

Real Estate Commission Bulletin



Did You Successfully Renew Your License?

Now that on-time renewals are over, here are a few things the Real Estate Branch would like to point out:

Real Estate License renewals occur every EVEN-NUMBERED year (e.g. 2022, 2024, 2026). We are talking about your REAL ESTATE LICENSE and NOT your Board of REALTORS® membership. Do not confuse the two!

Visit the Professional and Vocational Licensing Division's License Search site at <https://mypvl.dcca.hawaii.gov/public-license-search/> or your MyPVL account at <https://mypvl.dcca.hawaii.gov> to confirm your license was renewed successfully. Check that your license expiration reflects 12/31/24 and your status reads "CURRENT, VALID & IN GOOD STANDING". Also, if you renewed on ACTIVE status be sure to check that it states "Active". If you renewed on active status but it reads "INACTIVE", your license is inactive and you should double-check why.

If your license was renewed INACTIVE involuntarily, here are a few possible reasons:

1. LACK OF CE HOURS:

Duplicate continuing education credit. Pursuant to Hawaii Administrative Rules, §16-99-95, "Duplicate continuing education hours. Except as provided by the commission or by this subchapter, a licensee shall not take a continuing education course for which the licensee has already received a certificate within two consecutive biennia." Therefore, if you have repeated a continuing education (CE) course that you have taken in the previous biennium, you will not receive credit for the repeated CE course.

Licensees are responsible to confirm their CE course(s) have not been duplicated and may track their previous courses via their MyPVL account and clicking on the RECE (Real Estate Continuing Education) tab.

Once you have completed your CEs and your courses have been reported to the education system by the CE provider(s), you must submit a Change Form to the Licensing Branch with the required \$25.00 reactivation fee. Complete Section A, mark the "REACTIVATE License" box, and have your principal broker or broker-in-charge sign the form in Section D.

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Ethics courses. If the trade organization is requiring ethics courses as a prerequisite to complete the membership renewal process, keep in mind only CE courses approved by the Hawaii Real Estate Commission (“Commission”) and offered by a CE Provider approved by the Commission are available for CE credit to Hawaii real estate licensees. Contact the CE provider that is offering that particular ethics course to see if it was approved by the Commission to receive CE credit. If the course is not a Commission approved course, you will not receive credit for it.

2. DEPENDENCY:

If a PB, BIC, and/or brokerage firm’s license(s) was not successfully renewed before December 31, 2022, all associated licensees who have renewed their individual licenses will be current but inactive. You can check the status of your PB’s, BIC’s, and/or the brokerage firm’s license at <https://mypvl.dcca.hawaii.gov/public-license-search/>.

Remember to check that your license was properly renewed. With a forfeited or inactive license, you must stop conducting any real estate activity.

YOU MUST RENEW YOUR LICENSE WHETHER YOU ARE ACTIVE OR INACTIVE

Always remember to renew your license and pay the renewal fees every even-numbered year to keep it **CURRENT**. Placing your license on an inactive status and failing to pay for the renewal fee will result in a forfeited license. Pursuant to Hawaii Revised Statutes 436B-2, a forfeited license means the immediate and automatic termination or cancellation without any prior consultation with the licensee of a license issued by a board, caused by a licensee’s voluntary or involuntary failure to comply with the requirements for maintaining or renewing a license. Late fees and additional requirements must be met to restore your forfeited license.

SURRENDERING YOUR LICENSE

Finally, if you decide to surrender your license and not pay for your renewal fees, this may be done with a change form. Surrendering a license is not the same as inactivating a license. Surrendering your license means you shall cease conducting all real estate activities. Forever. Should you decide to engage in any real estate activity again, you shall obtain a new license as a new applicant for a salesperson license. In other words, once you surrender your license, you no longer have a license and you will be subject to applicable new licensing requirements in effect at the time of application (i.e. prelicense school, state exam). For brokers who surrender their license, they must start over as a salesperson.

