

## Real Estate Commission Bulletin



## DCCA, the Real Estate Branch and Covid-19

Effective June 1, 2020, the DCCA is open to the public Monday through Friday, 7:45 a.m. – 12 noon. From 12 noon to close of business, limited DCCA staff will be available for phone inquiries and limited access to email. This truncated schedule will be in effect through July 31, 2020, until further notice.

The Professional & Vocational Licensing Division (“PVL”) has created an online application filing that is now available. Please visit our website at <http://cca.hawaii.gov/pvl/file-application-form-supporting-documents-and-pay-fees-online/>

Submitted applications may be monitored at: <https://pvl.hawaii.gov/pvlsearch/>

Please wear a facial covering when entering the DCCA to conduct business, maintain social distancing, which now includes just one person in the elevator at a time.

The Real Estate Commission will be meeting for the first time since the Covid-19 pandemic prompted shut-down of businesses in Hawaii. The meeting is set for Friday, July 24, 2020, and it will be done via Zoom and Teams. To date, there are no Committee meetings (Laws and Rules Review, Condominium Review, Education Review) scheduled. The projected date to resume the committee meetings will be in August. They will also, more than likely, be done via a web-based platform for group meetings.

The real estate license renewal deadline remains November 30th. Online renewal applications will be available October 2020.

With the state gradually “re-opening”, the number of Covid-19 cases is also increasing. Please be aware that schedules of meetings and accessibility of staff may change accordingly.

## Home Occupation Offices

The Covid-19 pandemic has created a different world for everyone. Businesses have closed, some temporarily, some for good. Many businesses have also downsized in order to survive these unprecedented times. This seems to be the scenario for the real estate industry here. The Real Estate Branch has received inquiries on how to establish a home occupation office, and close down the brokerage office space used as the principal place of business. Callers are referred to their respective county of residence. Information on home occupation offices is usually housed in the Planning/Zoning departments of the county office.

The four major counties, Honolulu, Maui, Big Island, and Kauai, each have their own regulations, but the different county requirements are quite similar for home occupation offices. Depending on the county where the real estate broker resides, it is that county that regulates home occupation offices. When a broker declares, via the Change Form, that the principal place of business will be a home office, it is assumed that the broker has contacted the respective county office, or the broker has knowledge of the county requirements for a home office, and is able to comply with the requirements.

### HONOLULU COUNTY

The guidelines for home occupations can be found in Section 21-5.340 of the Land Use Ordinance ([http://www.honolulu.gov/Portals/0/LandUsePermitsDivision/LUO%202019%20\(10-1-2019\).pdf](http://www.honolulu.gov/Portals/0/LandUsePermitsDivision/LUO%202019%20(10-1-2019).pdf)) (pages 130-131 of the pdf). A partial excerpt appears below. Please read the pdf for complete information or call the Zoning office 808-768-8252.

#### **Sec. 21-5.350 Home occupations.**

Home occupations as an accessory use to dwelling units are permitted under the following restrictions and standards:

- (a) Home occupations shall be incidental and subordinate to the principal use of the site as a residence and shall not change the character or the external appearance of either the dwelling or the surrounding neighborhood.

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# New License Applicants, License Renewal and Continuing Education Requirement

All real estate licenses must be renewed by the renewal application deadline, **November 30, 2020**. All real estate licenses expire at the end of each even-numbered year, regardless of the initial date of licensure. Submission of a complete renewal application, payment of fees, and for active licensees, completion of continuing education courses, are required by the renewal application deadline to ensure the successful renewal of licenses before January 1, 2021. Licenses not successfully renewed will be considered forfeited as of January 1, 2021 and the licensee will not be able to conduct real estate activity or receive compensation. **At this time, the November 30, 2020 license renewal deadline still stands. The continuing education requirement of 20 hours still stands. Both Part A, "Protect Your License" and Part B, "Principal Brokers: The Buck Stops Here!", of the 2019-2020 Core Course, are available and being offered via live, online, and/or remote/live. Do not procrastinate fulfilling the continuing education requirement. Renewal applications will go live about mid-October 2020.**

If you are renewing your license on an active status, you must fulfill the mandatory continuing education requirement **prior** to submitting your renewal application. For a new salesperson licensee with a new license issued in 2020, see below – SALESPERSON APPLICANTS and SALESPERSON LICENSEES. If you are not able to complete the continuing education requirement, your license may be renewed on an inactive status and you may not conduct real estate activity or receive compensation. There is a \$25.00 fee to change from inactive status to active status, in addition to completion of the continuing education requirement.

