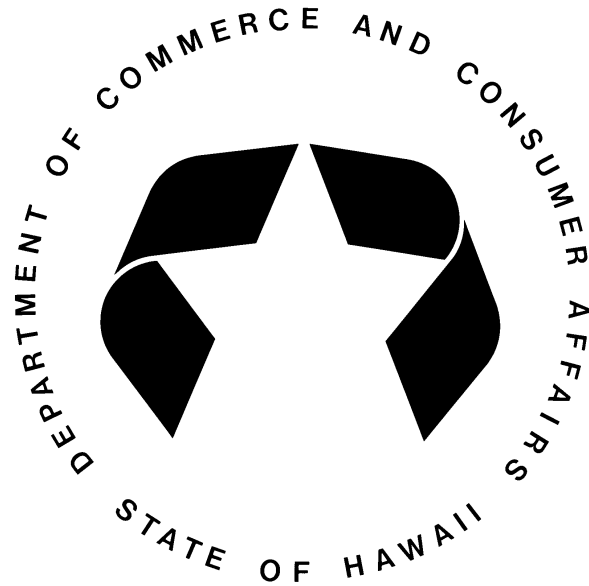


# REAL ESTATE COMMISSION

## STATE OF HAWAII



FISCAL YEAR 2022 - 2023

PROGRAM OF WORK AND BUDGET

# PROGRAM OF WORK

- I. PROGRAM OF WORK
  - A. LAWS AND RULES REVIEW COMMITTEE
  - B. CONDOMINIUM REVIEW COMMITTEE
  - C. EDUCATION REVIEW COMMITTEE

I. PROGRAM OF WORK

A. LAWS AND RULES REVIEW COMMITTEE

**PROGRAM OF WORK AND BUDGET  
LAWS AND RULES REVIEW COMMITTEE**

**FISCAL YEARS 2022/23**

**REAL ESTATE RECOVERY FUND**

- continuous program
- provide information and advice; process and administer claims; coordinate responsibilities with consultant attorneys; administer contracts with consultant attorneys; administer records management
- maintenance and review of budget, finance, and records for RERF; develop and adopt investment guidelines, administer any contract with consultant; provide quarterly and annual financial statements
- develop a collection program; continue to administer the State Tax Intercept Program; determine feasibility of contracting with collection agencies; consult attorney with assistance of private investigator to search for debtors of outstanding judgments
- administer contracts with consultant attorneys; consultant attorneys to make recommendations on whether to renew assigned judgments for collection purposes and periodically initiate collection efforts, such as researching conveyance and real property tax records
- provide annual statistical data about the claims/payouts/issues; provide quarterly case summary reports and to include in bulletin/annual report/webpage; provide the aforementioned to any interested party
- administer and fund staff position
- determine feasibility and recommendations of electronic administration, including scanning of documents for record purposes and electronic case tracking
- determine feasibility and recommendations for a less burdensome path for small claimants through the judicial process
- develop, print, and distribute simple plain language brochure on the requirements and procedures to file for the recovery fund; include on website

-- consultants: Chong Nishimoto Sia Nakamura & Goya  
Matsubara & Kotake

**REAL ESTATE LICENSING, REGISTRATION & CERTIFICATION  
ADMINISTRATION**

- continuous program
- review and recommend amendments to licensure requirements to improve consumer protection, continue exploration with Department/PVL of new online licensing application system, streamline the licensing program for new real estate licenses, including salespersons, brokers, corporations, partnerships, sole proprietors, branch offices, broker experience, including laws, rules, policies, procedures, forms, information, records management, review process, etc.; implement recommendations from "Review of Services and Organization" program of work, as applicable
- administer appeals for license/certification/registration denials, including subpoenas, review, refer, and coordinate with Hearings Office, Special Deputy AG, AG's Office, PVL, testify at hearings
- administer subpoenas for records/documents, appearance, or deposition for civil or criminal cases before the courts or from government agencies, review, refer and coordinate with Licensing Branch, Special Deputy AG, AG's office, OIP, court reporter
- plan, implement, and administer any new Acts and rule amendments affecting real estate licensing
- review and prepare summaries of all disciplinary cases and application appeal cases for Bulletin/webpage/annual reports; periodically research and present analysis of disciplinary cases
- research and report on the feasibility of consultant providing appropriate services to assist in licensing, including but not limited to provisional licensing at exam site, records management, and databases for certificates, joint program with ERC

### **CONDOMINIUM HOTEL OPERATOR REGISTRATION**

- continuous program
- administer registration program; administer the biennial CHO re-registration program, participate in Batch Renewal Program
- review and recommend amendments to the administration of CHO registration, including forms, information, records management, fidelity bond, review process, etc.
- provide listing of all registered and include in REC webpage
- determine sources to locate unregistered CHOs, including county records, HVB, advertising, etc.; initiate initial compliance through education
- develop and distribute startup kits for CHOs, similar to CMAs

### **EDUCATION AND REFERRAL**

- continuous program
- via telephone/correspondence/walk-in/fax/website/email, provide education, and referral to applicants, licensees, government officials, consumers, public, media/press, including research, mailing, etc.
- print or reprint and distribute REC educational materials, including PB/BIC distribution; provide educational materials through REC website
- administer and provide requestors with access to public information and records, including requests for copies, subject to compliance with the Uniform Information Practices Act and other related laws; work with the PVL Program Specialist and OIP
- respond to inquiries, requests, and constituency requests for the Congressional members, Governor, Lt. Governor, Director, Deputy Director, Licensing Administrator, DCCA Division Chiefs, Legislators, Mayor, Council Members, and other government officials, including research, troubleshooting, collaboration, mediation, and drafting response

- collect and provide quarterly statistical data on telephone, walk-in, correspondence, fax, website hits, and email assistance
- expand consumer information, especially on website, joint program with Technology and Website
- joint program with Education Review Committee