On-Time License Renewal Statistics

As of January 10, 2023, the renewal statistics for real estate brokers, entities, and salespersons are as follows:

| Licenses Eligible for Renewal | No. of Licenses | Licenses Renewed | % Renewed | Online Renewals | % of Licenses Renewed Online |
|---------------------------------|-----------------|------------------|--------------|-----------------|------------------------------|
| Real Estate Brokers (RB) | 4,248 | 3,892 | 91.6% | 3,775 | 97% |
| Real Estate Sole (RB) | 802 | 667 | 83.2% | 646 | 96.9% |
| Real Estate Entity (RB) | 1,742 | 1,575 | 90.4% | 1,486 | 94.3% |
| Real Estate Branch Office (RBO) | 132 | 100 | 75.8% | 99 | 99% |
| Real Estate Salesperson (RS) | 13,597 | 11,306 | 83.1% | 10,928 | 96.7% |
| TOTAL | 20,521 | 17,540 | 85.5% | 16,934 | 96.5% |

The Chair's Message

Happy New Year! Welcome, 2023!

Actually, by the time you read this (due to publication deadlines), *Kung Hei Fat Choi* or Happy Chinese New Year will be more appropriate. And, therefore, Welcome the Year of the Rabbit!

Wow – 2023! It is amazing how fast time passes. It seems like only yesterday I was answering questions from the State Senate and getting sworn in as a new commissioner. In actuality, that was not yesterday but four years ago and I will be completing my term this summer.

Since then, much has transpired. The world went through unprecedented times. We faced many challenges. Many lost loved ones unexpectedly. Fortunately, due to our hard work, focus, and persistence things are improving. Each and every day significant progress is being made in a positive direction. This recent course of events has influenced my new year's resolution. These events have also made me better comprehend the saying, "time does not stop for anyone." Recognizing and realizing this – my 2023 resolution is:

- (1) Be grateful for each day; and,
- (2) Be appreciative of the blessings I have.

What is your 2023 Resolution?

For those of you who have one, congratulations and good luck. For those of you who do not have one, if I may, may I suggest one?

Be the best Hawaii real estate licensee that you can be.

Some of you may be thinking, is Commissioner Yamane nuts? What a corny resolution! If you would allow me some latitude, let me explain.

Since sitting on the Real Estate Commission, the most asked question or request I have had by many of you licensees has been – can you guess? That is right!

Can you please keep my name out of the Administrative Actions section of the Real Estate Bulletin?

I find human nature to be interesting. Many of you tell me the first place you turn to when receiving the Bulletin is the Administrative Actions section. Some of you tell me the Administrative Action section is the only section of the Bulletin you read. (Shame on you for not reading the Chair's Message.) All of you tell me the reason you look there is to make sure your name is not mentioned and you want to know who among your peers is in trouble. *"Whew... good... I am safe but, look ... so and so is in trouble."* A true dichotomy if you will, very interesting.

First, I do not have the power to keep you out of the Bulletin if you deserve to be highlighted in the Administrative Action section. I know more of you, especially those who have not read my message, will still ask. No problem.

Second, you are your own keeper. As a licensed professional you proved to be a responsible individual. Most times, your actions or your inactions lead to your "fame" and your name being published in the Bulletin. As a licensed professional, you have laws you must abide by, rules and regulations to follow, and a code of ethics to honor. You have taxes, dues, and fees that must be paid in a timely manner. You were granted a license after taking classes, passing an examination, and applying with the State of Hawaii. You assured the Real Estate Commission you would deal with the public in an honest, professional, and ethical manner. Furthermore, you would be accountable for your actions and conduct your business with integrity. Do you now see why I suggested the resolution – be the best Hawaii real estate licensee that you can be? The Real Estate Commission's job is to protect the public. If you honor your license, carry yourself in a professional manner and be the best you can be, you will stay out of trouble and out of the Administrative Action section of the REC Bulletin.

Finally, stop and think for a moment about how lucky you are to be a Hawaii real estate licensee. Hawaii is paradise. As a Hawaii real estate licensee you are able to sell a piece or many pieces of paradise. Look at your beautiful surroundings – blue skies; lush, green mountains; white, sandy beaches – while breathing fresh, clean air; observing vibrant rainbows; and feeling the radiant sun's warmth. How blessed are you? Quite blessed, I would say, so appreciate it. Let's take our profession seriously in 2023. If you do, 2023 will definitely be an exceptional year.

