

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, March 11, 2020

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
Bruce Faulkner, Broker / Maui Commissioner
Aleta Klein, Broker / Honolulu Commissioner
Russell Kyono, Broker / Kauai Commissioner
John Love, Public / Honolulu Commissioner
Michael Pang, Broker / Honolulu Commissioner
Derrick Yamane, Broker / Interim 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
Benedyne Stone, Condominium Specialist
Lorie Sides, Condominium Education Specialist
Shari Wong, Deputy Attorney General
Tammy Norton, Recording Secretary

Others: Ethel Keyes, Hawaii Association of REALTORS®

Absent: Laurie Lee, Broker / Honolulu Commissioner
Sean Ginoza, Vice Chair, Broker / Hawaii Island 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.

Commissioners Ginoza and Lee were excused from today's meeting. Prior notice of their non-attendance was received.

Minutes of Previous Meetings

Upon a motion by Commissioner Faulkner, seconded by Commissioner Kyono, it was voted on and unanimously carried to accept the minutes of the February 12, 2020, Laws and Rules Review Committee meeting as circulated.

Program of Work: **Legislative and Government Participation Report – House Bill 2315, HD3 Relating to Professional and Vocational Licensing Trust Funds**

HB 2315, HD3 was circulated. This bill would allow the contractors license board and the real estate commission to adjust, reduce, suspend, or cease collection of recovery fund and education fund fees to maintain a reasonable relation between the fees generated and the cost of services rendered by the fund. Removing the ceiling caps is a positive step. Staff noted that page 5, line 16 of the bill, the word "biannually" should be changed to "biennially," once every two years. The language should read: "The balance of the funds shall not exceed a sum determined by the board. The sum shall be determined by the board ~~biannually~~ biennially."

ARELLO **ARELLO Boundaries – February 2020**

The following articles from the February 2020 issue of ARELLO Boundaries were distributed for informational purposes: "Nevada High Court Rejects Recovery Fund Claim Based on Spousal, Licensed Activity Exceptions;" and "Update: Arkansas Commission Resolves "Wholesaling" Licensing Exemption Claims."

Budget and Finance Report: Upon a motion by Commissioner Faulkner, seconded by Commissioner Klein, it was voted on and unanimously carried to accept the Real Estate Recovery Fund Financial Report for the period ending December 31, 2019.

Next Meeting: Wednesday, April 8, 2020
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 9:11 a.m.

Reviewed and approved by:

Neil K. Fujitani
Supervising Executive Officer

March 16, 2020

Date

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