

1997 Annual Report

The Chair's Message

The Commission completed its 1997 fiscal year under the leadership of Barbara Dew, Chair, and Stanley Kuriyama, Vice Chair, who both completed their second term on the Commission on June 30. Barbara chaired the Commission in 1996 and 1997, and prior to that served as vice chair for three years. Stan chaired the Laws and Rules Review Committee for the past three years and was chair of the Condominium Review Committee for four years. Stan and Barbara have devoted countless hours to the Commission over the past eight years. We will miss their leadership and dedication, but wish them every success.

The following commissioners served on the Real Estate Commission in fiscal year 1997:

Barbara Dew, Chair, Oahu
Stanley Kuriyama, Vice Chair, Oahu
Charles H. Aki, Hawaii
Michael G. Ching, Kauai
Alfredo G. Evangelista, Oahu, Public Member
Alvin M. Imamura, Maui
Carol Mon Lee, Oahu, Public Member
Helen Lindemann, Oahu
Nora A. Nomura, Oahu, Public Member

The following two commissioners were appointed to the Commission beginning in the 1998 fiscal year:

Mitchell A. Imanaka, Oahu
John Ohama, Oahu

This issue of the *Bulletin* is different from past issues, because it is, in fact, the Commission's annual report for the fiscal year which ended June 30, 1997. The *Bulletin* and *Annual Report* have been the Commission's link to licensees; however, they are costly to print and distribute. This combined issue of the *Bulletin* and *Annual Report* is an effort at reducing expenses. The Commission has also developed an Internet Web site (www.hawaii.gov/hirec) as a less costly means of disseminating information.

The most significant changes in the licensing law in fiscal year 1997 were the repeal of continuing education waivers and the recognition of nationally certified courses for continuing education credit.

The last annual registration for condominium associations oc-

curred on December 31, 1996. Following an interim registration at the end of the 1997 fiscal year, condominium association registrations will be every two years. 1,277 associations, representing 106,052 apartments completed the interim registration.

During 1997, the Commission issued effective dates for 180 developer's public reports (125 final, 43 supplementary, and 12 preliminary). There were 37 new residential condominium project filings.

The condominium management education fund, which depends on fees from association and project registrations, had a balance of \$806,786 at the end of the fiscal year. Because of the change to a biennial association registration, the fund will not receive any significant revenues until 1999.

Continuing a trend that began in 1990, in 1997, the number of new licenses issued and total licensees both declined by 24% and 23%, respectively. However, the Commission staff's workload continued unabated with 31,300 telephone inquiries, 3,800 walk-ins, and 20,400 written requests or applications during the year.

The long term decline in licensees has had an impact on the real estate recovery and real estate education funds. The sole source of revenues for the real estate recovery fund is from new license fees. In addition to new license fees, the real estate education fund also receives revenues from renewal fees and investment income. At the end of the fiscal year the unreserved fund balances in the recovery fund and education funds were \$757,069 and \$660,321, respectively. The real estate education fund will not receive any significant revenues until the next license renewal at the end of 1998. Overall, the Commission has decreased expenditures and will have to reduce budgets in the coming years. Some of its programs will be affected dramatically.

Sadly, this fiscal year marked the passing of two former commissioners, Douglas R. Sodetani and Marcus K. Nishikawa. Douglas and Marcus contributed greatly to the real estate industry and to the Commission, and they will be missed.



ALVIN M. IMAMURA
Chair

Laws and Rules Review Committee Report

Chair Stanley Kuriyama, Vice Chair Nora Nomura, and the members of the committee experienced a particularly busy 1997 fiscal year as they faced significant legislation and an overhaul of the rules.

Legislation enacted in 1997 substantially modified the mandatory continuing education (CE) program and sections of Chapter 467, HRS relating to license names. On the continuing education front, Act 289 added a definition of continuing education in Chapter 467 which included nationally certified courses. In addition, CE waivers were eliminated, a provision eliminating any examination requirement was added, and a study on the privatization of the CE program was to be conducted by the Legislative Reference Bureau.

Act 45 amended section 467-9, HRS, clarifying that a broker's license name includes any trade name approved by the Commission. The Act also included an amendment which would allow a brokerage to maintain the name of a licensee no longer associated with the broker in the event of incapacitating disability or death of the licensee.

The Committee completed a draft of the Chapter 99 rules, making significant changes which would simplify many current requirements. Work on the draft will continue into fiscal year 1998, as the Committee assimilates comments received from the industry. Before any public hearings are conducted, the proposed rules will have to be reviewed by a variety of state agencies.