#### **RULE MAKING, CHAPTER 99**

- continuous program
- study and evaluate Chapter 99, HAR, and Chapter 467, HRS, for possible rule making; REC decisions, informal and formal opinions, declaratory rulings, update criteria for qualifications of equivalency to salesperson and broker prelicensing education certificate, consumer-brokerage relationships, MCE, prelicensing matters, advertising, personal transactions of licensees, disclosure to consumers of services/costs/right to negotiate terms, restorations, principal broker, temporary principal brokers, CHO, all compensation issues in writing and prior to engagement, criteria for applicants and licensees on parole, probation, incarcerated, or other government supervision, referral fees, license recognition, internet advertising and websites, and deregulation where possible without reducing consumer protection and/or reducing State resources
- research, draft, review and comment, informal consultation with the Deputy Attorney General and initiate rule making; administer process, hearing process and approval procedures, public notices
- upon request, provide briefings to licensees and organizations
- provide informal notice of public hearing and proposed amendments through REC website; provide formal notice of public hearing and proposed amendments as per UIPA
- print and distribute a copy of any rule amendments to principal brokers and brokers in charge, if feasible in conjunction with amended law distribution; determine

and recommend on the feasibility of electronic distribution

#### **SUBCOMMITTEES**

- carryover program
- subcommittee on advertising, teams: study and provide report and recommended language for rule amendments
- subcommittee on virtual office windows: study and consult, provide report and any recommendations including rule and/or statutory amendments

#### **MEETINGS**

- continuous program
- plan, coordinate, and conduct monthly LRRC meetings; including arrangement for facilities, agenda, testifiers, and minutes; pre- and post-meeting requirements, briefing of and coordination with Chair; provide agendas and meeting schedules to participants, HAR, and upon request, include on REC website
- joint program with Education Review Committee and Condominium Review Committee
- coordinate dates and times with HAR and Boards of Realtors to avoid conflicts

#### **LICENSING RENEWAL**

- continuous program
- develop and administer plan for license renewal, work with PVL on electronic renewal, distribution of renewal application forms, including coordination of MCE, initiate publicity program on the renewals, including bulletins, website, Board of Realtors bulletins, other organization newsletters, local media, notices to PBs
- conduct meetings with Licensing Branch on Electronic Renewal, and Batch Renewals, sites to include Honolulu, Lihue, Kahului, Hilo, and Kona, work with local boards



of realtors and key organizations, in conjunction with Specialists Office for the Day

- work with Licensing Branch to distribute a licensing roster of all current real estate salespersons and brokers to principal brokers to update records at least 6 months prior to renewal deadline; educate principal brokers about PVL D's website's listing of all current licensees associated with principal broker, joint program with Technology and Website
- joint project with Licensing Administrator

#### **LEGISLATIVE AND GOVERNMENT PARTICIPATION**

- coordinate with Administration
- provide briefings to Legislators and staff, act as resource to Legislators, draft language, draft committee reports, etc.
- research, study, and draft written testimony on non-REC bills; provide oral testimony at hearings, etc.
- respond to and work on inquiries/complaints/requests for information/general assistance, including the Congressional Members, Governor, Lt. Governor, Legislators, Mayors, Council Members, and other government officials, including foreign governments, especially Pacific Rim
- joint program with Education Review Committee

#### **INTERACTIVE PARTICIPATION WITH ORGANIZATIONS**

- continuous program
- continue active participation with Hawaii, Pacific Rim, National and International organizations and government agencies for the exchange of information and concerns, sharing of educational and research efforts, joint projects of mutual concern, training, etc., through attendance and participation at local, regional, international, and national meetings
- joint program with Education Review Committee

## **LEGISLATIVE ACTS AND RESOLUTIONS**

- continuous program
- review legislative Acts; amend Chapter 467 public copy and work with ASO for publication; develop summary briefing for bulletin/website, Commissioners/Staff
- plan and implement requirements of Acts and resolutions
- purchase or reimburse ASO and distribute copy of amended Chapter 467 and rules to all principal brokers and brokers in charge, and new brokerage firms; reserve copies for future distribution, study feasibility of distribution through proposed PB/BIC email system
- upon request, provide legislative briefings
- joint program with CRC on condominium laws, workshops for real estate licensees, consider CE elective credit, include a copy of condominium education materials in the distribution to principal brokers and brokers in charge

## **NEIGHBOR ISLANDS OUTREACH**

- continuous program
- hold a minimum of 3 LRRC meetings on neighbor island sites, with CRC and ERC; counties of Kauai, Maui, and Hawaii are the pre-selected sites with dates to be determined
- consideration to hold meetings in collaboration with local Board of Realtors, HAR, educational organizations, condominium organizations, etc.
- joint program with ERC and CRC

## **REVIEW OF SERVICES AND ORGANIZATION**

- continuous program
- analyze and initiate steps to improve the services provided or amend processes without compromising consumer protection, to streamline for effectiveness and efficiency, amendments to laws, amendments to

rules, amending forms, amending the system, staffing, equipment, reorganization, partnerships with consultants, etc.

- conduct meetings and exchanges with Licensing Branch to improve services, clarify and amend procedures/forms/policies/rules/public responses; conduct training sessions for Licensing Branch personnel
- development and implementation of improved and timely license verification and history program with disciplinary and complaint information, forms, computerization; work with DCCA's website on license information and complaints history
- collect computerized data on applications and provide periodic statistical reports including numbers of filings, processing time, etc.
- joint program with Licensing Administrator for overall REB and PVL services

#### **APPLICATION PROCESSING AND FORMS**

- continuous program
- continue study and evaluate the online processing of application forms, the wall and pocket card license; evaluate and amend forms and instructions; assist in computer programming issues
- develop user friendly applications and instructions in coordination with Licensing Branch and PVL
- study and report on other electronic/computer methods to improve application processing and providing a database, including services offered by testing companies and others
- continue providing more application forms through website in coordination with PVL. See ERC program of work under "New Technology Program"

#### **ARELLO NATIONAL DISCIPLINARY ACTION DATA BANK**

- continuous program

- continue participation in the ARELLO National Disciplinary Action Data Bank to assist in background review of applicants and assist in consumer protection nationally, prepare and provide periodic reports to ARELLO
- participation through testing contract whereby every exam applicant will be reviewed through data bank
- request and review applicants with data bank, follow-up negative reports with host jurisdiction and secure further information on the disciplinary matter

#### **CASE LAW REVIEW PROGRAM**

- continuous program
- monitor, collect, and report on case law, disciplinary actions on other licensing areas that are relevant to real estate licensees, judgments and decisions on Hawaii court cases, federal court cases, and other states court cases; material cases to be considered for Real Estate Bulletin and webpage
- report on Hawaii specific cases to ARELLO annually

#### **RULE MAKING, CHAPTER 53, FEES**

- continuous program
- monitor and review services provided in relation to fees charged, research/study, make recommendations, develop drafts, administer rule making, hearing, approval; in coordination with Licensing Administrator
- administer with Licensing Administrator any submission through review process, hearing, approval, and implementation

#### **COMMISSIONERS EDUCATION PROGRAM**

- continuous program
- research and draft amendments to REC Reference Book, July 2007