## **SALESPERSON APPLICANTS and SALESPERSON LICENSEES:**

- If you apply for a new salesperson license before the end of 2020, you will have to pay license fees twice in 2020. In addition to the fees you pay for your new license, you will have to pay renewal fees to renew your license by November 30, 2020. Fees are not prorated and basically cover the cost of processing, reviewing, and decision on the application.
- All salesperson licensees must complete the continuing education requirement prior to the renewal application deadline to successfully renew on an active status, unless you were issued a new salesperson license during calendar year 2020 and renew your license by November 30, 2020. If you were issued a new salesperson license in calendar year 2020 and renew your license by the renewal application deadline, you will be deemed to have completed the equivalent to the continuing education requirement and will not have to complete the continuing education requirement for this license renewal.
- If your new salesperson license application deadline is on or after December 31, 2020 and you do not desire to be licensed as a salesperson in 2020, **and the licensing renewal application period is in effect**, you may submit your complete salesperson license application during the renewal application period and request that your new salesperson license be effective January 1, 2021. Please call for specific information on this procedure. The continuing education equivalency will not be applicable if licensed in calendar year 2021.

## **BROKER APPLICANTS and BROKER LICENSEES:**

- All broker applicants and broker licensees must complete the continuing education requirement prior to the renewal application deadline in order to successfully renew their salesperson or broker license on an active status.
- If your broker license application deadline is on or after December 31, 2020, **and you do not desire to be licensed as a broker in 2020, and you received the renewal application for your salesperson license**, you may submit your complete broker license application during the renewal application period (must be received by November 30, 2020) and request that your salesperson license not be renewed and the new broker license be effective January 1, 2021. This procedure does not excuse completion of continuing education requirements for active licensees. Please call for specific information on this procedure.

For more information, please contact our office at 808-586-2643, or visit our website at [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec).

**THE LAW DOES NOT PROVIDE FOR: PRORATION OF FEES OR REFUND OR CREDIT OF FEES PAID; EXTENSION OF TIME TO APPLY FOR LICENSE; EXTENSION OF TIME TO RENEW A LICENSE.**

*This material can be made available for individuals with special needs. Please call the Senior Real Estate Specialist at 808-586-2643 to submit your request.*

# The Chair's Message

Aloha Real Estate Licensees:

As with many parts of the world and other states, Hawaii's way of life and economy has been impacted by the COVID-19 pandemic and recovery will take a while. However, the Hawaii Real Estate Commission ("Commission") is almost fully functional again.

1. The King Kalakaua Building, where the Commission offices are located, finally reopened on **June 1st** with limitations. However, due to a variety of technicalities, the Commission did not meet until **July 24**, five months after its last meeting. So, while many of the Commission's functions were capably handled by staff under difficult circumstances during lockdown, decision making by the Commissioners did not resume until just recently.
2. The terms of **Scott Arakaki** (Public Member Commissioner) and **Bruce Faulkner** (Maui Commissioner) ended June 30th after serving the maximum eight years allowed by law. The Commission was not able to honor their efforts with them so we will try to properly pay tribute to their work in person as soon as possible.
3. During its special session in April/May, the Hawaii Senate confirmed the 2019 interim-appointment of **Derrick Yamane** (through June 30, 2027) and a new term for **Nikki Senter** (through June 30, 2028) which started July 1st. Mr. Yamane has already exhibited an exemplary attitude and willingness to volunteer for anything that, as he put it, could "help make a difference for the real estate industry." Ms. Senter previously served on the Commission and was its Chair from 2011 to 2018. She will provide needed experience as the Commission will lose six termed-out, eight-year Commissioners in a two-year span. In addition, she is an attorney who specializes in condo law and will be valuable in helping the Commission administer its statutory condominium responsibilities and authority.