Wishing all of you good health, continued success, and much happiness.

Mahalo Nui Loa,



Derrick Yamane, Chair
Hawaii Real Estate Commission



Reactivating or Restoring Your License

RE-ACTIVATING OR RESTORING A FORFEITED LICENSE

If your license is renewed on INACTIVE status, and you wish to change to active status, or if for any reason your license is forfeited on January 1, 2023 (whether you voluntarily did not renew on time, you forgot to renew, your check was returned by the financial institution, etc.) and you wish to restore your license, the table below lists documents and fees which must be submitted to the Licensing Branch. If your license was forfeited before or on January 1, 2023, or if you apply for restoration after December 31, 2023, you must submit a Restoration Application (call 586-3000 to obtain application) and follow the instructions that accompany that application.

| RE-ACTIVATING | | | | |
|---|---|--|--|---|
| Individual Brokers, Salespersons | Principal Brokers, Brokers in Charge | Entities (Corporation, Partnership, LLC, or LLP) | Sole Proprietors | Branch Office |
| <ul style="list-style-type: none"> Change Form (signed by Principal Broker or Broker in Charge) \$25 fee | <ul style="list-style-type: none"> Change Form \$25 fee | <ul style="list-style-type: none"> Change Form for entity with \$75 fee Change Form for principal broker with \$25 fee Change Form for ALL associating licensees with \$25 fee for each Change Form | <ul style="list-style-type: none"> Application for sole proprietor \$65 fee Change Form for ALL associating licensees with \$25 fee for each Change Form | <ul style="list-style-type: none"> Change Form for branch office with \$75 fee Change Form to register a broker in charge if the principal broker has not already designated a broker in charge |
| | | <ul style="list-style-type: none"> Trade name document (if using a trade name) from Business Registration Division 586-2727 | <ul style="list-style-type: none"> Trade name document (if using a trade name) from Business Registration Division 586-2727 | |
| | | <ul style="list-style-type: none"> Certificate of Good Standing from Business Registration | | |
| | | <ul style="list-style-type: none"> Entity Resolution appointing principal broker | | |
| RESTORING BETWEEN JANUARY 1 AND DECEMBER 31, 2023 | | | | |
| <ul style="list-style-type: none"> Renewal Application \$268 renewal fee \$50 penalty fee Change Form if restoring on active status | <ul style="list-style-type: none"> Renewal Application \$268 renewal fee \$50 penalty fee Change Form if restoring on active status | <ul style="list-style-type: none"> Renewal Application \$343 renewal fee \$100 penalty fee Change Form for principal broker Change Form for ALL associating licensees Trade name document (if using a trade name) Certificate of Good Standing Entity Resolution appointing principal broker | <ul style="list-style-type: none"> Renewal Application \$298 renewal fee \$80 penalty fee Trade name document (if using a trade name) Change Form for ALL associating licensees | <ul style="list-style-type: none"> Renewal Application \$268 renewal fee \$50 penalty fee |

The Change Form and Application for License: Real Estate Sole Proprietor may be retrieved from the Commission's web site: <http://www.hawaii.gov/hirec>.

This material can be made available for individuals with special needs. Please call the Licensing Branch Manager at 586-3000 to submit your request.

Broker Experience Certificate Must Be Presented to PSI Prior to Testing

Broker candidates must apply for and receive a broker experience certificate (“BE”) prior to sitting for the broker licensing exam with PSI. Without an approved BE, candidate exams will not be honored.

The following are samples of the “Application for Experience Certificate-Real Estate Broker” and the “Experience Certification Statement”. These forms ARE NOT THE CERTIFICATE TO SIT FOR THE EXAM. You must submit the application, experience statement and application fee to the Real Estate Branch PRIOR to sitting for the exam.

APPLICATION FOR EXPERIENCE CERTIFICATE - REAL ESTATE BROKER
 Section 16-99-19, Hawaii Administrative Rules
 Application fee: \$100.00 (non-refundable)
 Complete and submit with the application fee to the Real Estate Branch, 1001 Kalia Road, Honolulu, HI 96813.

