

Real Estate Commission Bulletin



Licensee's Personal Transactions *Principal Brokers are Responsible*

Do you own real property that you are renting or leasing to others? Are you buying and selling real property on your own account? Does your principal broker (PB) know? What about client accounts? Are you setting up your own client accounts? Or is the client account under the brokerage and control of the PB?

"Personal Transactions" was the topic for Part A of the Commission's 2009-2010 mandatory core course. The topic created quite a stir among licensees who took Part A in 2009. There are still many questions regarding how to handle a licensee's personal transaction. The following is a review of relevant statutes and rules that would apply.

The laws and rules regarding personal transactions are not new. In fact, the two cases that provided the impetus for the laws and rules relating to licensee's own real estate transactions to be added to Hawaii Revised Statutes (HRS) Chapter 467 and Hawaii Administrative Rules (HAR) Chapter 99 took place in the mid- to late 1980's!

The principal broker, and by delegation, a broker-in-charge, have tremendous responsibilities to directly manage and supervise all real estate activity engaged in by the brokerage and its associated licensees.

The real estate licensing laws and rules help guide licensee's conduct when engaging in a personal transaction(s) such as leasing/renting personal property or selling personal property:

- 1) HRS, §467-1, definition of "real estate salesperson" states, "... Every real estate salesperson shall be under the direction of a real estate broker for **all** real estate transactions." There are NO EXCEPTIONS noted.

- 2) HRS, §467-14, states "...Disciplinary action may be taken by the commission whether the licensee is acting as a real estate broker, or real estate salesperson, or on the **licensee's own behalf.**" (emphasis added) Again, there are NO EXCEPTIONS noted. This amended Chapter 467, HRS in 1985.

- 3) Hawaii Administrative Rules (HAR), "§16-99-3 Conduct. (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." (emphasis added)

- 4) HAR, §16-99-3(g) states, "the licensee shall not acquire, rent, lease or exchange an interest in or buy, rent, lease, or exchange for one's self, any member of the licensee's immediate family or brokerage firm, or any entity in which the licensee has any ownership interest, property listed with the licensee, licensee's brokerage firm, or listed with any other brokerage firm or licensee without making the true position known in writing to the listing owner or property owner. When offering for sale, lease, exchange, or rental, property which the licensee owns or has an interest in, the licensee shall **fully inform the principal broker of the licensee's intention** to sell, lease, exchange, or rent, and of the licensee's interest in the property. (emphasis added) The licensee shall reveal the interest to the purchaser, lessee, or tenant in writing prior to accepting any offer."

The licensee selling his/her own property must inform his/her principal broker when he/she is

continued on page 2

contents

Licensee's Personal Transactions
(1 - 2)

The Chair's Message
(3)

Administrative Actions
(4 - 7)

Statutory Rules/
Violations
(8)

Real Estate Has The Most
Criminal Convictions
(9)

Hello and Goodbye
(9)

2011 Legislative Update
(10)

Prelicense Schools/
Continuing
Education Providers
(11)

Real Estate Commission
Meeting Schedule
(12)

Licensee's Personal Transactions (cont. from page 1)

selling (or leasing, exchanging, renting) his/her own property. The licensee must also disclose his/her ownership interest to the purchaser, leasee, or tenant in writing prior to accepting any offer.

Note that a licensee who is associated with one brokerage firm **may** list his/her property with another brokerage firm. The licensee's principal broker should be aware of what's going on. It may be that the principal broker's policies and procedures require its associated licensees to sell personal real estate property through the brokerage. Check with the principal broker and the policies and procedures manual to be sure.

- 5) HAR, §16-99-11(b), states, "No licensee shall advertise "For Sale by owner," "For Rent by Owner," "For Lease by Owner," or "For Exchange by Owner."

A real estate licensee, **whether active or inactive**, is bound by the licensing laws and rules. A licensee cannot remove his/her license "hat" when they put their license on inactive status. So, for the licensee who, for whatever reason, goes inactive, but then wants to sell his/her own property, any advertisement regarding the sale of his/her own property cannot include "for sale by owner". This also applies to the active licensee.