- hold training sessions for new Commissioners and provide educational opportunities for Commissioners
- continue usage of CLEAR Board Member Training Manual and ARELLO Commissioner Training Program
- participate in training of Commissioners as provided by ARELLO, REEA, CAI, CLEAR, and other organizations

#### **DIVISION AND DEPARTMENT PROGRAMS**

- continuous program
- coordinate and work with PVL, DCCA, and others on any program of mutual concern, joint program with ERC and CRC
- review, analyze, and coordinate positions on Chapter 436B as it relates to Chapters 467, 514A, and 514B with PVL and the AG's Office, including self-executing provisions
- RICO Advisory Panel: work, recommend, and coordinate with RICO

#### **HUD/ARELLO FAIR HOUSING AGREEMENT**

- continuous program
- administer the terms of the agreement and coordinate review by HUD officials
- participate with ARELLO Fair Housing Committee and work with ARELLO on the terms of the agreement

I. PROGRAM OF WORK

B. CONDOMINIUM REVIEW COMMITTEE

**PROGRAM OF WORK AND BUDGET  
CONDOMINIUM REVIEW COMMITTEE**

**FISCAL YEARS 2022/23**

**CONDOMINIUM LAWS AND EDUCATION**

- continuous program
- provide informational briefings, law and policy updates, and educational presentations to the condominium community, Administration, and Department through group meetings, REB website, Condominium Bulletin, Real Estate Bulletin, presentations, videos, and brochures
- provide multi-modal education to the community on condominium laws and related Acts, utilizing staff, volunteer presenters, and/or contracted consultants for different audiences; conduct educational sessions in each county through partnerships with various organizations/ government agencies; deliver educational sessions via video on website
- review and revise, as necessary, all relevant forms, instructions, and informational sheets
- review and amend, as necessary, existing REC-developed educational materials, including distribution, printing, and posting to website; create new educational materials

**EDUCATION AND REFERRAL**

- continuous program
- provide education and referrals to the condominium community, applicants, consumers, licensees, government officials, organizations, and the public; procure continuing education classes for licensees who specialize in condominium sales, existing condominium board members, and account executives/community managers
- distribute informational post cards, electronic copies of chapter 514B, HRS, and Rules to each registered association and registered condominium managing agent ("CMA")
- administer and provide requestors access to review public information and records, including requests for copies, subject to compliance with the Uniform

### Information Practice Act and the Office of Information Practices

- collect and provide statistical reports on telephone, walk-in, email inquiries, and correspondence
- maintain and improve website; continue to promote the use of email to provide information to the condominium community, including the education calendar and educational email subscription; update frequently asked questions section on the website
- continue the delivery of advice, education, and referral, including print, media and community-based interactive efforts, focusing on current condominium issues
- explore promoting self-governance by providing a forum for associations and/or owners to network and problem solve together
- study the feasibility of a grant program to boards of directors to participate in Commission-approved education programs, to subsidize any fee associated with the education program
- attend meetings of an Association or Board of Director upon request if appropriate
- in coordination with legislative members, attend informational briefings with constituents as appropriate

### **CONDOMINIUM PROJECT AND DEVELOPER'S PUBLIC REPORTS**

- continuous program
- administer the registration of condominium projects and the issuance of effective dates for developer's public reports
- continuous evaluation of the process, records, forms, informational documents, rules, coordination with other governmental agencies, coordination with attorneys, etc., to ensure timely processing and review time; update and amend all project forms and instructions
- administration of condominium consultants; examine contracts and procurement law and initiate of any requirement changes; administer the evaluation system on consultants, including monitoring and providing reports to the REC on each condominium consultant's



- assignments, performance, and feedback from staff and developers; discuss evaluations with each consultant
- review and update checklists; send information and decisions to developers and attorneys
- administer and continue to provide public access to review the developer's public reports electronically and other project documents, including requests for copies subject to compliance with the Uniform Information Practice Act and working with the Office of Information Practices
- continue the compiling and indexing of all information/decisions to developers, condominium consultants, and others, including periodic distribution
- plan, develop, and administer any legislative amendments into the registration program, especially collaboration with the Time Share Administrator on any Act that impacts both Time Share and Condominiums
- continue listing of projects with current developer's public reports on REC website
- provide statistics on CPR registration, developer's public reports, and processing
- implement a plan of electronic administration, including the scanning of documents and tracking projects electronically; continually update fillable forms for ease of use
- study, report, and recommend a comprehensive evaluation system on the registration and review process, including the use of evaluation forms by developers and attorneys
- continue to study, report, and recommend a strategic plan for the acceptance of electronically filing condominium project registration documentation; examine other agencies, analyze surveys, and report findings and recommendations
- plan, coordinate, and conduct forum for developers and attorneys to receive feedback regarding project registration

#### **HAWAII CONDOMINIUM BULLETIN**

- continuous program

- develop, write, and edit bulletin for online distribution to the condominium community, with prior approval to utilize materials previously developed by the REC or others, including a master education/meeting calendar, pertinent case law review, etc.; plan, develop, and provide for guest articles on relevant topics with an emphasis on materials relating to current condominium legislative developments, trends within the condominium community, and other general issues affecting the overall condominium community; staff to work with Commissioners to ensure timely and practical materials providing an advance plan, deadline dates, and topic outline at least 45 days in advance of distribution deadlines; post online quarterly
- administer the contract for graphic and layout services pursuant to the procurement law
- develop a periodic electronic survey to research condominium living issues
- develop and update articles on Associations utilizing technology for self-governance, information, discussion, exchanging, documents, etc.
- study the feasibility of increasing the bulletin up to 12 pages with the addition of a developer's section, a developer's bulletin, or a special webpage for developers
- continue the electronic delivery of the bulletin to registered Associations and/or delivery solely by REC website
- consider "developers reference file" and consultants contributing articles

#### **CONDOMINIUM MEDIATION AND ARBITRATION PROGRAM**

- continuous program
- subsidize condominium mediation, both evaluative and facilitative, and voluntary binding arbitration; administer contracts with mediation and arbitration providers
- initiate and work with the Mediation Center of the Pacific ("MCP") and other providers to provide educational seminars to boards of directors, unit owners, and CMAs on the purpose of alternative dispute resolution, mediation, and arbitration, as well as providing training to consultants

