/2018
David A. Matz	01/22/2018
Garett K. Chock aka Garett Chock	01/22/2018
Huisheng Chen	01/22/2018
Kuira K. Young aka Kuira Young	01/22/2018
Lisa T. O. Tsutsui	01/22/2018
Max M. Nevius aka Max Nevius	01/22/2018
Paul M. Gregory	01/22/2018
Samuel B. Wolff aka Sam Wolff	01/22/2018
Michael D. Stensrud	01/23/2018
Nohealani B. K. Makua aka Nohealani Makua	01/23/2018
Shannon P. Pagan aka Shannon Pagan	01/23/2018
Thomas K. Rackleff aka Thomas Rackleff	01/23/2018
James T. Rund aka Jim Rund	01/24/2018
Kristin K. Hafner aka Kristin Hafner	01/25/2018
Minghui Chen	01/25/2018
Thomas R. Atkin aka Thomas Atkin	01/25/2018
Vegod N. Dutt aka Vegod Dutt	01/25/2018
William C. Gillette aka Cody Gillette	01/26/2018
Kaihong Xie	01/31/2018
Wendy M. Dillon aka Wendy Marie Dillion	01/31/2018
Valerie Shaffer De Ramirez	02/05/2018
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
First Hawaiian Realty Group, Ltd. dba First Hawaiian Property Management Fannie Cline, PB	01/16/2018
<u>Brokers – Limited Liability Company (LLC)</u>	<u>Effective Date</u>
Evans & Associates, LLC dba Century 21 Island Homes Jill Ward, PB	01/05/2018
Homes Nation Realty LLC Matthew N. Wong, PB	01/05/2018

Stanley W. O. Lum Realty, LLC Stanley W. O. Lum, PB	01/11/2018
Kona Realty All Islands, LLC Brigida A. Schmidt, PB	01/22/2018
Pennies From Heaven, LLC Alan Kaufman, PB	01/22/2018
Ota Realty Consultants, LLC Kevin T. Ota, PB	01/23/2018
Haverly Commercial Real Estate, LLC David I. Haverly, PB	01/24/2018
Algood Hawaii, LLC dba Algood Hawaii Holly Algood, PB	01/31/2018

Brokers – Sole Proprietor

Effective Date

John C. Reilly	01/04/2018
Wayne L. Williams	01/08/2018
Michael B. Griggs	01/17/2018
Shin Runkel dba Kamuela Homes and Land	01/18/2018
Jennifer E. Jacobsen	01/22/2018
Karen Y. Lee dba Premier Realty Oahu	01/26/2018

Branch Office

Effective Date

Hawaii Life Real Estate Services, LLC dba Hawaii Life Matt Beall	01/10/2018
Clark Realty Corporation dba SVN/Clark Commercial Group Frank Goodale	01/19/2018
Coldwell Banker Pacific Properties LLC dba Coldwell Banker Pacific Properties Paul Kalama Kim	01/26/2018
Coldwell Banker Pacific Properties LLC dba Coldwell Banker Pacific Properties Paul Kalama Kim	01/26/2018
Coldwell Banker Pacific Properties LLC dba Coldwell Banker Pacific Properties Paul Kalama Kim	01/26/2018
Coldwell Banker Pacific Properties LLC dba Coldwell Banker Pacific Properties Paul Kalama Kim	01/26/2018

Trade Name

Effective Date

Emily N. Connolly dba Big Island Real Estate Group	12/29/2017
Sunset Homes, LLC dba Remax Sunset Homes fka Sunset Homes	01/05/2018
Maui Rental Connection, Inc. dba Maui Realty Connections	01/16/2018

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Carrie Hale	01/17/2020
Leah Lorrain Fiorentino	01/17/2020
Christian James Bryant Jr.	01/17/2020
Maik Brandt	01/19/2020
Akio Suda	01/19/2020
Diana M. Barsoum	01/19/2020
Hiromi Kashihara	01/25/2020
Colby Evelyn Johnson	01/25/2020
Kayla Hoonahonohoku Kahalewai Shaw	01/25/2020
Harry Randolph Bigham	01/25/2020
Ganyon Gabriel Gallerani	01/25/2020
Sean Christopher Safholm	01/25/2020
Paul Stephen Dominguez	01/25/2020
Shane Yoshio Uemoto	01/25/2020
Elizabeth Mireles	01/29/2020
Joseph G. Mireles	01/29/2020
Lani L. MacBryer	01/29/2020
Lowry Mark McCaslin	01/31/2020
Karin E. Villaverde	02/01/2020
Nicholas Stephen Schlag	02/01/2020
Ashely Marie Hudson	02/01/2020
Marie Lynn Kelly	02/02/2020
Charlene Kahaleohu Sanae Mersburgh	02/02/2020
Chad Ryan Maynor	02/02/2020
Patricia Ann Marcy	02/05/2020
Jordan Spencer Quigley	02/05/2020
Brandon James Robert Brown	02/08/2020
Lucy Elena Riascos	02/08/2020
Larry D. Peckham	02/08/2020
David L. Morse	02/08/2020

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Leah Lorrain Fiorentino	01/17/2020
Christian James Bryant Jr.	01/17/2020
Akio Suda	01/19/2020
Diana M. Barsoum	01/19/2020
Kayla Hoonahonohoku Kahalewai Shaw	01/25/2020
Harry Randolph Bigham	01/25/2020
Ganyon Gabriel Gallerani	01/25/2020
Sean Christopher Safholm	01/25/2020
Paul Stephen Dominguez	01/25/2020
Katherine R. Loyd	01/29/2020
Lowry Mark McCaslin	01/31/2020
Karin E. Villaverde	02/01/2020
Marie Lynn Kelly	02/02/2020
Patricia Ann Marcy	02/05/2020
Jordan Spencer Quigley	02/05/2020
Elizabeth Mireles	02/05/2020
Joseph Mireles III	02/05/2020
Brandon James Robert Brown	02/08/2020
Lucy Elena Riascos	02/08/2020

Real Estate Broker Experience Certificate

	<u>Expiration Date</u>
Christian James Bryant Jr.	01/17/2020
Akio Suda	01/19/2020
Raynesa Kay Jonas	01/19/2020
Catherine Ellen Pierce	01/19/2020
Tayo Ichimune	01/24/2020
Hiroshi Kashihara	01/25/2020
Thomas E. Wilson	01/25/2020
Harry Randolph Bigham	01/25/2020
Sean Christopher Safholm	01/25/2020
Kathleen Moquin	01/25/2020
Scott Christopher Eden	01/25/2020
Lowry Mark McCaslin	01/31/2020
Karin E. Villaverde	02/01/2020
Misako Nakabe Asada	02/01/2020
Marie Lynn Kelly	02/02/2020
Jordan Spencer Quigley	02/05/2020
Timothy John Rizzo-Murray	02/05/2020
Lucy Elena Riascos	02/08/2020

Restoration – Real Estate Salesperson

	<u>Effective Date</u>
Bennett M. Hong	12/27/2017
Manaia E. Alalamua	01/19/2018
Tamra D. Dodel aka Tamra Dodel	01/22/2018
Laura L. Clayson	01/26/2018