- 6) HAR, §16-99-11(c), states, "Current individual real estate licensees, whether active or inactive, shall disclose the licensee's status as a real estate licensee in all advertising and promotional material."

Again, "whether active or inactive" is key. An inactive licensee must disclose his/her inactive status in all advertising, if they are selling their **own property**. An inactive licensee may not engage in any other real estate activity.

- 7) HRS, §467-1.6, Principal brokers. This section describes the principal broker's responsibilities. This section was added to HRS Chapter 467 in 1999. Nowhere in this section does it exclude personal real estate transactions from the principal broker's oversight. If you take into consideration the definition of real estate salesperson (HRS, section 467-1, see above) and the responsibilities of the principal broker as stated in HRS, section 467-1.6, there is a definite conclusion that the principal broker may be held responsible for any

associated salesperson's personal real estate transactions, under the supervision of the principal broker or not.

- 8) HAR, §16-99-4 Client's account; trust funds; properties other than funds. (a) "Every brokerage firm that does not immediately place all funds entrusted to the brokerage firm in a neutral escrow depository, shall maintain a trust fund account in this State with some bank or recognized depository, which is federally insured, and place all entrusted funds therein. **The trust fund account shall designate the principal broker as trustee**" (emphasis added)

Associated real estate licensees cannot open up and maintain their own, separate client's trust accounts.

All monies must pass through the brokerage. When handling the rental of personal property, the real estate salesperson or broker-salesperson must have a written and signed property management agreement in place, either with his own broker/brokerage, OR another broker/brokerage. The rental monies must flow through the brokerage with which the property management agreement is with. The principal broker of the licensee renting his personal property under another brokerage is NOT off the hook as far as responsibility for the licensee's personal transactions.

There are more and more new real estate brokers who are going on their own. They are either sole proprietors or form their own entity, and are the principal broker of the brokerage. Most entities (maybe about 75%) are one-person operations or have at most, two or three associated licensees. Maybe 10% of brokerages have more than 15 associated licensees. From information gathered from telephone inquiries at the Real Estate Branch, it appears that many one-person or two to three-person brokerages may not have policies and procedures manuals. The principal broker of the brokerage, no matter how large or small, is still THE ONE responsible to directly manage and supervise the brokerage and all its associated licensees. It's a tough job!

The Chair's Message



Aloha!

Think Globally When you Think Local

At the recently held Hawaii Association of REALTORS® Convention in Honolulu it was evident by the topics presented that there was a reflection of the slow but evident recovery present in real estate business in Hawaii. Although

some of the sessions gave REALTORS® pointers in understanding and participating in the REO and short-sale market as well as managing risks in these tumultuous times, interestingly, there were three sessions on real estate globalization and its effect on our profession. No longer is international real estate something that happens outside our community. It is something that will continue to influence our local real estate markets as the international economy influences our local businesses, workers, and their abilities to purchase real estate either as a primary residences or second home investments.

Although not all real estate licensees are REALTORS®, in Hawaii 55% of all active Hawaii's real estate licensees belong to the National Association of Realtors, America's largest trade organization representing 1.1 million real estate licensees nation wide. It is thus significant that this organization placed the importance of the global market as a high priority in preparing licensees for present and future business.

To further illustrate the impact of the awareness of the globalization of real estate on our industry, was a talk by Mr. Anirban Basu of the Sage Policy Group in Baltimore, Maryland at the ARELLO (Association of Real Estate Licensing Law Officials) conference in Baltimore, which I attended. Mr. Basu presented the latest economic trends and how they impact our industry from a global perspective. His admonition to the real estate regulators present was that not only is local and national regulation important for the orderly conduct of real estate business in our jurisdictions, we should encompass world-wide regulation so that as we open the lines of communication among other countries for economic opportunities, we create an environment where there is a common understanding

among the participants of expectations and rules of the real estate business internationally.