Derrick Yamane

Due to the COVID-19 shutdown, there was no Maui Commissioner nominated to replace Bruce Faulkner. As such, the Commission will operate with eight Commissioners until one can be added from Maui.

The tragic death of George Floyd spurred enormous worldwide protests and a resurgence of sensitivity to racism, in general. While it is not the Commission's place to take a position on this event, I can personally reiterate a zero-tolerance attitude toward any violation of any Fair Housing law. Discrimination by any real estate licensee toward anyone in the protected classes under the law is unacceptable and that licensee should expect to be sanctioned by the Civil Rights Commission, Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs, and Commission.

At its July 24th meeting, the Commission approved its 2019-2020 Core B continuing education class called "Principal Brokers: The Buck Stops Here!" as well as its update to the Salesperson's Pre-license Curriculum. **Please make sure to complete your license renewal responsibilities and submit all required items to the Commission by the November 30, 2020 deadline.**

Mahalo.

Michael Pang, Chair  
Hawaii Real Estate Commission



## CE for All

While Covid-19 continues to impact all aspects of living and working here, it has also created some opportunities to broaden experiences in different ways. One example is in the realm of continuing education. Prior to Covid-19, the traditional continuing education course offerings were either “live” or “online”. When Hawaii was ordered into mandatory “lock-down” by Governor Ige, it wasn’t too soon till the first request to convert a continuing education live offering to an offering via a webinar-based platform was received. Permission granted.

Four months have passed. What has now become clear is that “remote-live” course offerings have become the norm. Live offerings were halted, but are slowly resurrecting themselves as we get more and more into the Covid-19 era. Online courses continue.

The feedback from many providers who have embraced webinar-based platforms for course offerings is that there is more interaction between the instructor and the students, there is more participation from the attendees, and the degree of appreciation of the webinar format is fast-increasing. Attendees like not having to drive to a location. They don’t appear to be hampered by the requirement of “being on camera, face-forward” for the duration of the course.

The renewal deadline is November 30th. Same as always. There are an ample number of continuing education courses available. Same as always. There are not as many live course offerings, but they do exist. Check the Commission’s website, [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec) for currently offered courses. Click on “Quick Links”, click on Continuing Education Providers/ Course Search, click on “Download All Future Courses” in the upper right corner of the page.

The online license renewal application will “go live” in mid-October. There’s still plenty of time to complete the continuing education requirement. Core courses, Part A, “Protect Your License”, and Part B, “Principal Brokers: The Buck Stops Here!” are available. Based on renewals in the past, many licensees wait until October and November to tackle the continuing education requirement. Avoid the rush. Don’t procrastinate.

## Core B 2019 - 2020

### Principal Brokers: The Buck Stops Here!

Core B 2019-2020 is now being offered by CE Providers, in both online and remote-live formats. There may also be some live offerings out there. Check the Commission’s website, [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec), click on Quick Links, click on “Continuing Education Provider/ Course Search”, click on “Download all future courses” in the top, right of the page.

There is no legislative component to the core course this time around. Due to the onslaught of Covid-19, the Hawaii legislative session was thrown into disarray. Whatever real estate-related legislation that does manage to become law, will be addressed in a future Real Estate Commission Bulletin.

Not a principal broker? More so you should be aware of what the PB’s responsibilities are in supervising and managing the brokerage. A critical component to properly managing the brokerage is the **required Policies and Procedures Manual (PPM)**. Required.

## Administrative Actions

Due to the Covid-19 pandemic and the resulting closure and/or temporary cancellation of government meetings on all levels, the Real Estate Commission (“Commission”) was not able to convene until July 2020. There were no administrative actions approved by the Commission, so the most widely-read section of the Real Estate Commission Bulletin is not included in this issue. Look for the administrative actions in the next Commission bulletin.

