

JOHN T. HASSLER 5311
 Regulated Industries Complaints
 Office
 Department of Commerce and Consumer
 Affairs
 235 South Beretania Street, 9th Floor
 Honolulu, Hawaii 96813
 Telephone: 586-2660

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 STATE OF HAWAII
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 STATE OF HAWAII

Attorney for Petitioner

REAL ESTATE COMMISSION
 DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
 STATE OF HAWAII

In the Matter of the Real Estate Broker's License of)	RICO CASE NO.: REC 2002-298-L
)	
RUSSELL L. TODD,)	SETTLEMENT AGREEMENT PRIOR
)	TO FILING OF PETITION FOR
)	DISCIPLINARY ACTION AND
Respondent.)	COMMISSION'S FINAL ORDER
)	EXHIBIT "1"
)	
)	

DEPT. OF COMMERCE
 AND CONSUMER AFFAIRS
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SETTLEMENT AGREEMENT PRIOR TO FILING OF PETITION FOR DISCIPLINARY ACTION AND COMMISSION'S FINAL ORDER

RUSSELL L. TODD (hereinafter "Respondent"), and the Department of Commerce and Consumer Affairs, by and through its Regulated Industries Complaints Office (hereinafter "RICO") enter into this Settlement Agreement as follows:

UNCONTESTED FACTS:

- Respondent Russell L. Todd (hereinafter "Respondent") was first licensed as a real estate broker, license no. RB 16169 on August 14, 1992. Said license expired on December 31, 2004 and will be forfeited on December 31, 2006.
- Respondent's mailing address is 140 Uwapo Road, #47-103, Kihei, Hawaii 96753.

3. Maui Resort Rentals, Inc. (hereinafter "MRR"), was first licensed as a real estate broker, license no. 16866, on May 31, 1996.

4. Respondent was the principal broker of MRR between the following dates: May 31, 1996 to December 31, 1996, March 5, 1997 to December 31, 1998, February 25, 1999 to November 12, 1999, January 6, 2000 to March 30, 2000, May 5, 2000 to May 31, 2000, and July 3, 2000 to February 15, 2002.

5. On November 10, 1999, Respondent submitted an "Application for License-Sole Proprietor" form as well as a "Change Form-Real Estate" to the Commission to change Respondent's broker's license status from being a broker for MRR to being a broker for Maui Todd Realty ("MTR").

6. MTR was first registered as a trade name of Respondent on February 9, 2000.

7. On or about March 29, 2000, Respondent submitted an "Application for License-Sole Proprietor" form as well as a "Change Form-Real Estate" to the Commission to change Respondent's broker's license status from being a broker for MRR to being a broker for Maui Todd Realty ("MTR").

8. On or about April 17, 2000, Respondent submitted a "Change Form-Real Estate" to the Commission, changing Respondent's broker's license status from being a broker for MTR to being a broker for MRR. This change in status was effective May 5, 2000.

9. On or about June 27, 2000, Respondent wrote and faxed a letter to Naomi Cole, a representative of the Real Estate Commission, stating that the November 1999, March 2000 and May 5, 2000 changes "were submitted by my wife Jan Todd, who in fact signed the change orders with my signature without my knowledge or permission." A copy of the letter is attached as Exhibit "1,"

10. In his June 27, 2000 letter to Naomi Cole, Respondent further stated:

Under the circumstances, I would also respectfully request that the most recent change made on May 31, be voided as it is a fraudulent document, and not valid. Jan Todd does not have permission to change anything connected with Maui Resort Rentals, Inc. She is not and has been connected with the Corporation at any time since July 1, 1999.

11. Respondent's wife, Jan Todd, was first licensed by the Real Estate Commission as a real estate salesperson on October 6, 1994, license no. RS 54414, and was employed by and/or had her real estate salesperson's license affiliated with MRR from January 6, 2000 to March 30, 2000 and from November 16, 2001 to February 15, 2002.

12. The statements contained in Respondent's June 27, 2000 statement to Naomi Cole were false in that Respondent, and not Jan Todd, signed and forwarded the change forms and other documents to the Real Estate Commission.

13. The statement contained in Respondent's June 27, 2000 letter to Naomi Cole that Jan Todd was not affiliated with MRR since July 1, 1999 was also false in that Jan Todd was employed by and/or had her real estate salesperson's license affiliated with MRR after July 1, 1999.