It used to be that the shrinking world was described in terms of transportation and how quickly we could travel from country to country by air. With the Internet, licensees are all too familiar with the opportunity we have to market our properties to people throughout the world, digitally. Regulation and common understanding of the rules and laws governing our licenses and our conduct continue to prevail as we transcend cultures as well as business models. It is important that we as licensees understand the importance of these guides not only through our professional practice but through our continuing education requirements that make us mindful of our roles and public expectations of our conduct. These regulations level the playing field for all who wish to participate in this high stakes business.

Knowledge is truly power and with the CE requirement for active Hawaii licensees at 20 hours per biennium, we have so many opportunities to increase that power. Besides the mandatory core course for the 2010-2012 biennium available early next year, there are over 500 approved courses available either online or live. Check out the approved list at <https://pvl.ehawaii.gov/rece/app/welcome.html> and find some awesome globally significant courses to enhance your ability to grow in our changing marketplace.

Mahalo,

Carol Ball

Administrative Actions

July 2011

Leslie K.C. Hee

Broker – RB 9605

Case No: REC 2009-55-L

Dated 7/29/11

Allegations: On 11/26/08 a Default Judgment was entered against Respondent in the Circuit Court of the First Circuit in Civil No. 07-1-1336-07(SSM). Respondent did not report the judgment to the Commission. Respondent has not satisfied the judgment. Respondent is no longer at address registered with the Commission.

Sanction: Voluntary license suspension until the judgment is satisfied and pay an administrative fine of \$1,000.00

Violations: HRS §467-14(20), HRS §436B-16; HAR §16-99-3(n)

August 2011

Sharon Chen

Test candidate for Real Estate Salesperson License Examination

Factual Findings: According to the PSI report dated 3/26/11, the proctor observed the candidate with a small half-page piece of lined paper in her hand. The proctor then observed the candidate writing something on this piece of paper. After consulting with his supervisor, the proctor stopped the exam and instructed the candidate to empty her pockets since he had not found the lined paper he observed earlier. The candidate reached into her sweater pocket and pulled out loose paper napkins. She opened up her sweater and tried to demonstrate that the pockets on her pants were empty as well. She did not reach into either the front or back pockets and turn them inside out to clearly demonstrate that they were empty.

Order: Candidate is disqualified from the March 26, 2011 examination and is barred from taking the real estate salesperson examination for two years.

Violations: HAR §16-99-29(e)

Jeff R. Carmichael

Salesperson – RS 59911

Case No: REC 2009-219-L

Dated 8/26/11

Factual Findings: On or about 3/17/94, Respondent entered a guilty plea and was adjudicated guilty to the charge of disorderly conduct in Orange County, Florida. On or about 9/26/01, Respondent submitted an application for a real estate salesperson's license. On said application Respondent falsely answered "No" to the question "During the past 20 years have you been convicted of a crime where there has not been an order annulling or expunging the conviction?" On or about 9/16/02, Respondent entered a no contest plea and was convicted of the charge of driving under the influence in the District Court of the Second Judicial Circuit, State of Hawaii. On or about 11/27/02, Respondent submitted a renewal application for his real estate salesperson's license. On said application Respondent falsely answered "No" to the question "In the past 2 years have you been convicted of a crime in which the conviction has not been annulled or expunged?" On or about 5/10/07, the United States Department of the Treasury filed a Notice of Federal Tax Lien against Respondent based upon taxes in the amount of \$5,836.97. On or about 9/4/08, Respondent entered a no contest plea and was convicted of promoting a dangerous drug in the third degree and related charges in the Circuit Court of the Second Circuit, State of Hawaii.

Order: 6 month license suspension and a \$500.00 fine

Violations: HRS §§467-14(3), (8), (20), 467-20, HRS §§436B-19(5), (12)

Administrative Actions (cont. from page 4)

August 2011

Paula F. Myers

Salesperson – RS 42786

Case No: 2011-101-L

Dated 8/26/11

Allegations: On or about 8/11/10, a no contest plea judgment was entered against the Respondent, in the District Court of the First Circuit, State of Hawaii, for the crime of driving under the influence. Respondent disclosed the conviction in writing to the Commission via Respondent's 11/30/10 license renewal application.