# Home Occupation Offices (cont. from page 1)

- (b) Only household members shall be employed under the home occupation. Notwithstanding the foregoing, when the home occupation is home-based child care, one caregiver, not a member of the household, may be employed as a substitute for the principal caregiver if an emergency renders the principal caregiver unavailable, provided that in no event shall such substitute employment exceed five days per calendar month. As used in this subsection, "emergency" includes but is not limited to illness of the principal caregiver or an immediate relative of the principal caregiver.
- (c) There shall be no exterior sign that shows the building is used for anything but residential use. There shall be no exterior displays or advertisements.

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## KAUAI COUNTY

Below is a partial excerpt from the Kauai County Comprehensive Zoning Ordinance (CZO), Chapter 8, Section 8-1.5. Please read the pdf for complete information or contact the Kauai County Clerk's office, telephone: 808-241-4188.

**"Home Business"** means any use customarily conducted entirely within a dwelling and carried on solely by the inhabitants thereof, in connection with which there are: no display from the outside of the building; no mechanical equipment used except as is normally used for domestic or household purposes; and no selling of any commodity on the premises; which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The office, studio, or occupational room of an architect, artist, engineer, lawyer or other similar professional person; a family child care home; business conducted entirely by phone or by mail (not involving frequent bulk shipments); and an office for "homework" of a person in business elsewhere; all shall be permitted as home businesses except that no activity involving, encouraging, or depending upon frequent visits by the public and no shop or clinic of any type shall be deemed to be a home business.

(Kauai County has a 12-point check list of the Home Business requirements, but it was not available for this Bulletin issue.)

## MAUI COUNTY

<https://www.mauicounty.gov/documentcenter/view/14180>

Please read the pdf for complete information or contact the Maui County Zoning Administration & Enforcement Division, telephone 808-270-7253.

**"19.04.490 Home occupation.** Home occupation means an enterprise or activity conducted by the occupant of the dwelling unit wherein the enterprise or activity takes place and which involves either the growing, processing, or manufacturing of product or the provision of services for consideration and profit; provided:

- (a) That no person other than a member of the family residing on the premises of the dwelling unit shall be employed by the home occupation;
- (b) That not more than twenty-five percent of the floor area of the dwelling unit shall be used by the home occupation;
- (c) That no group instruction classes or group sales meeting shall be permitted on the premises of the dwelling unit;. . .

## HAWAII ISLAND COUNTY

<https://www.hawaiiicounty.gov/home/showdocument?id=301416>

Please read the pdf for complete information or contact the Zoning office -,East Hawaii - 808-961-8288, West Hawaii – 808-327-3563.

### **Section 25-4-13. Home occupations.**

- (d) A home occupation shall be permitted as incidental and subordinate to the use of a dwelling in any district in which a dwelling is located, provided that the home occupation does not change the character and external appearance of the dwelling.
- (e) All home occupations shall comply with the following standards:
- The home occupation shall be conducted either entirely within the dwelling or, if outside the dwelling, the activity shall be screened from public view.
  - No exterior signs, symbols, displays or advertisements relating to the home occupation shall be displayed, nor shall any interior signs be visible from the public view.
  - Any materials, supplies or products relating to the home occupation which are stored outside of the dwelling or other fully enclosed building shall be screened from the public view.
  - Articles sold on the premises shall be limited to those produced by the home occupation, or to instructional materials pertinent to the home occupation, or to services provided by the home occupation.
  - Only one employee shall be permitted in addition to household members under the home occupation.

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Only Hawaii County permits one employee in the home occupation office. All other counties dictate that only household members may be part of the home occupation office. Also a consistent requirement is no signage or advertising on the property for the home occupation.

If a broker is contemplating changing his/her principal place of business to a home occupation office, please contact the respective county office for information.

## Know What CE Courses You Have Taken

It's a renewal year, and the Real Estate Branch receives many inquiries from licensees who do not know what CE courses they have completed for the 2019-2020 biennium. Don't guess! You need to be aware of your CE history. It is available and easily accessible. Remember, you may not take the same CE course for CE credit in successive biennia. A CE course may be repeated (the CE course with the same, exact course title) every other biennium.