14. As principal broker of MRR from February 25, 1999 to November 12, 1999, January 6, 2000 to March 30, 2000, May 5, 2000 to May 31, 2000, and July 3, 2000 to July 27, 2000 when he wrote the letter, Respondent knew or should have known that his wife, Jan Todd worked for MRR as a real estate salesperson.

15. Respondent's false statements to the Real Estate Commission were material and were made intentionally, with the expectation that the Real Estate Commission would reasonably rely upon the statements.

16. RICO is prepared to file a Petition for Disciplinary Action against Respondent's broker's license for violations of Hawaii Revised Statutes ("HRS") §467-20 (filing a document with the Real Estate Commission that is false or untrue or contains any material misstatement of fact), §467-14(3) (pursuing a continued and flagrant course of misrepresentation, or making of false promises through advertising or otherwise), and §467-14(20) (failure to maintain a reputation for or record of competency, honesty, truthfulness, financial integrity and fair dealing).

REPRESENTATIONS BY RESPONDENT:

17. Respondent represents that he has been apprised and has full knowledge of his right to a hearing pursuant to the laws of the State of Hawaii, including but not limited to Chapters 91, 92 and 467, Hawaii Revised Statutes (hereinafter "HRS").

18. Respondent voluntarily waives and gives up his right to a hearing.

19. Respondent has been advised that he may retain an attorney for representation in this matter. Respondent has voluntarily chosen to represent himself in this matter.

20. Respondent understands that he is subject to penalties, including, but not limited to, civil penalties and revocation or suspension of his license if violations of the aforementioned statutes are proven following a hearing.

21. Respondent admits he intentionally made a false statement to the Real Estate Commission and that his conduct violated HRS §§467-20, §467-14(3) and 467-14(20).

TERMS OF SETTLEMENT:

1. Respondent agrees to a voluntary revocation of his real estate broker's license. Said revocation shall become effective immediately upon the approval of this Settlement Agreement by the Commission. If he has not already done so, Respondent shall turn in all

indicia of his licensure to the Executive Officer of the Commission within five (5) days after receipt of notice that his license has been revoked.

2. Respondent agrees not to seek reinstatement of his real estate broker's license and agrees not to reapply for a real estate broker's license, a real estate salesperson's license or a condominium hotel operator's registration in the future, under either his individual name or in the name of an entity in which he is an officer, director, majority shareholder, general partner, limited partner, or member as that term is defined under HRS Chapter 428.

3. Respondent agrees that this Settlement Agreement shall not be binding upon any of the parties unless and until the Commission approves it.

4. If the Commission does not approve this Settlement Agreement, does not issue an order pursuant thereto, or does not approve a lesser remedy but instead an administrative hearing is conducted against Respondent in the Commission's usual and customary fashion pursuant to the Administrative Procedure Act, Respondent agrees that neither he nor any attorney that he may retain, will raise as an objection in any administrative proceeding or in any judicial action, to the Commission's proceeding against him on the basis that the Commission has become disqualified to consider the case because of its review and consideration of this Settlement Agreement.

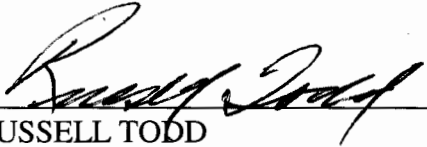
5. It is agreed that any ambiguity in this Settlement Agreement is to be read in the manner that most completely protects the interests of the consuming public.

6. Other than the matters specifically stated in this Settlement Agreement, neither RICO nor anyone acting on its behalf has made any representation of fact, opinion or promise to Respondent to induce entry into this Settlement Agreement, and Respondent is not relying upon any statement, representation or opinion or promise made by RICO or any of its agents, employees, representatives or attorneys concerning the nature, extent or duration of

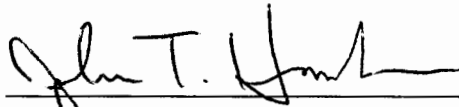
exposure to legal liability arising from the subject matter of this Settlement Agreement or concerning any other matter.

0
(N.P.)

Dated: Kihei, Hawaii, ^{13 H} ~~May 12~~, 2005


RUSSELL TODD
Respondent Pro Se

Dated: Honolulu, Hawaii, MAY 18 2005 .