Sanction: Pay a \$500.00 fine

Violations: HRS §§436B-19(12), (14), (17)-99-3(n)

John R. Baessler

Broker – RB 18524

Case No: 2010-156-L

Dated 8/26/11

Allegations: On or about 1/19/10 a no contest plea judgment was entered against the Respondent in the District Court of the First Circuit, State of Hawaii, for the crime of driving under the influence. The Respondent disclosed the conviction in writing to the Commission via an unsolicited letter dated 3/1/10.

Sanction: Pay a \$500.00 fine

Violations: HRS §§436B-19(12), (14), (17)

September 2011

Kent Nakashima and Kent Nakashima & Associates Realtors

Broker – RB 7514

Case No: REC 2010-319-L

Dated 9/23/11

Allegations: On or about 8/6/09, a no contest plea judgment was entered against the Respondent in the District Court of the Third Circuit, State of Hawaii, for the crime of driving under the influence. Respondent disclosed the conviction in writing to the Commission via a written statement received by the DCCA on 10/19/10 and via the Respondent's 11/5/10 license renewal application.

Sanction: Pay a \$500.00 fine

Violations: HRS §§436B-19(12), (14), (17)

Lawrence Van Hoey

Salesperson – RS 65668

Case No: REC 2011-98-L

Dated 9/23/11

Allegations: On or about 4/13/10, a no contest plea judgment was entered against the Respondent, in the District Court of the First Circuit, State of Hawaii, for the crime of driving under the influence. The Respondent disclosed the conviction in writing to the Commission via Respondent's 12/31/10 license renewal application and a written statement dated 11/30/10.

Sanction: Pay a \$500.00 fine

Violations: HRS §§436B-19(12), (14), (17)

Andrew B. Cunningham

Salesperson – RS 67899

Case No: REC 2011-100-L

Dated 9/23/11

Allegations: On or about 10/15/10, a misdemeanor judgment was entered against the Respondent in the Justices' Court of Reno Township, County of Washoe, State of Nevada for the crime of driving under the influence. The Respondent did not disclose the conviction in answer to question 3 of his 11/30/10 renewal application, where it asked: "In the past 2 years have you ever been convicted of a crime which has not been annulled or expunged," because the Nevada Court did not send a courtesy notification of the conviction to the respondent until 12/10/10. On 12/15/10, the PVL branch of DCCA received a written letter from the Respondent, addressed to the Real Estate Commission, in which the Respondent disclosed the conviction and stated that he renewed his license on 11/30/10.

Sanction: Pay a \$500.00 fine

Violations: HRS §§436B-19(12), (14), (17)

Administrative Actions (cont. from page 5)

September 2011

Tracy N. Nakagawa

Salesperson – RS 58173

Case No: REC 2011-139-L

Dated 9/28/11

Allegations: On or about 2/5/09, a no contest plea judgment was entered against the Respondent, in the District Court of the Third Circuit, State of Hawaii, for the crime of driving under the influence. Respondent disclosed the conviction in writing to the Commission via Respondent's 12/2/10 license renewal application and a written explanation.

Sanction: Pay a \$500.00 fine

Violations: HRS §§436B-19(12), (14), (17)

Sheldon Blair Kaiakapu Glassco aka Sheldon B.K. Glassco

Salesperson – RS 69279

Case No: REC 2011-63-L

Dated 9/28/11

Allegations: On or about 10/7/08, a no contest plea judgment was entered against the Respondent, in the District Court of the Third Circuit, State of Hawaii, for the crime of driving under the influence. Although the Respondent did not disclose the conviction on his 2008 license renewal application due to a misunderstanding on his part and good cause, the conviction was nonetheless self-reported to the commission on Respondent's 11/28/10 renewal application.