You may view your entire continuing education (CE) history, by logging on to your MyPvl account. You may log into your MyPvl account ([pvl.hawaii.gov/mypvl](http://pvl.hawaii.gov/mypvl)) to review your continuing education (CE) history; this is the same account used for renewing your real estate license.

If you haven't done so already, you will have to LINK your license in MyPVL. If your license is linked then all you would need to do is click on your license #, then click on the RECE tab. Your CE history will appear. If it's not your complete CE history, click on the "more" button at the bottom right of the screen.

If you require assistance with logging into your account please contact the Hawaii Information Consortium (HIC) at (808)695-4620.

Hawaii-approved CE Providers must report a CE course completion within 10 days of completing the course. If you do not see the course listed as completed in your CE history AFTER 10 days, THEN please contact the CE Provider and notify them. If the course is still not showing up on your CE history after you have contacted the CE Provider, you may contact the Real Estate Branch for assistance.

## Updated Salespersons Prelicense Curriculum

The current Salespersons Prelicense Curriculum (Sales Curriculum) has been in effect since 2006. The Sales Curriculum has finally been updated and the updated curriculum will replace the current Sales Curriculum effective January 1, 2021. The current salesperson's curriculum may be offered any time this year, but the course must be completed by December 31, 2020, whether it's a class offering or individual registering. Prelicense Schools may sign up students for the updated curriculum prior to January 1, 2021, however, the actual offering of the new curriculum must begin on January 1, 2021.

Please advise all candidates that studies under the current curriculum must be completed by December 31, 2020. There will be no exceptions granted to this timeline.

The update was completed by Scott Alan Bly, Esq., a Hawaii-licensed attorney, and registered Continuing Education Provider and Prelicense School for the Real Estate Commission.

The 60 hours for the Sales Curriculum remains the same. The curriculum content is updated and includes no major changes in general content. The order of topics has been changed, and some topics were deleted or combined with others. The Hawaii-specific information throughout the Sales Curriculum is now identified with an icon of the Hawaiian flag for easy reference. There are no supplementary articles on various topics which accompanied the current curriculum.

The updated Sales Curriculum and a brief summary of the updates made will be posted on the Commission's website ([www.hawaii.gov/hirec](http://www.hawaii.gov/hirec), click on Real Estate Licensing and Education, click on "Prelicense Curriculum and Continuing Education Requirements").

## New Commissioner Nikki Senter

Nikki Senter has been practicing real estate law in Hawaii for 19 years. She worked for a private law firm for 15 years before working at Alexander & Baldwin and then starting her own law practice. Nikki currently is the Assistant General Counsel – Real Estate for The Howard Hughes Corporation. She also served as a certified real estate licensing CE and core course instructor, a condominium consultant for the State of Hawaii and on the Real Estate Commission for two prior terms, as both a Commissioner and as Chair. Being a local girl, she loves the ocean and swimming at Kaimanas and near her home in Kailua, where she resides with her family and 4 dogs.



Nikki Senter

# Prelicense Schools

Abe Lee Seminars	808-942-4472
Akahi Real Estate Network, LLC	808-896-1414
All Islands Real Estate School	808-564-5170
American Dream Real Estate School, LLC	720-322-5470
Carol Ball School of Real Estate	808-280-0470
The CE Shop, Inc.	888-827-0777
Coldwell Banker Pacific Properties Real Estate School	808-551-6961
Continuing Ed Express, LLC	866-415-8521
Diamond Resorts Real Estate Academy – Hawaii, LLC	480-392-2337
Excellence in Education dba Maui Real Estate School	808-212-4861
Inet Realty	808-955-7653
Maui Real Estate Academy, LLC dba Hawaii Real Estate Academy	808-633-5737
OCL Real Estate, LLC dba OnCourse Learning Real Estate	800-532-7649
Ralph Foulger’s School of Real Estate	808-239-8881
Real Estate School Hawaii	808-551-6961
REMI School of Real Estate	808-230-8200
Scott Alan Bly School of Real Estate, LLC dba Bly School of Real Estate	808-738-8818
Seiler School of Real Estate	808-874-3100
Vitousek Real Estate Schools, Inc.	808-946-0505