JOHN T. HASSLER
Attorney for Department of
Commerce and Consumer Affairs

IN THE MATTER OF THE REAL ESTATE BROKER'S LICENSE OF RUSSELL L. TODD;
SETTLEMENT AGREEMENT PRIOR TO FILING OF PETITION FOR DISCIPLINARY
ACTION AND COMMISSION'S FINAL ORDER; REC 2002-298-L

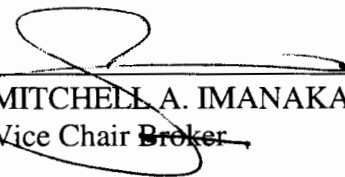
APPROVED AND SO ORDERED:
REAL ESTATE COMMISSION
STATE OF HAWAII



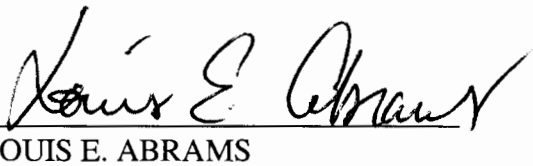
JOHN OHAMA
Chairperson ~~Broker~~

June 24, 2005

DATE



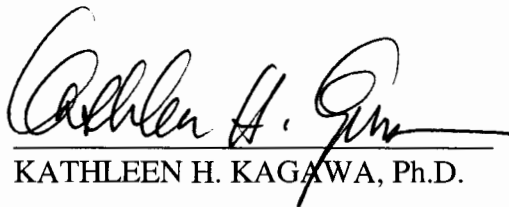
MITCHELL A. IMANAKA
Vice Chair ~~Broker~~



LOUIS E. ABRAMS



CAROL MAE A. BALL



KATHLEEN H. KAGAWA, Ph.D.

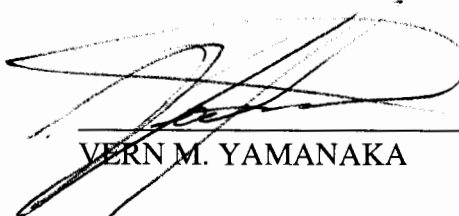


MICHELE SUNAHARA LOUDERMILK

TRUDY I. NISHIHARA



IRIS R. OKAWA



VERN M. YAMANAKA

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 10th day of May, 2005, before me personally appeared RUSSELL TODD, to me known to be the person described, and who executed the foregoing instrument, and acknowledged that he executed the same for himself as his free act and deed.

LS

Yolanda Castro
NAME: YOLANDA CASTRO
Notary Public, State of Hawaii

My commission expires: 4-14-2006

NAME:
Notary Public, State of Connecticut

My commission expires:



Maui Resort Vacation Rentals, Inc

P.O. Box 1755 • Kihei, Maui, HI 96753
 (800) 441-3187 • (808) 879-5973

MAUI PVL
 KISIMUO BRANCH
 JUN 29 A 10:24
 DEPT. OF COMMERCE
 & CONSUMER AFFAIRS
 STATE OF HAWAII



Naomi Cole
 Fax: 808-586-2650
 Pages: 1

Re: Maui Resort Rentals, Inc.
 Principal Broker License # 16169

Aloha Naomi,

Thank you for speaking to Diana Sande this morning regarding the recent changes for Maui Resort Rentals, Inc. Per your information the following details the history of changes made, some done without my knowledge.

February 1999: Russell L. Todd is Principal Broker for Maui Resort Rentals, Inc.
 November 1999: Russell L. Todd files for Sole Proprietorship
 January 6, 2000: Russell L. Todd is again appointed Principal Broker for Maui Resort Rentals, Inc., and Jan Todd is signed on.
 March 2000: Russell L. Todd files for Sole Proprietorship.
 May 5, 2000: Russell L. Todd is again appointed Principal Broker for Maui Resort Rentals, Inc.
 May 31, 2000 Russell L. Todd is terminated as Principal Broker for Maui Resort Rentals, Inc.

The November 1999, March 2000, and May 5, 2000 changes were submitted by my wife Jan Todd, who in fact signed the change orders with my signature without my knowledge or permission. I would like to respectfully request that any future changes be verified by me personally by telephone before any changes are made.

Under the circumstances, I would also respectfully request that the most recent change made on May 31 be voided as it is a fraudulent document, and not valid. Jan Todd does not have permission to change anything connected with Maui Resort Rentals, Inc. She is not and has not been connected with the Corporation at any time since July 1, 1999.

Respectfully Submitted
 Russell L. Todd
 Principal Broker

EXHIBIT 1