Sanction: Pay a \$500.00 fine

Violations: HRS §§436B-19(12), (14), (17)

Jason Lee

Salesperson – RS 69179

Case No: REC 2011-119-L

Dated 9/28/11

Allegations: On or about 7/8/10, a no contest plea judgment was entered against the Respondent, in the District Court of the First Circuit, State of Hawaii, for the crime of driving under the influence. The Respondent disclosed the conviction in writing to the Commission via Respondent's 12/17/10 license renewal application.

Sanction: Pay a \$500.00 fine

Violations: HRS §§436B-19(12), (14), (17)

Administrative Actions (cont. from page 6)

September 2011

Norman Rothstein

Broker – RB 13093

Case No: REC 2008-194-L

Dated 9/28/11

Factual Findings: On 10/12/07, Respondent rented a unit in the Island Colony to Complainants Debbie MacMillan and Stephanie Rubalcaba. Respondent entered into a rental agreement without having the rental contract in writing. Respondent owned the unit he rented to Complainants but did not disclose his interest in the property to the Complainants in writing prior to renting them the unit. Complainants stated that Respondent told them that the unit owner was overseas. On 10/12/07, Complainants paid \$578.26 to stay from 10/12/07 to 10/20/07. On 10/20/07 they paid Respondent an additional \$730.00 to stay from 10/21/07 to 11/2/07. Respondent charged approximately \$60.00 per day. Respondent testified that he had a rental agreement prepared for the period 10/12/07 to 11/2/07 but Complainants refused to sign it, and only wanted to commit to staying to 10/20/07. It is the Complainants' contention that Respondent would only allow them to stay to 10/20/07 because Respondent told them another person would be renting the unit from 10/21/07. No one showed up to rent the unit so Complainants paid Respondent to stay to 11/2/07. On 10/22/07, Ms. MacMillan saw a doctor for itching, redness and ankle swelling, which was diagnosed as bed bug bites. Complainants moved to a different unit in the Island Colony and paid \$733.42 to stay there. Respondent has refused to refund Complainants for the time after 10/22/07 because they are also asking to be compensated for the \$733.42 they paid for the rest of their stay, Ms. MacMillan's medical bills and for the stress Respondent caused them. In response to the Petition, Respondent sent the Hearings Officer a letter dated 10/25/10 which stated in part:

They paid me the additional \$734.00 claiming the other place they were shown was unacceptable. I did not have the rental agreement with me at the time. I told them to call me when they were available so I could complete the rental agreement. Regrettably, my trust that they would do so was broken. "I believe that the [Complainants'] behavior and avoidance precluded me from complying with the licensing laws and there (sic) may have had other motives for their not signing the lease."

In summary:

- a) I did prepare a rental agreement which the women avoided signing.*
- b) In the rental agreement that they declined to sign, I stated that I am the owner and a licensed real estate agent in Hawaii.*

Order: Pay a \$1,000.00 fine and \$670.00 in restitution to Complainants; successfully complete an education course or courses to be determined by the Commission.

Violations: HAR §§16-99-3(f) and (g)

Steve DeMesa, Coldwell Banker Commercial Pacific Properties, Ltd. and Rondolph B. Teves

Salesperson – RS 31119

Case No: REC 2009-65-L

Dated: 9/28/11

Factual Findings: On 10/10/08 Respondent discovered that his license had been forfeited since 12/31/06 for failure to renew his license. On 11/14/08, Respondent submitted a restoration application with a letter of explanation to the Licensing Branch of the Professional Vocational Licensing Division, DCCA.

Order: Pay a \$1,000.00 fine.