APPLICANT INFORMATION:
 Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____
 Email: _____

EMPLOYER INFORMATION:
 Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____
 Email: _____

EXPERIENCE INFORMATION:
 I have been employed by the above-named employer for _____ years, from _____ to _____, in the position of _____.

QUESTIONS:

- Have you ever applied for a real estate broker's license in Hawaii? Yes No
- Have you ever applied for a broker's experience certificate in Hawaii? Yes No
- Have you ever been a full-time salesperson or broker in Hawaii for at least three years of the five-year period immediately prior to the submission of this application? Yes No
- Have you ever been a part-time salesperson or broker in Hawaii for at least three years of the five-year period immediately prior to the submission of this application? Yes No

EMPLOYER'S STATEMENT:

| Name of Employer | Address | Position Held with Employer | No. Months | Employment Dates | Termination Date |
|------------------|---------|-----------------------------|------------|------------------|------------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

DECLARATION: I hereby certify that the information provided in this application and the documents attached are true and correct, and that I will provide supporting documents upon request by the commission. I understand that falsification of information and intentional misstatement of fact or failure to provide all relevant information is prohibited.

Signature of Applicant: _____
Signature of Employer: _____

EXPERIENCE CERTIFICATION STATEMENT
 Section 16-99-19, Hawaii Administrative Rules
 Application fee: \$100.00 (non-refundable)

NAME OF BROKER APPLICANT: _____

- Broker applicants must have experience in a business, university or post-high school and no credits shall apply for purposes and credit experience, unless stated that credit experience awarded with a license and state letter for at least three (3) years of the five-year period immediately prior to the submission of the broker experience certificate application, and have proof of your stated experience requirement on file with the commission and be subject to the commission's review, approval or denial.
- Section 16-99-19, Hawaii Administrative Rules, requires a principal broker or broker-in-charge to provide an accurate experience certification statement.

DECLARATION: I hereby certify that the information provided in this application and the documents attached are true and correct, and that I will provide supporting documents upon request by the commission. I understand that falsification of information and intentional misstatement of fact or failure to provide all relevant information is prohibited.

Signature of Principal Broker or Broker-in-Charge: _____
Signature of Applicant: _____

Once approved, you will receive the BE certificate, which is a pink form that includes your name, address, type of exam, expiration date, the Executive Officer's signature and a seal affixed to the certificate.

There are several Hawaii Administrative Rules (“HAR”) that directly impact these instances, with the resulting voiding of the applicant's test score(s) and rejection of the license application.

HAR §16-99-19 states, “License applications. (a) All applications for a real estate salesperson or broker license shall be accompanied by: . . . (2) Supporting documents to satisfy the applicable education and experience requirements: Applications not accompanied by supporting documents shall be rejected. In the event an applicant has not satisfied the applicable education and experience requirements, the applicant's examination score shall be declared void and the license application rejected.”

HAR §16-99-19.2(f), states, “If the applicant has satisfied the three-year full-time experience requirement, the commission shall issue to the applicant an experience certificate that shall be valid for two years from the date of issuance. The experience certificate shall be produced at the applicant's examination appointment and submitted with the applicant's application for individual broker license.”

HAR §16-99-29(g) states, “At the location for examination, all candidates for salesperson or broker examination shall present a current real estate school completion certificate or current education equivalency certificate. Candidates for broker examination also shall present a current experience certificate at the examination location.”

Can a Broker or Salesperson Form an Entity and Have Commissions Paid to that Entity?

This is a frequently asked question of the Real Estate Branch staff. The answer is “No.”

“But my accountant advised me to do this for tax purposes.” That is the most common response from the inquirer. However, Hawaii Revised Statutes (“HRS”) and the Hawaii Administrative Rules (“HAR”) together dictate that a licensee associated with a brokerage firm cannot form an entity and have the licensee’s earned real estate commissions paid directly to the entity. Once earned, commissions are **paid directly to the licensee by his or her broker**, and the licensee may do what he or she wishes with that commission, **once received**.

Let’s review what the real estate licensing laws and rules state.

HRS, §467-14(5)

This section states, in part, that a real estate salesperson must not accept any commission or other compensation for any real estate-related activity from any person other than the salesperson’s **employer or the real estate broker with whom the real estate salesperson associates**.