- continue to review the demand for additional mediation and arbitration providers
- collect data, monitor, and consult with mediation groups, including MCP and Dispute Prevention and Resolution, to research ways to encourage owners to utilize mediation
- develop and collect information and statistical data for education and annual report purposes, especially evaluative mediation and voluntary binding arbitration under Act 57 (SLH 2020); provide periodic reports to CRC on material information on each case submitted for subsidy programs, to be utilized in education programs, including Condo Bulletin and REC website
- promote REC mediation programs, through the distribution of the condo mediation brochure, articles in the Condo Bulletin, promotional appearances by the mediation providers at various community activities and meetings, and encouraging telephone inquirers to use the mediation option for dispute resolution
  - providers:           Mediation Center of the Pacific  
                          Mediation Service of Maui  
                          West Hawaii Mediation Center  
                          Ku'ikahi Mediation Center  
                          Kauai Economic Opportunity  
                          Dispute Prevention and Resolution  
                          Lou Chang, Esq.  
                          Crumpton Collaborative Solutions, LLLC

#### **CONDOMINIUM ASSOCIATION REGISTRATION**

- continuous program
- review and monitor program for improved registration process; administer biennial registration, including fidelity bond requirement; collect and provide statistics for requests as appropriate
- develop a paperless fidelity bond review process
- outreach program with CMAs and Associations for efficient registration process; workshops, including neighbor island sites; administer re-registration filing deadline providing numerous advance reminders regarding the registration deadline

- continue electronic registration application process or computer generated forms with previous responses for recertification or amendments
- plan, develop, and administer any legislative amendments to the registration program
- administer a public list of all registered condominium Associations, including pertinent information, for distribution upon request subject to any copying fees, including completed registration forms on REC website
- compile a biennial profile of registered Associations based on the data fields gathered from the registration information

#### **CONDOMINIUM SEMINARS AND SYMPOSIUM**

- continuous program
- produce seminars, including one on reserves, especially the cash flow funding method, for the condominium community through contracts with providers; consider registration fee subsidies for unit owners of registered Associations; continue to encourage new providers
- subject to resources and existing REC educational materials, produce cost effective seminars utilizing public facilities, staff, Commissioners, and volunteer speakers
- proactively seek additional consultants, especially on the neighbor islands, consider AARP, local Boards of Realtors, and individuals active in the Hawaii condominium community.
- joint program with "Condominium Laws and Education"

#### **AD HOC COMMITTEE ON CONDOMINIUM EDUCATION AND RESEARCH**

- carryover program
- administer the Ad Hoc Committee on Condominium Education and Research consisting of members of the condominium community who meet periodically to provide recommendations on condominium issues and education
- update electronic brochures for real estate brokers to distribute to new owners of residential condominium units

- meet with and provide REC educational information and training to association managers

#### **CONDOMINIUM MANAGING AGENTS REGISTRATION**

- continuous program
- with Licensing Branch, administer program, registration procedures, forms, instructions, deadlines, deficiencies, enforcement, fidelity bond, etc.
- develop a paperless fidelity bond review process

#### **RULE MAKING, Chapters 107/119**

- carryover program
- study and evaluate Chapters 107 and proposed 119, HAR, and Chapter 514B, HRS, for rule making, including review/comment by focus groups and other interested parties and informal consultation with Deputy Attorney General; study and evaluate REC decisions/informal opinions, formal opinions/declaratory rulings, deregulation without reducing consumer protection and reducing use of resources, etc.
- administer formal rule making process, including notice and formal hearing; upon request, provide a copy of proposed rules; consider including proposed rules and/or hearing notice on REC website
- provide informal briefings by staff and/or Commissioner
- consider recommendations received from the Condominium Review Committee (CRC), community workshops, government officials, and organizations as to rulemaking

#### **MEETINGS**

- continuous program
- plan, coordinate, and conduct monthly CRC meetings, including arrangement for facilities, agenda, testifiers, minutes, briefings to Chair and SEO, and pre- and post-meeting requirements; provide schedule of meetings and agendas to participants and include on REC website

## **GOVERNMENT AND LEGISLATIVE PARTICIPATION AND REPORT**

- continuous program
- jointly with ERC research, develop, print, and distribute annual report to the Legislature on condominium education trust fund, program of work, budget, mediation and voluntary binding arbitration program to be posted to REC website immediately upon completion
- in coordination with Administration, provide briefings to Legislators and staff, act as a resource, research and draft legislative bills/committee reports, submit testimony, present oral testimony, track bills
- respond to elected officials' inquiries/complaints/requests for information/etc., including Governor, Lt. Governor, Director, Deputy Director, PVL Administrator, Congressional members, Legislators, Mayors, Council Members, and other government officials, including foreign governments and especially Pacific Rim countries; response to include research, troubleshooting, collaboration, and drafting response

## **LEGISLATIVE ACTS AND RESOLUTIONS**

- review and carry out responsibilities of Legislative Acts and resolutions, provide a summary of condominium and related Acts and resolutions for REC/staff/condominium bulletin/interested parties
- research, draft, and print any reports required by legislative Acts or resolutions or agreements
- amend public copy of Chapter 514B, and work with ASO for its publication; study the feasibility of ramseyer format of public copy of Chapter 514B

## **INTERACTIVE PARTICIPATION WITH ORGANIZATIONS**

- continuous program
- active participation with Hawaii, national, international and pacific rim organizations and government agencies for the exchange of information and concerns, sharing of educational and research efforts, joint projects of mutual concern, training, etc. through attendance, membership and/or participation at local, regional, national and international meetings,

including, but not limited to: CAI, CAI Hawaii Chapter, HCAAO, Condominium Council of Maui, IREM, ARELLO, Hawaii State Bar, Zenkauren (Japan), Condominium Management Center of Japan, NARCS, AARP, senior living groups, etc.