Violations: HRS §467-7 and HRS §436B-19(1)

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 §467-7	Licenses required to act as a real estate broker or salesperson.
HRS §467-14(3)	Pursuing a continued and flagrant course of misrepresentation, or making of false promises through advertising or otherwise;
HRS §467-14(8)	Conduct constituting fraudulent or dishonest dealings.
HRS §467-14(20)	Failure to maintain a reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing.
HRS §467-20	False statement.
HRS §436B-16	Notice of judgments, penalties.
HRS §436B-19(1)	Failure to meet or maintain the conditions and requirements necessary to qualify for the granting of a license.
HRS §436B-19(5)	Procuring a license through fraud, misrepresentation, or deceit.
HRS §436B-19(12)	Failure to comply, observe, or adhere to any law in a manner such that the licensing authority deems the applicant or holder to be an unfit or improper person to hold a license.
HRS §436B-19(14)	Criminal conviction, whether by nolo contendere or otherwise, of a penal crime directly related to the qualifications, functions, or duties of the licensed profession or vocation;
HRS §436B-19(17)	Criminal conviction, whether by nolo contendere or otherwise, of a penal crime directly related to the qualifications, functions, or duties of the licensed profession or vocation;
HAR §16-99-3(f)	Licensee shall see that financial obligations and commitments are in writing.
HAR §16-99-3(g)	The licensee shall not acquire, rent, lease, or exchange an interest in or buy, rent, lease, or exchange for one's self, any member of the licensee's immediate family or brokerage firm, or any entity in which the licensee has any ownership interest, property listed with the licensee, licensee's brokerage firm, or listed with any other brokerage firm or licensee without making the true position known in writing to the listing owner or property owner. When offering for sale, lease, exchange, or rental, property which the licensee owns or has an interest in, the licensee shall fully inform the principal broker of the licensee's intention to sell, lease, exchange, or rent, and of the licensee's interest in the property. The licensee shall reveal the interest to the purchaser, lessee, or tenant in writing prior to accepting any offer.
HAR §16-99-3(n)	A brokerage firm shall maintain a principal place of business located in this State at a business address registered with the commission from which the brokerage firm conducts business and where the brokerage firm's books and records are maintained.
HAR §16-99-29(e)	Examinations shall be conducted in accordance with procedures formulated by the testing agency authorized by the commission to administer examinations. Failure to follow such procedures shall result in immediate disqualification from the examination and may bar candidates from being examined in any future examinations.

Real Estate Profession Has The Most Criminal Convictions

By Frederick D. Pablo, Tax Director

Residents rely on State government services on a daily basis: from the roadways, to the safety of our drinking water, to the education of our children. The public's financing of these necessary services relies on the taxes paid by residents and non-residents, including millions of tourists who visit our islands each year.

One of my goals as Tax Director for the State is to ensure that our taxpayers have as much information as possible to submit their taxes accurately. The accurate payment of taxes ensures that there's enough money coming right back to our residents in the form of services. It also ensures that the State's tax laws are being applied accurately and fairly.

Sometimes, as new laws are adopted, residents aren't aware of how the new law works, or when it goes into effect. Information to educate taxpayers and practitioners is available through the Department's website at www.hawaii.gov/tax. Our Taxpayer Services Branch (587-4242) and Technical Section (587-1577) are also available to answer your questions.

Here are a few updates from the Department:

- Starting next week (October 23, 2011), the Department of Taxation will be notifying approximately 10,000 General Excise and Use Tax (GET) licensees that we have not received their Annual Return (Form G-49). Completing the Annual Return is required,

even if you timely filed your monthly/quarterly/semi-annual returns (Form G-45) for the tax year. Even if you had no income to report, you are required to file an Annual Return. Instructions on how to cancel a GET license is also included in the letter.

- In 2012, the Department will be launching new electronic services. These new services will include electronic bulk filing of Forms G-45 and G-49 (GET returns), withholding information and tax clearance requests. The first new services will be launched in January 2012, starting with the electronic filing of GET forms. Please continue to check our website for updates.
- As a word of caution, since the inception of the Department's criminal investigation division in 1996, the industry with the most number of criminal tax convictions is the real estate profession. Criminal tax charges commonly arise from taxpayers neglecting to file their tax returns and submit taxes owed for several years. If you are aware of any tax avoidance activities that may need our review (whether criminal or civil), please feel free to email the information to tax.directors.office@hawaii.gov or tax.compliance@hawaii.gov. Information provided will be kept confidential. When taxpayers get into a situation where they need assistance to catch up on past returns not filed and payments not made, we always encourage them to contact the Department to correct the problem.