# Continuing Education Providers

Abe Lee Seminars	808-942-4472
All Islands Real Estate School	808-564-5170
American Dream Real Estate School, LLC	720-322-5470
Asentiv Hawaii	808-960-9630
At Your Pace Online, LLC	877-724-6150
The Berman Education Company, LLC	808-572-0853
Building Industry Association of Hawaii	808-629-7505
Carol Ball School of Real Estate	808-280-0470
The CE Shop, Inc.	888-827-0777
CMPS Institute, LLC	888-608-9800
Coldwell Banker Pacific Properties Real Estate School	808-551-6961
Continuing Ed Express, LLC	866-415-8521
Dexterity CE, LLC	512-893-6679
Eddie Flores Real Estate Continuing Education	808-951-9888
ExceedCE	415-885-0307
Franklin Energy Services, LLC	510-298-5497
Hawaii Association of Realtors	808-733-7060
Hawaii Business Training	808-250-2384
Hawaii CCIM Chapter	808-528-2246
Hawaii First Realty, LLC	808-282-8051
Hawaii Island Realtors	808-935-0827
Honolulu Board of Realtors	808-732-3000
International Association of Certified Home Inspectors (InterNACHI)	303-225-9149



## State of Hawaii Real Estate Commission

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This material may be made available to individuals with special needs. Please call the Senior Real Estate Specialist at 808-586-2643 to submit your request.

Kauai Board of Realtors	808-245-4049
McKissock, LLC	800-328-2008
OCL Real Estate, LLC dba OnCourse Learning Real Estate	800-532-7649
Preferred Systems, Inc.	888-455-7437
Ralph Foulger’s School of Real Estate	808-239-8881
The Real Estate Café	808-728-0223
Real Estate School Hawaii	808-551-6961
Realtors’ Association of Maui, Inc.	808-873-8585
REMI School of Real Estate	808-230-8200
Residential Real Estate Council	800-462-8841
Russ Goode Seminars	808-597-1111
Scott Alan Bly School of Real Estate, LLC dba Bly School of Real Estate	808-738-8818
Servpro Industries, LLC	615-451-0200
Shari S. Motooka-Higa	808-492-7820
Sirmon Training and Consulting Group, LLC	704-458-5295
Systems Effect LLC, dba Training Cove	480-517-1000
USA Homeownership Foundation, Inc., dba Veterans Association of Real Estate Professionals (VAREP)	951-444-7363
Vitousek Real Estate Schools, Inc.	808-946-0505
West Hawaii Association of Realtors	808-329-4874

State of Hawaii  
Real Estate Commission  
King Kalakaua Building  
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Honolulu, HI 96813

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# 2020 Real Estate Commission Meeting Schedule

## **Laws & Rules Review Committee – 9:00 a.m.**

**Condominium Review Committee – Upon adjournment of the Laws & Rules  
Review Committee Meeting**

**Education Review Committee – Upon adjournment of the Condominium**

**Review Committee Meeting**

**Wednesday, August 12, 2020**

**Wednesday, September 9, 2020**

**Wednesday, October 7, 2020**

**Wednesday, November 4, 2020**

**Wednesday, December 9, 2020**

## **Real Estate Commission – 9:00 a.m.**

**Friday, August 28, 2020**

**Friday, September 18, 2020**

**Friday, October 23, 2020**

**Friday, November 20, 2020**

**Friday, December 18, 2020**

All meetings will be held in the Queen Liliuokalani Conference Room of the King Kalakaua Building, 335 Merchant Street, First Floor.

Meeting dates, locations and times are subject to change without notice. Please visit the Commission's website at [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec) or call the Real Estate Commission Office at (808) 586-2643 to confirm the dates, times and locations of the meetings. This material can be made available to individuals with special needs. Please contact the executive officer at (808) 586-2643 to submit your request.