- Commissioner and staff member participants shall actively participate in all communications, attend all pertinent meetings/workshops, and take an active role in representing the interests of the Commission, PVLD, DCCA, and the State, especially in all certification programs; participants to provide a written report to Commission/PVLD/DCCA of all participation

#### **NEIGHBOR ISLANDS OUTREACH**

- continuous program
- hold a minimum of three CRC meetings at neighbor island site with ERC and LRRC, counties of Kauai, Maui, and Hawaii at pre-selected sites and dates
- consider holding meetings in collaboration with the local boards, HAR, condominium organizations, etc.
- utilize the Department Communication's Officer for press releases and newspaper advertisements

#### **CONDOMINIUM EDUCATION TRUST FUND (CETF)**

- continuous program
- maintenance and review of budget, finance, and records for the CETF; preparation of quarterly and annual financial statements; preparation of annual budgets; administration of fund investment through State Treasury
- plan and work with DCCA for funding of education and research programs, personnel compensation, and other expenditures subject to revenue projections and approved budget

#### **CONSUMER EDUCATION**

- carryover program
- plan, coordinate, and conduct owner's forum to educate in conjunction with condominium seminars and symposiums on "owners and board" rights and responsibilities guide

- continue the consumer education program targeting prospective purchasers of condominium units and new owners of condominium units, on initial project sales and resales
- study the feasibility of developing an online survey of associations, boards, CMAs, management companies, brokerages, and unit owners to address problem issues and solutions
- distribute to initial purchasers or occupants of condominium units brochures on governance and the communal form of living

#### **RULE MAKING, CHAPTER 53, FEES**

- continuous program
- monitor and review services provided in relation to fees, research/study, make recommendations, develop drafts, assist in the formal rule making process, including public hearing, with the Licensing Administrator
- administer with the Licensing Administrator any submissions through review process, hearing, approval, and implementation
- study existing and new condominium services and determine appropriate fees, and recommend amendments to Chapter 53

#### **CPR PROJECT WORKSHOP AND MEETINGS**

- continuous program
- research and update CPR project workshop materials
- facilitate periodic workshops (at least one per FY) for consultants' informational purposes, new laws and rules orientation, amendments to policies and procedures, and forms development for consultants
- orientation/informational session for new consultants
- facilitate a workshop with developers, attorneys, condo consultants, CMAs, and Association focus groups for purposes of discussion on governance issues and how to address it early in the life of a CPR, from initial documents to the first Association meeting



### **CONDOMINIUM SPECIALIST OFFICE FOR THE DAY**

- continuous program
- with advance publicity, condominium specialists set up office at various neighbor island locations to meet and discuss condominium concerns; upon request, consider informational sessions to RICO Investigators
- utilize for Association/CMA/CHO re-registration workshops
- consider a joint program with the Real Estate Specialist Office for the Day program
- consider and collaborate with a condominium organization and/or at a condominium organization office

### **CONDOMINIUM SPEAKERSHIP PROGRAM**

- continuous program
- subject to resources and approvals, honor requests from condominium organizations, interested groups, colleges or universities, Legislators, government agencies, etc. for participation in programs as a speaker or resource concerning condominium issues; participants include Condominium Specialist, Supervising Executive Officer, Executive Officer, or Commissioner

### **TECHNOLOGY AND WEBSITE**

- continuous program
- administration of in-house and network system, coordination with DCCA, training of staff, purchases of hardware and software, programming, etc.
- utilize laptop computer with screen projection at meetings, symposiums, training, speakership, etc.
- utilize scanning for website, storage of public information, and other programs; provide PC for review and use of educational materials and courses for the public
- continue the electronic storage, review of condominium projects, public reports, association registration, brochures, videos, etc., for public information

- administer the website with a long-range plan of including all condominium information, forms, database, etc., and online registrations
- study feasibility of providing condominium consultants with a confidential electronic bulletin board
- continue working with DCCA and PVL on plans for use of technology, computer systems, network, etc., including joint venturing on projects and purchases
- study the feasibility of providing Associations a central depository for all governing documents, minutes, etc., via voluntary participation, including the cost of such a program

#### **CASE LAW REVIEW PROGRAM**

- continuous program
- monitor, collect, and report on judgments and decisions on Hawaii state and federal court cases; cases to be considered for Condo Bulletin; report on governance case studies

#### **START-UP KIT FOR NEW ASSOCIATIONS AND NEW CMAs**

- continuous program
- distribute start-up kits to new condominium Associations and new CMAs, including copies of Chapter 514B, rules, budget and reserves guide, board of director guide or brochures, etc.

#### **RECORDS MANAGEMENT**

- continuous program
- administer and organize all records (paper and computer files), reference materials, reports, minutes, legislation, rules, AG opinions, contracts, etc.; comply with record retention and destruction plan for expired records; work with the State Records Center and Hawaii State Archives
- continue consultant or records training for staff
- administration of Records Report System and Uniform Information Practices Act with consultation with the Office of Information Practices; user friendly access

to public information

- research options/alternatives for electronic records storage and public information provided via local email systems or e-government site, including capability of making own copies
- scan and provide electronic storage of records, including minutes

#### **COOPERATIVE EDUCATION, RESEARCH, AND ADMINISTRATIVE PROGRAM**

- continuous program
- participate and sponsor cooperative educational research, and administrative programs for those Departments, Divisions, and Branches that provide direct or indirect services

#### **DIVISION AND DEPARTMENT PROGRAM**

- continuous program
- coordinate activities and programs of mutual concern with PVL, RICO, and DCCA
- review, analyze, and coordinate positions on Chapter 436B as it relates to Chapter 514B with PVL and AG's Office, especially self-executing provisions
- coordinate and work with RICO on joint program on governance/management complaints and mediation arbitration and unified position; see Condominium Mediation and Arbitration Program
- provide REC sponsored condominium education to RICO, Time-Share Administrator, Subdivision EO, and OAH, through complimentary registrations or CETF paid registrations

#### **STAFF AND COMMISSIONERS DEVELOPMENT**

- continuous program
- development and training of REB staff and Commissioners for better administration and understanding of the condominium programs and issues

- assist in amendments to REC Reference Book by researching and drafting amendments relative to CRC and its programs
- participate in training of staff and commissioners as provided by CAI, ARELLO, REEA, CLEAR, and other organizations

#### **CONDOMINIUM REFERENCE LIBRARY**

- continuous program
- develop and continue to provide materials as appropriate for a condominium reference library at public libraries (State Library System), REC office, mediation services offices and possibly institutions of higher learning, especially on the neighbor islands; stock with purchased referenced materials and REC materials; purchase and donate to specified public libraries condominium reference material with REC name and CETF, with REC initiating the list of reference materials and where located for associations; study and report on the feasibility of increasing and adding new educational materials at libraries, especially in high CPR concentrated areas; collaborate with a local condominium association organization, and consider an internet reference library system including links with REC website and possible licensing arrangements with national providers
- continuous publicity program upon development of the reference library
- study and report on the usage of the condominium reference library materials at the State Library System and REB office
- develop and continue to maintain on the REC website a catalog of all public reference materials provided to the State Libraries and at the REB office
- update all condominium library reference materials, including board of directors' chapters and its printing, and law amendments