Hello and Goodbye

REB will also be welcoming new Executive Officer, Miles Ino, effective November 1, 2011. Miles served as an investigator for the Compliance and Enforcement Branch of the Insurance Division, Department of Commerce and Consumer Affairs, and previously sold insurance and headed his own insurance company. Welcome aboard!!

The Real Estate Branch (REB) bid farewell to Karyn Takahashi (September 30, 2011) and Louise Tadaki (October 16, 2011). Ms. Takahashi worked with REB for 17 years and served as the secretary to the Supervising Executive Officer for the last several years. Ms. Tadaki served as a clerk in REB's condominium section. REB will miss these two hard-working employees, and wish both of them luck and success in their new careers.

Welcome to the Hawaii Real Estate Commission!

2011 Legislative Update

The following laws were enacted by the Hawaii State Legislature 2011. The new laws are summarized. For the full text of the act go to the Hawaii legislative website at <http://www.capitol.hawaii.gov/session2011/lists/RptActs.aspx>. This is by no means an exhaustive list of new laws. There may be other laws that may impact the real estate industry. Principal brokers are responsible to ensure that all associated real estate licensees are educated and trained on “. . . the latest amendments to real estate licensing laws and rules as well as other related laws and rules.” (see Hawaii Revised Statutes, section 467-1.6(b)(9))

ACT 212 HB 320 HD2 SD1 – Relating to broker price opinions. Exempts a real estate licensee who provides an opinion as to the estimated price of real estate from the requirement for licensure as an appraiser subject to certain conditions. Governor signed into law July 11, 2011.

ACT 115 HB 319 HD1 SD1 CD1 – Relating to owner-builders. Clarifies that an owner with an open permit may be exempt, upon a showing of hardship, from the prohibition on sale or lease of a property constructed or improved under an owner-builder exemption within one year of the construction or improvement. Effective July 1, 2011.

ACT 65 HB 1130 SD1 – Relating to service of process. Repeals the sunset date of Act 158, Session Laws of Hawaii 2009, which required condominium associations, planned community association, and cooperative housing corporations to establish an access policy for civil process servers. Effective May 26, 2011.

ACT 198 SB 181 SD1 HD1 CD1 – Relating to photovoltaic-ready new residential homes. Establishes a working group to study the feasibility of requiring all new single-family residential construction to incorporate design elements and minimum equipment installation at the time of construction to facilitate the future adoption of a photovoltaic system. Effective July 8, 2011.

ACT 48 SB 651 SD2 HD2 CD1 – Relating to mortgage foreclosures. Requires foreclosing mortgagees to engage in a dispute resolution process at the election of a mortgagor before carrying out a judicial or non-judicial power of sale foreclosure; authorizes the supreme court to adopt rules for dispute resolution; establishes a special fund for foreclosure dispute resolution to be expended by the judiciary; makes appropriation. Effective May 5, 2011.

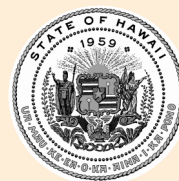
ACT 218 SB 1213 SD1 HD1 CD1 – Relating to permitting. Establishes a temporary task force under the comptroller to review state and county administrative rules to be amended or repealed to expedite and make less burdensome the permitting and approval process. Effective July 11, 2011.

ACT 98 SB 1483 SD1 HD1 CD1 – Requires a condominium association that includes time share units to list its name and address as the representative agent for individual time share owners from the records that the association is required to maintain unless the individual time share owner requests the association to maintain the individual owner's name and address in the association's records instead. Effective June 9, 2011.

ACT 31 SB 1301 SD1 HD1 (HSCR 1417) – Relating to fair housing exemptions. Amends provisions relating to discriminatory practices. Prohibits the printing, circulating, posting, or mailing, or cause to be published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record of inquiry in connection with a prospective real estate transaction, that indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination because of race, sex, including gender identity or expression, sexual orientation, color, religion, marital status, familial status, ancestry, disability, age, or human immunodeficiency (HIV/AIDS) virus infection. Effective April 29, 2011.