HRS, §467-14(6)

This section states that a real estate salesperson must not act or attempt to act as a real estate broker, and must not represent, or attempt to represent any real estate broker other than the real estate salesperson’s employer or the real estate broker with whom the real estate salesperson is associated.

HRS, §§467-8(a)(4), (5), (8)

These sections state that no real estate license shall be issued to any partnership, corporation, or limited liability company unless the real estate brokerage business is under the direct management of a principal broker who holds a current active real estate broker’s license.

HRS, §467-8(a)(7)

This section states that **no** real estate salesperson’s license shall be approved or issued with a trade name.

HRS, §467-14(11)

This section states that a real estate salesperson must file a written statement naming the broker by whom the real estate salesperson is employed or associated.

HAR, §16-99-3(p)

This section states that no real estate licensee shall act as a broker, real estate broker-salesperson or real estate salesperson **for more than one brokerage firm**.

HAR, §§16-99-3(m), (n)

These sections state that there shall be a principal broker or one or more brokers-in-charge at the principal place of business and that the principal place of business must be located in the state with the address registered with the Commission.

HAR, §16-99-2 Definitions

“Broker-salesperson” means an individual broker licensee who associates that individual’s own license with a brokerage firm as an employee or independent contractor.

“Place of business” means the physical place where business is conducted other than a post office box, telephone, telephone answering service, letter or mail drop service, or motor vehicle within the State, and may include a home occupation office. . . . Each brokerage firm shall have one, and only one, principal place of business.”

Administrative Actions

October 2022

ALOHA DREAM VACATIONS, INC., and HEIDI M. VENABLE, n.k.a. HEIDI M. SCHROEDER
RB 19817 and
RB 17275

Case No. REC 2017-44-L

Dated 10/24/22

(Commission approved settlement agreement after filing of petition for disciplinary action)

Uncontested Facts:

At all times relevant herein, Respondent Heidi M. Venable, now known as Heidi M. Schroeder (“Venable”), was licensed by the Real Estate Commission (“Commission”) as a real estate broker under license number RB-17275. The license was issued May 19, 1999, placed into inactive status on November 18, 2018, was not renewed by its December 31, 2018 expiration date, and is currently expired and/or forfeited.

At all times relevant herein, Respondent Aloha Dream Vacations, Inc. was licensed by the Commission as a real estate broker entity under license number RB-19817. The license was issued February 4, 2008, placed into inactive status on November 18, 2018, was not renewed by its December 31, 2018 expiration date, and is currently expired and/or forfeited.

At all times relevant herein, Respondent Venable was Respondent Aloha Dream Vacations, Inc.’s designated principal broker.

Respondents’ mailing address for purposes of this action is in care of their attorney, James D. DiPasquale, Esquire, of the law firm DiPasquale & Summers, LLP, 841 Bishop Street, Suite 1610, Honolulu, Hawaii 96813.

On May 17, 2022, Petitioner filed a First Amended Petition for Disciplinary Action alleging that Respondents violated the following provisions of the Hawaii Revised Statutes (“HRS”) and/or Hawaii Administrative Rules (“HAR”) governing the conduct of real estate licensees in the State of Hawaii:

- HRS §436B-19(2) (making untruthful or improbable statements);
- HRS §436B-19(17) (violating the chapter);
- HRS §467-1.6(b)(2) (principal broker is responsible for the brokerage firm’s contracts and documents);
- HRS §467-14(1) (making any misrepresentation concerning any real estate transaction);
- HRS §467-14(3) (pursuing a continued and flagrant course of misrepresentation, or making of false promises through advertising or otherwise);

- HRS §467-14(7) (failing, within a reasonable time, to account for any moneys belonging to others that may be in the possession or under the control of the licensee);
- HRS §467-14(8) (any other conduct constituting fraudulent or dishonest dealings);
- HRS §467-14(16) (converting other people’s moneys to the licensee’s own use);
- HRS §467-14(20) (failure to maintain a reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing);
- HAR §16-99-3(a) (to fully protect the general public in its real estate transactions, every licensee shall conduct business, including the licensee’s own personal real estate transactions, in accordance with this section);
- HAR §16-99-3(b) (the licensee shall protect the public against fraud, misrepresentation, or unethical practices in the real estate field); and
- HAR §16-99-3(v) (the licensee shall not convert other people’s moneys to the licensee’s own use).