I. PROGRAM OF WORK

C. EDUCATION REVIEW COMMITTEE

**PROGRAM OF WORK AND BUDGET  
EDUCATION REVIEW COMMITTEE**

**FISCAL YEARS 2022/23**

**CONTINUING EDUCATION CORE COURSE**

- carryover program
- research and report on recommendations on the future of the core course and justification for continuation, including course development through a consultant, utilization of existing courses, multiple options for licensees to meet core course requirement, feasibility of utilizing other courses as an equivalency to the core course, joint development program with HAR, review ARELLO jurisdiction's programs, electronic delivery and record keeping; consider contracting with a consultant
- administer REC core course and equivalent core courses, its certification; distribution of curriculum materials to providers, provide monitoring and evaluation
- administer contract with consultant for REC core course; including, among other areas, electronic delivery, feasibility of electronic database for certificates and record keeping, writing of articles and brochures, instructor orientation and/or IDW; finalize the procurement of services to develop the REC core course; develop a 2-biennium plan of core course topics.
- joint education program with the CRC on those issues that are pertinent to real estate licensees
  - consultant: Everett S. Kaneshige

**SALESPERSON CURRICULUM AND RESOURCES**

- continuous program
- administer and implement the salesperson curriculum in collaboration with prelicensing schools and instructors, PSI, and PVL; continuous consultation and review with ARELLO, REEA, and other jurisdictions
- determine feasibility of a consultant for the research and development of an expanded salesperson curriculum and also include a practicum module; conduct instructor orientations; provide periodic updates; develop electronic database for recordkeeping and certificates
- work with PSI on the salesperson's examination,

including review of exam curriculum, items, cut scores, developing new items through item writing sessions, pretest items, etc.; conduct instructor briefings; initiate new salesperson's examination

- administer salesperson curriculum and provide updates

#### **BROKER CURRICULUM AND RESOURCES**

- continuous program
- administer and implement, the broker curriculum in collaboration with prelicensing schools and instructors, PSI, and PVL; continuous consultation and review with ARELLO, REEA, and other jurisdictions
- determine feasibility of a consultant for the research and development of an expanded broker curriculum and also include a practicum module; conduct instructor orientations; feasibility of electronic database for recordkeeping and certificates
- administer broker curriculum and provide updates

#### **EDUCATION AND REFERRAL**

- continuous program
- provide education and referral to applicants, licensees, government officials, consumers, public, organizations, etc., including research, reproduction, mailing, etc.
- develop a distribution system of educational and informational products to each principal broker and broker in charge, consider utilizing an email service and/or special webpage for principal brokers and BICs
- procure vendor to create, publish and distribute educational and informational materials; provide educational materials through REC website; update agency educational materials and provide through website
- administer and provide requestors access to public information and records, including requests for copies; subject to compliance with the Uniform Information Practices Act and work with the PVL Program Specialist or the Office of Information Practices
- respond to inquiries, requests and constituency requests for the Congressional members, Governor, Lt. Governor, Director, Deputy Director, Licensing Administrator, DCCA Division Chiefs, Legislators,

County Officials, and other government officials, including research, troubleshooting, collaboration, mediation, and drafting responses

- collect and provide statistical data on telephone, walk-in, and correspondence assistance
- study and report on the feasibility of providing information and advice with less resources, including participation in email and e-government
- maintain and improve the webpage
- joint program with LRRC

#### **ADMINISTRATION OF PRELICENSE EDUCATION PROGRAM, SCHOOLS, AND INSTRUCTORS**

- continuous program
- administration of prelicense school and instructors, applications, approval process, information, renewals, certification, records management, re-evaluation, etc.; periodic meetings, consider electronic delivery of records management, applications, and listing of schools and schedules through REC website
- coordination of instructor's examination program
- administration of evaluation system on schools and instructors
- research, development, printing, and distribution of quarterly "School Files", a bulletin for educators; a joint program with the Continuing Education Program
- periodic meetings with schools and instructors for exchange of concerns, information, amended laws and rules, etc.

#### **ADMINISTRATION OF EXAMINATIONS**

- continuous program
- administration of real estate licensing examination program, including contract administration with PSI, information, trouble shooting, review and amendments to application booklets, periodic reports, daily exams, examination at PSI sites out-of-state
- coordinate periodic PSI workshop for schools, instructors, Commissioners and REB staff, test site



administrators

- administer instructor examination program
  - monitor all exam sites (including neighbor islands) at least once per year, report, recommend, etc.
  - participate in the national uniform test development programs
  - continue participation in the ARELLO examination certification program and the ARELLO education fund fee
  - coordinate, conduct, and administer test development sessions with PSI, including selection and coordination of subject matter experts and panel members, develop list of volunteers from various specialty areas in real estate
  - monitor and review curriculum; provide timely laws and rules update report to PSI; coordinate the implementation of any amended curriculum for the salesperson and broker into the examinations; and assist with issues on exam content/curriculum/exam questions
  - joint program with the LRRC/DCCA/PVL on the feasibility of procured vendor providing assistance in licensing, including an online reference file for prelicensing school certificates, prelicensing education equivalency certificates, uniform section equivalency of prelicensing examination certificates, broker prelicensing experience certificates that will eliminate the inspection of certificates at exam sites and submission to Licensing Branch
  - provide statistical analysis of salesperson and broker candidates issued a prelicensing education certificate versus educational equivalency certificate (by category), broker experience certificate versus broker experience equivalency certificate, uniform equivalency certificate versus passage of both parts, as to passage of licensing examination on initial attempt
- consultant: PSI

**ADMINISTRATION OF CONTINUING EDUCATION PROGRAM, PROVIDERS, AND INSTRUCTORS**

- continuous program
- administration of continuing education program, providers, instructors, courses, information center, records management, etc.