Prelicense Schools

Abe Lee Seminars	808-942-4472
Akahi Real Estate Network LLC	808-331-2008
All Islands Real Estate School	808-564-5170
Carol Ball School of Real Estate	808-871-8807
Dower School of Real Estate	808-735-8838
Fahrni School of Real Estate	808-486-4166
Hawaii Institute of Real Estate (HIRE)	808-536-1211
Hudson Real Estate School	808-853-8888
ProSchools, Inc.	800-452-4879
Ralph Foulger's School of Real Estate	808-239-8881
REMI School of Real Estate	808-230-8200
Seiler School of Real Estate	808-874-3100
University of Hawaii at Manoa Outreach College	808-984-3231
University of Hawaii Maui College – OCET	808-956-2037
Vitousek Real Estate Schools, Inc.	808-946-0505



State of Hawaii Real Estate Commission

© Copyright Hawaii Real Estate Commission 2010. All rights reserved. Funded by the Real Estate Education Fund and provided as an educational service to Hawaii real estate licensees. This publication is designed to provide general information on the subject matter covered and is not a substitute for professional services to address specific situations. If legal advice or other expert assistance is required, please seek the services of a competent professional.

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

Continuing Education Providers

360training.com	512-539-2869	Levin & Hu, LLP	808-270-1096
Abe Lee Seminars	942-4472	Lorman Education Services	715-833-3940
Akahi Real Estate Network LLC	808-331-2008	Lynn W. Carlson	
All Islands Real Estate School	564-5170	McKissock, LP	800-328-2008
Career Webschool Cengage Learning, Inc.	800-532-7649	Pacific Real Estate Institute	524-1505
Carol Ball School of Real Estate	808-871-8807	ProSchools, Inc.	800-299-2207
Continuing Ed Express LLC	866-415-8521	Ralph Foulger's School of Real Estate	239-8881
Dearborn Financial Publishing, Inc.		Realtors Association of Maui Inc.	808-873-8585
Distressed Properties Institute, LLC	800-482-0335	REMI School of Real Estate	230-8200
Dower School of Real Estate	735-8838	Richard Daggett School of Real Estate	923-0122
Eddie Flores Real Estate Continuing Education	951-9888	Russ Goode Seminars	597-1111
ERA School of Real Estate a Division of SRH Inc.	808-981-0711	Seiler School of Real Estate	808-874-3100
Great Lakes Institute of Real Estate	248-559-7555	Servpro Industries, Inc.	615-451-0200
Hawaii Association of Realtors	733-7060	Shari S. Motooka-Higa	457-0156
Hawaii CCIM Chapter	528-2246	The CE Shop, Inc.	888-827-0777
Hawaii Institute of Real Estate (HIRE)	561-7653	The Seminar Group	206-463-4400
Hawaii Island Board of Realtors	808-935-0827	UH Maui College – OCET	808-984-3231
Hogan School of Real Estate	800-794-1390	University of Hawaii at Manoa Outreach College	956-8244
Honolulu Board of Realtors	732-3000	Vitousek Real Estate Schools, Inc.	946-0505
Kauai Board of Realtors	808-245-4049	West Hawaii Association of Realtors	808-329-4874

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

Presorted Standard
U.S. Postage Paid
Honolulu, Hawaii
Permit No. 516

2010 - 2011 Real Estate Commission Meeting Schedule

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

Condominium Review Committee – Upon adjournment of the

Laws & Rules Review Committee Meeting

Education Review Committee – Upon adjournment of the Condominium
Review Committee Meeting, which is upon the adjournment of the Laws
& Rules Review Committee Meeting, which convenes at 9:00 a.m.

Real Estate Commission – 9:00 a.m.

Wednesday, October 12, 2011

Wednesday, November 9, 2011

Wednesday, December 7, 2011

Friday, October 28, 2011

Wednesday, November 23, 2011

Friday, December 16, 2011

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

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