Alleged Violations:

HRS §436B-19(2); HRS §436B-19(17); HRS §467-1.6(b)(2); HRS §467-14(1); HRS §467-14(3); HRS §467-14(7); HRS § 467-14(8); HRS §467-14(16); HRS §467-14(20); HAR §16-99-3(a); HAR §16-99-3(b); HAR §16-99-3(v)

Sanctions:

Respondents stipulate and agree to the revocation of their respective real estate brokers’ licenses.

Administrative Actions (cont. from page 7)

December 2022

**JUDITH M. ANDERSON dba
ANDERSON PROPERTIES
RB-12561**

Case No. REC 2022-431-L

Dated 12/19/2022

(Commission approved
settlement agreement after filing
of petition for disciplinary action)

Uncontested Facts:

At all relevant times herein, Respondent was licensed by the Real Estate Commission as a real estate broker under License Number RB 12561. Respondent's license number RB 12561 is set to expire on or about December 31, 2022 and is currently in the process of renewal and may be renewed upon approval of the Commission.

On or about April 25, 2022, RICO filed a Petition for Disciplinary Action alleging that Respondent violated, in part, the following statute(s) and/or rule(s): Hawaii Revised Statutes ("HRS") §§ 436B-19(8); 436B-19(17) 467-14(8); 467-14(20) and Hawaii Administrative Rules ("HAR") § 16-99-3(b).

Alleged Violations:

HRS §436B-19(8); §436B-19(17); §467-14(8); §467-14(20); HAR §16-99-3(b)

Sanction:

Closure of Respondent's Property Management business by March 31, 2023.
Fine of \$1,000

Respondent is represented by Shawn Nakoa, Esq. and Monica Choi, Esq., Rush Moore LLP

Statutory/Rule Violations

Settlement Agreement (Allegations/Sanction): The Respondent does not admit to the allegations set forth by the Regulated Industries Complaints Office (RICO) and denies having violated any licensing law or rule. The respondent enters in a Settlement Agreement as a compromise of the claims and to conserve on the expense of proceeding with a hearing on the matter.

Disciplinary Action (Factual Findings/Order): The respondent is found to have violated the specific laws and rules cited, and the Commission approves the recommended order of the Hearings Officer.

| | |
|--------------------|--|
| HRS §436B-19(2) | Engaging in false, fraudulent, or deceptive advertising, or making untruthful or improbable statements. |
| HRS §436B-19(8) | Failure to maintain a record or history of competency, trustworthiness, fair dealing, and financial integrity. |
| HRS §436B-19(17) | Violating this chapter, the applicable licensing laws, or any rule or order of the licensing authority. |
| HRS §467-1.6(b)(2) | The principal broker shall be responsible for: The brokerage firm's records, contracts, and documents; |
| HRS §467-14(1) | Making any misrepresentation concerning any real estate transaction. |
| HRS §467-14(3) | Pursuing a continued and flagrant course of misrepresentation, or making of false promises through advertising or otherwise; |
| HRS §467-14(7) | Failing, within a reasonable time, to account for any moneys belonging to others that may be in the possession or under the control of the licensee. |
| HRS §467-14(8) | Conduct constituting fraudulent or dishonest dealings. |
| HRS §467-14(16) | Converting other people's moneys to the licensee's own use. |
| HRS §467-14(20) | Failure to maintain a reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing. |
| HAR §16-99-3(a) | Licensee shall fully protect the general public in its real estate transactions. |
| HAR §16-99-3(b) | The licensee shall protect the public against fraud, misrepresentation, or unethical practices in the real estate field. The licensee shall endeavor to eliminate any practices in the community which could be damaging to the public or to the dignity and integrity of the real estate profession. The licensee shall assist the commission in its efforts to regulate the practices of brokers and salespersons in this State. |
| HAR §16-99-3(v) | The licensee shall not convert other people's money to the licensee's own use. |

CONDO HAWAII

Mediation for Condo Owners

You just closed on the sale of a condominium unit for your clients. Congratulations! You know that condominium living offers many benefits, affordability sitting at the top of the list for many people. In a Hawai'i real estate market that prices many families out of the housing market, you've just helped a family make a move into homeownership.