- research, development, printing, and distribution of quarterly "School Files", a bulletin for educators; a joint program with the Prelicense Education Program, consider utilizing a special email system and/or webpage
- development, printing, and distribution of continuing education course schedules, consider as part of a proposed email program to principal brokers
- periodic meetings (including neighbor island sites) with providers and instructors for the exchange of concerns, information, amended laws and rules, etc.; consideration on providing these meetings in conjunction with Neighbor Island Outreach and Real Estate Specialists Office for the Day
- feasibility study into the delivery of CE courses through other means, including home study, interactive video and computer programs, HITS, television, cable TV, self study with challenge exams, internet, etc.
- study, develop, and report findings on criteria to determine equivalencies to continuing education courses
- study, draft, and implement any recommended amendments to the MCE program via legislative Act, including forms, instructions, and rule making
- continue to provide information on providers, courses, instructors, and class schedules to be distributed via REC webpage and hard copies
- continue to provide on REC website: CE course completion of each licensee, course schedules, list of approve providers/instructors/courses, core course equivalencies

#### **ADMINISTRATION OF CONTINUING EDUCATION ELECTIVE COURSES**

- continuous program
- provide administrative information to elective course providers and licensees, assist providers in submissions, review submission applications, review submitted curriculum, make recommendations, and records management
- develop evaluation criteria for course content, course submissions

#### **AD HOC COMMITTEE ON EDUCATION (ACE)**

- continuous program
- administer advisory subcommittee consisting of various members of the real estate industry, HAR, Local Boards, etc.; review, study, and make recommendations to ERC on education issues and education program of work items; subcommittee to meet periodically
- study real estate education related issues, concerns, and recommendations, working with HAR and CE and prelicensing education providers/instructors/industry/local boards, including considering special requirements for PBs and BICs, increasing hours, annual mandatory courses, course examination, and privatization
- consider expanded pre-licensing requirements for new salespersons and brokers, and special requirements for PBs and BICs, especially education which should be considered in conjunction with brokerage firms orientation/education programs
- continued review of administration and effectiveness of division of core course and its two part implementation

#### **MEETINGS AND SYMPOSIUM**

- continuous program
- plan, coordinate, and conduct monthly Education Review Committee meetings; including facilities arrangements, agenda, testifiers, and minutes; complete pre- and post-meeting requirements, briefing of Chair and SEO; provide agendas and meeting schedules to participants and upon request, include in REC website
- plan, coordinate, and produce symposium, when necessary, to develop or amend program of work and budget; including facilities arrangements, speakers, agenda, testifiers, etc.
- joint program with LRRC

#### **ANNUAL REPORT AND QUARTERLY BULLETIN**

- continuous program
- research, edit, printing, and distribution of quarterly REC bulletin; contract administration with consultant, procurement code management; provide for guest articles from the real estate community; DISTRIBUTION DEADLINES: 15<sup>TH</sup> of August, November, February and May

- annual report shall include CETF annual report for completion by December 31 of which costs shall be divided evenly between REEF and CETF, for distribution to Legislature and Governor only, electronic distribution
- REC bulletin and annual report shall be placed on the REC webpage immediately upon completion either by completion of article or prior to distribution, and continue studying the feasibility of eliminating printing and distribution of hard copies, the goal is to provide the information on the webpage, including electronic delivery of bulletin to each licensee
- develop and conduct survey through bulletin for comments, recommendations, topics, internet usage, delivery by email or webpage, CE, prelicensing, etc.
- research and report on the feasibility of consultant providing appropriate services to assist in procurement, joint program with CRC
  - consultant: Valenti Print Group  
Printing/distribution Contract

#### **REAL ESTATE EDUCATION FUND (REEF)**

- continuous program
- maintenance and review of budget, finance, and records for REEF; preparation of quarterly and annual financial statements; preparation of annual and biennial budgets; administration of fund investment programs including contract administration and procurement code management

#### **NEIGHBOR ISLANDS OUTREACH**

- continuous and carryover program
- hold a minimum of three ERC meetings on neighbor island sites, with CRC and LRRC; islands of Kauai, Maui, and Hawaii are the pre-selected sites with dates to be determined
- consideration to hold meetings in collaboration with local board of Realtors, HAR, educational organizations, condominium organizations, etc.
- special education or outreach work at neighbor island sites for issues of concern
- joint program with LRRC and CRC

### **INTERACTIVE PARTICIPATION WITH ORGANIZATIONS**

- continuous program
- active participation with Hawaii, Pacific Rim, national, and international organizations and government agencies for the exchange of information and concerns, sharing of educational and research efforts, joint projects of mutual concern, training, etc. through attendance, membership and/or participation at local, regional, national and international meetings; including Real Estate Educators Association (REEA), Association of Real Estate License Law Officials (ARELLO), Council on Licensure, Enforcement, and Regulation (CLEAR), National Association of Realtors (NAR), Hawaii Association of Realtors (HAR), Board of Realtors, Hawaii State Bar Association, Institute of Real Estate Management (IREM), National Land Council, etc.
- Commissioner and staff member participants shall participate in all communications, attend all pertinent meetings/workshops, and take an active role in representing the interests of the Commission, PVL, DCCA, and the State, especially taking an assertive role in all certification programs, participants to provide a written report to Commission/PVL/DCCA of all participation
- joint program with LRRC

### **REAL ESTATE SEMINARS**

- continuous program
- provide for statewide seminars for real estate licensees and/or consumers through a contractor via subsidy, sponsoring, assisting, or co-sponsoring
- priority to utilize existing REC educational materials, and produce cost effective programs utilizing State or public-type facilities
- cancellation policy based on minimum early registration requirement, complimentary admissions for Commissioners, staff members, RICO staff members
- administration of contract with consultant under procurement law, consider adding other consultants, including local board of realtors, government agencies, AARP, etc.

- develop and deliver seminars for PBs and BICs
- joint program with CRC on education on Condominium Laws and "Condominium Seminars and Symposium" as to those issues that are pertinent to real estate licensees
  - consultant: Hawaii Association of REALTORS

#### **LEGISLATIVE PARTICIPATION, RESEARCH, AND REPORT**

- continuous program
- research, participate, and/or report on any request by the Legislature, including resolutions, agreements, and issues of mutual concern
- joint program with LRRC

#### **INSTRUCTOR'S DEVELOPMENT WORKSHOP**

- continuous program
- development, sponsoring, coordination, and/or producing of instructor development workshops for prelicensing and continuing education instructors to meet rule requirements; feasibility of video taping and/or HITS; study the feasibility of interactive video program
- research and administer requests for equivalency to other instructor development workshop
- development and production of a special instructor development workshop using continuing education core course
- administration of contract with consultant under procurement law
- consider partnership with REEA and/or with local board of REALTORS for an IDW
  - consultant: Hawaii Association of REALTORS

#### **EVALUATION AND EDUCATION SYSTEM FOR CE AND PRELICENSING INSTRUCTORS, COURSES, PROVIDERS AND SCHOOLS**

- continuous program
- in a collaboration with the Hawaii Association of REALTORS, HARES, ACE Subcommittee, and other approved persons, continue to administer evaluation system of prelicensing and continuing education instructors which

can provide an evaluation of teaching ability and subject knowledge; develop a system for student evaluation to REC that is handled independent of the instructor with consideration of electronic system; develop an evaluation system for a peer review system; the evaluation program must be in conjunction with an educational component to assist an instructor with substandard teaching ability and/or subject knowledge; the evaluation system shall provide for periodic reporting to REC