Condominium living means living alongside and getting along with our fellow condominium owners. As can be expected when people live in proximity, disputes will occasionally arise within these communities. The guiding philosophy of the Hawai'i condominium law regarding disputes is one of minimal involvement by government agencies in the daily affairs of the condominium association and a reliance on self-governance by the condominium association community, that is, all the unit owners.

How can you prepare new condominium owners for disputes that might arise in their new community? With the law's emphasis on condominium self-governance and the limited authority of government to directly intervene in disputes between owners, a low-cost method of resolving disputes arising within a condominium association is necessary. Mediation is a valuable tool for resolving every-day issues that come up amongst and between condominium unit owners with ongoing relationships.

The Hawai'i legislature recognized the value of mediation as a dispute resolution tool and determined to encourage use of this option. The legislature amended the condominium law to increase a portion of the registration fee for condominium associations registered with the Real Estate Branch (REB) with the increase going towards subsidizing evaluative mediation for unit owners in these associations.

Evaluative mediation is a form of dispute resolution that utilizes trained mediators with knowledge of and experience in Hawai'i's condominium law. Many evaluative mediators are retired judges and active or retired attorneys. The evaluative mediator provides mediating parties with an assessment of the dispute as well as the relative strengths of the parties' positions based on the current law. The assessment may include a recommendation for resolution based upon the facts and issues presented, and the mediator's legal analysis of the dispute.

Evaluative mediation is available to owners residing in condominium associations registered with the REB. It is statutorily required when it involves the interpretation or enforcement of the association's declaration, bylaws, or house rules and the issue has not been subject to previous mediation, arbitration, or legal proceedings. If a mediation meets these requirements, a written request for mediation cannot be ignored.

Additionally, in cases where the parties agree and the dispute involves (1) threatened property damage or the health or safety of unit owners or other persons, (2) actions to collect assessments, (3) personal injury claims or (4) matters that would affect the availability of insurance coverage on a policy obtained by or on behalf of the association, subsidized mediation is available to the disputing parties.

Go to our REB website link here, <https://cca.hawaii.gov/reb/resources-for-condominium-owners/> for "Mediation of Condominium Disputes", a brochure on mediation that includes a brief description of evaluative mediation and contact information on the available private providers who conduct subsidized condominium mediation for the REB. If you or your clients have any questions regarding the mediation procedure or its applicability to your clients' situation, give a provider a call.

Mediation for Condo Owners (cont. from page 9)

Of course, not all mediations will end in mutual agreement by the parties. Even so, each party to a mediation will have had the opportunity to hear a professional's candid assessment of the strength of their position which they otherwise would not have received. Mediation is an excellent means of resolving condominium disputes without engaging in litigation and maintaining peace between owners in the condominium association. The mediation process is less daunting, less costly, and takes less time and resources than litigating a condominium dispute.

You can make a difference in your clients' lives. Advise your new buyers in a condominium to avoid the courtroom! Condominium unit owners should always consider evaluative mediation first for resolving their condominium disputes.

Hawaii Condo Living Guide

The Hawaii Real Estate Commission is proud to bring the Hawaii condominium industry a new education series, "Hawaii Condo Living Guide," which covers a series of condominium issues. This 15-part series consists of educational and imperative topics such as "Purchasing a Condo", "Owner's Rights & Responsibilities", "Dispute Resolution", "Maintenance Fees & Special Assessments", and "Leaks and Water Damage". Check it out!

You may view all of the videos at <https://cca.hawaii.gov/reb/hawaii-condo-living-guide/>

The screenshot shows the website for the Hawaii Condo Living Guide. At the top, there is a navigation bar with the Hawaii.gov logo, a search bar, and a "Stay Connected" button. Below this is the header for the Department of Commerce and Consumer Affairs, Real Estate Branch, with the DCCA Hawaii logo. A secondary navigation bar includes links for Home, About, Forms, Calendar, Publications, HRS/HAR, FAQs, Quick Links, Contact, and DCCA Home. The main content area features the title "HAWAII CONDO LIVING GUIDE" and a brief introduction: "The Hawaii Real Estate Commission is proud to bring the Hawaii condominium industry a new education series, 'Hawaii Condo Living Guide,' covering a series of condominium issues. Please enjoy the 15 part series on our website or on the YouTube playlist." Below this, there is a video player for "Episode 1: Important Things To Know When Purchasing A Condo". The video thumbnail shows a woman speaking and includes the text "WHAT YOU CAN AND CANNOT". At the bottom of the page, there is a link for "Episode 2: Important Things To Know: New Condominium Owner In Hawaii".