- research and report including an evaluation on the program and recommendations as to the continuance of the program and if continued, how it is to be administered, feasibility of peer review administration, volunteers, or contractor
- research and report on the feasibility of online/electronic evaluation system
- include providers in the monitoring/evaluation system, administer on site monitoring/evaluation program that is unannounced and conducted by REB staff, Commissioners, ACE members, and others to be determined

#### **REAL ESTATE SPECIALIST OFFICE FOR THE DAY**

- continuous program
- real estate specialists set up office at RICO neighbor island offices or other sites to provide education and referral with advanced publicity, mail outs, and appointments; upon request, provide training to RICO investigators
- where possible, consider a joint program with the condominium specialist office for the day program and combining with other programs for the neighbor islands, including seminars, conventions/meetings, courses
- coordinate with local boards, holding it at the board's offices or in conjunction with a board function

#### **REAL ESTATE SPEAKERSHIP PROGRAM**

- continuous program
- subject to State government approvals and priorities, honor request to provide a speaker, resource person, or participant in a function related to real estate education. The participant to be either Supervising Executive Officer, Executive Officer, Real Estate Specialist, Commissioner, or other Staff member

### **PRELICENSING EDUCATION EQUIVALENCY ADMINISTRATION**

- continuous program
- continue evaluating educational requirements of other States and jurisdictions in coordination with ARELLO; report findings and propose amendments to the prelicensing education equivalency, forms, instructions
- review, approve or deny, or present to REC applications for prelicensing educational equivalency; including coordination with Licensing Branch and applications for broker experience certificates
- continue research with consultant PSI/HIC to develop an electronic certification system and databases for use by exam sites, prelicensing schools, applicants, and Licensing Branch

### **UNIFORM SECTION EQUIVALENCY OF PRELICENSING EXAMINATION**

- carryover program
- administer uniform section equivalency program which recognizes the passage of the uniform part of another jurisdiction's exam
- administer exam contract provision on utilizing either part of exam for different purposes

### **TECHNOLOGY AND WEBSITE**

- continuous program
- administration of in-house and network computer system, coordination with DCCA, training of staff, purchases of hardware and software, programming, etc.
- utilization of laptop computer for screen projection at meetings, symposiums, training, etc.
- administer scanner for use with network and other programs
- shared with CETF budget
- work with DCCA and PVL on Department and Division plans on technology, computer systems, network, etc., including joint venturing projects and purchases
- administration and maintenance of REC website with long range goal that it be the main source of communication



and information to licensees, applicants, and the consumers

- study feasibility of online services for applicants, licensees/registrants, and the public, which will include all applications and instructions, info sheets, etc., with consideration for joint venturing with PVL
- continue to work on the feasibility of placing all REC forms, applications, information sheets, change forms, education forms, licensing forms on REC website
- study and report on the feasibility of email service to PBs and BICs
- maintain comprehensive electronic delivery program for educational programs, courses, information, assistance to schools and providers, etc.; for licensees and candidates; including an electronic student evaluation system for prelicensing and CE; contract with consultant; (1) see below
- research and develop an electronic database for prelicensing school certificates, prelicensing educational equivalency certificates, uniform section examination equivalency certificates, broker experience certificates, continuing education certificates, continuing education equivalency certificates; data to be inputted by schools, providers, LB, REB; online review of eligibility by candidates, licensees, test sites, LB, REB; linkage or part of licensing database; contract with consultant; joint program with Administration of Examinations; (2) see below
- develop a system to collect the email addresses of licensees for administrative and educational purposes that is consistent with the OIP law

## **RECORDS MANAGEMENT**

- carryover program
- evaluate, plan, reorganize, and implement a centralized, consistent, user friendly, computerized glossary of the existing and future records and files (documents and computer); administration with REB, PVL, and DCCA policies and other statutory requirements
- administration of Records Report System and Uniform Information Practices Act with consultation with the Office of Information Practices; user friendly access to public information
- research alternatives for records storage (computerization, scanning), and public information

provided via local email systems or e-government;  
implement new scanning/CD of records and the delivery  
of public information through website

- consider consultant, or special training

#### **INFORMATION DISTRIBUTION SYSTEM**

- carryover program
- research, development, and implementation of a centralized information distribution system for all the education products produced by the REC and HREREC; a standardized policy and procedure for distribution, purchasing, copyright, specific permission copying or generic permission copying of brochures, reports, video tapes, etc.

#### **NEW SALESPERSON AND NEW BROKER STARTUP KITS**

- continuous program
- package and distribute startup kits to newly licensed salespersons, which will include but not be limited to past available bulletins, and special distribution materials with a cover letter, Chair's message, to include recommendation to initiate own reference library
- package and distribute startup kits to newly licensed sole proprietor, corporation, and partnership brokers, which will include but not be limited to PB/BIC Brochure, Advertising Brochure, Fair Housing Brochure, RICO handout, Chapters (467, 436B, 99), REB Info Sheet, past available bulletins of interest, and other special distribution materials with a cover letter, Chair's message, to include recommendation to initiate own reference library, costs of printing, purchasing, and distribution of materials by Real Estate Education Fund
- revise contents of startup kits based on curriculum, costs of printing, distribution of materials

#### **COOPERATIVE EDUCATION, RESEARCH, AND ADMINISTRATION PROGRAM**

- continuous program
- actively participate and sponsor cooperative education, research and administrative programs for those persons, Branches, Divisions, Department personnel, Attorney General's Office that provide direct or indirect services to REC or are part of a real estate related

program

#### **DIVISION AND DEPARTMENT PROGRAMS**

- continuous program
- coordinate activities and programs of mutual concern with PVL and DCCA.
- joint program with LRRC and CRC

#### **STAFF AND COMMISSIONERS DEVELOPMENT**

- continuous program
- development and training of staff and commissioners for better administration of the real estate programs
- participate in training and educational opportunities provided by REEA, ARELLO, CAI, CLEAR, and other organizations

#### **REAL ESTATE REFERENCE LIBRARY**

- continuous program
- subscribe and purchase real estate reference materials for public review, study and report on the feasibility of a program through the Hawaii State Library system, similar to the Condominium Review Committee's program
- organize all real estate reference materials, including periodicals, books, reports, seminar/workshop materials, other states information, etc., into a standardized system that is user friendly and computerized
- review and decide on pertinent reference materials, purchase and stock REB reference library and consider State Library System
- include in REC webpage a catalog of public reference materials available in REB office