Prelicensure Schools

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| Abe Lee Seminars | 808-942-4472 |
| American Dream Real Estate School, LLC | 844-223-7326 |
| Carol Ball School of Real Estate | 808-280-0470 |
| The CE Shop, LLC | 888-827-0777 |
| Coldwell Banker Pacific Properties Real Estate School | 808-748-3410 |
| Colibri Real Estate, LLC | 866-739-7277 |
| Continuing Ed Express, LLC | 866-415-8521 |
| Excellence in Education dba Maui Real Estate School | 808-212-4861 |
| Hawaii Institute of Real Estate | 808-342-4061 |
| Inet Realty | 808-955-7653 |
| Mayfield Real Estate, Inc., dba Global Real Estate School | 800-581-6014 |
| 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 |



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.

Continuing Education Providers

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| Abe Lee Seminars | 808-942-4472 | Kauai Board of Realtors | 808-245-4049 |
| American Dream Real Estate School, LLC | 844-223-7326 | McKissock, LLC | 800-328-2008 |
| Building Industry Association of Hawaii | 808-629-7505 | Preferred Systems, Inc. | 888-455-7437 |
| Carol Ball School of Real Estate | 808-280-0470 | Real Estate School Hawaii | 808-551-6961 |
| The CE Shop, LLC. | 888-827-0777 | Real Estate Success Series LLC | 310-259-5776 |
| CMPS Institute, LLC | 888-608-9800 | Realtors' Association of Maui, Inc. | 808-873-8585 |
| Coldwell Banker Pacific Properties Real Estate School | 808-748-3410 | REMI School of Real Estate | 808-230-8200 |
| Continuing Ed Express, LLC | 866-415-8521 | Residential Real Estate Council | 800-462-5541 |
| Eddie Flores Real Estate Continuing Education | 808-223-6301 | Scott Alan Bly School of Real Estate, LLC dba Bly School of Real Estate | 808-738-8818 |
| Franklin Energy Services, LLC | 866-735-1432 | Servpro Industries, LLC | 615-451-0200 |
| Hawaii Association of Realtors | 808-733-7060 | Shari Motooka-Higa | 808-492-7820 |
| Hawaii CCIM Chapter | 808-528-2246 | Sirmon Training and Consulting Group LLC | 704-458-9743 |
| Honolulu Board of Realtors | 808-732-3000 | Systems Effect LLC, dba Training Cove | 480-517-1000 |
| International Association of Certified Home Inspectors (InterNACHI) | 720-735-7125 | WebCE Inc. | 877-488-9308 |

State of Hawaii
Real Estate Commission
King Kalakaua Building
335 Merchant Street, Room 333
Honolulu, HI 96813

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2023 Real Estate Commission Meeting Schedule

Real Estate Commission – 9:00 a.m.

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| Friday, January 27, 2023 | Friday, July 21, 2023 |
| Friday, February 24, 2023 | Friday, August 25, 2023 |
| Friday, March 24, 2023 | Friday, September 22, 2023 |
| Friday, April 21, 2023 | Friday, October 27, 2023 |
| Friday, May 26, 2023 | Friday, November 17, 2023 |
| Friday, June 23, 2023 | Friday, December 15, 2023 |

Until further notice, Laws & Rules Review Committee, Condominium Review Committee, and Education Review Committee meeting items will be discussed at Real Estate Commission meetings.

Real Estate Commission Meetings will be held online via the Zoom platform. Physical location will be in the King Kalakaua Building, 335 Merchant Street, Room 333.

Meeting dates, locations and times are subject to change without notice. Please visit the Commission's website at 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.