This Committee is also responsible for the administration of the real estate recovery fund which provides a measure of compensation to consumers injured by the misrepresentation, fraud, or deceit of licensees. Obtaining payment from the fund requires notifying the Commission of the filing of an action against a licensee, then obtaining a judgment and court order requiring the payment. In 1997, the Commission received

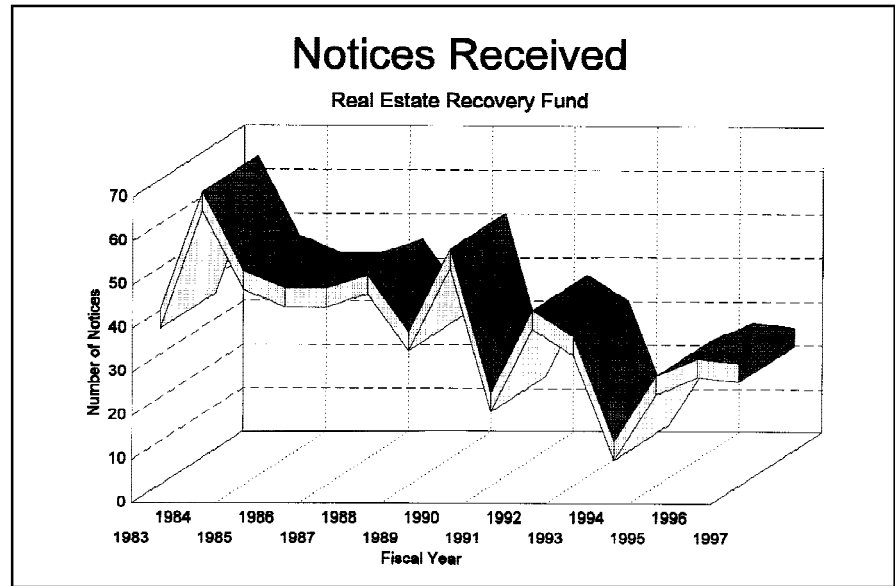


Fig. 1

notifications in 26 cases, compared to last year's 27 cases. Based on a statutory maximum of \$25,000 per transaction, the 26 cases represent a potential liability of \$650,000.

In 1997, the Commission paid \$35,971 against the accounts of two licensees in two separate cases. This is substantially less than the \$105,554 which the Commission paid out in the 1996 fiscal year. Since its establishment in 1967, the fund has paid a total of \$1.83 million. Over the past 15 years, the recovery fund has experienced a general decline in both the number of notifications received (from a high of 65 in 1984) and claims paid (from a high of

\$336,944 in 1987).

When payment is made against the account of a licensee, the Commission is subrogated to the judgment and pursues repayment. One method the Commission continues to use is participation in the tax intercept program through which it can confiscate any state tax refunds due to these licensees.

The Committee also monitors the Commission's continuing participation in the ARELLO disciplinary action data bank, a valuable tool in the review of license applications. ARELLO member jurisdictions share information on licensees who have been subject to disciplinary action through the data bank.

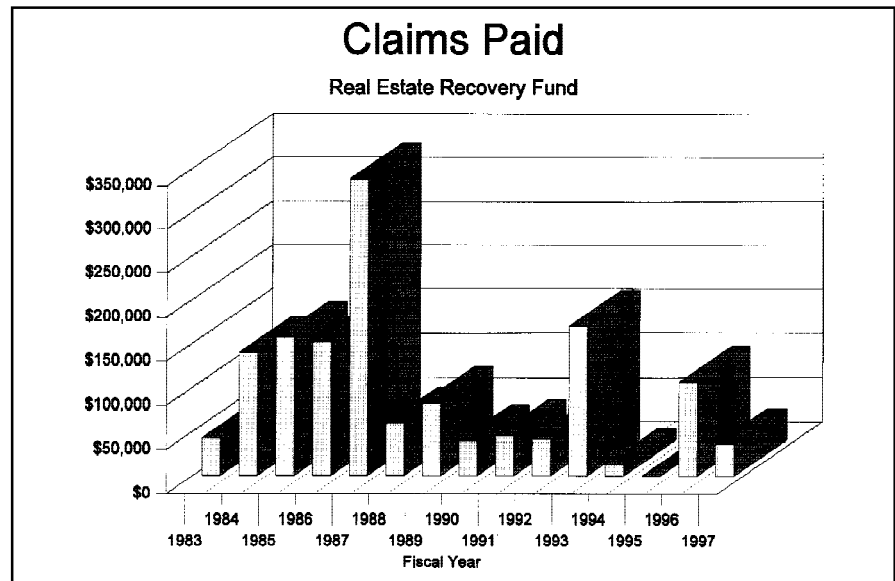


Fig. 2

Education Review Committee Report

The Education Review Committee was chaired by Maui Commissioner Alvin Imamura who, along with the Vice Chair, Big Island Commissioner Charles Aki, directed the Commission's extensive educational program.

CONTINUING EDUCATION

This was a busy year for the continuing education program. Included in this year's Program of Work for the Education Review Committee were both the implementation and repeal of the mandatory continuing education waivers. The Commission received approximately 780 applications for the waivers which included a non-refundable \$25 fee. The waiver categories and the number of waivers issued under each category were as follows: (677) continuously active Hawaii real estate licensed salesperson or broker for 20 or more years and been employed full-time as a real estate salesperson or broker, including the last 3 bienniums immediately preceding the application for renewal; (3) as a trustee of a Hawaii charitable trust, has been involved in real estate as a full-time occupation for the past licensing biennium preceding the application for renewal; (76) as an active Hawaii licensed attorney or (16) an active Hawaii licensed accountant; or (7) as a participant in Hawaii public service, has been involved in real estate or real estate laws for the past 4 consecutive licensing bienniums immediately preceding the application for renewal. The waivers were subsequently repealed by the 1997 Legislature in Act 289.

The Commission and staff also worked on the development of applications and the implementation of nationally certified continuing education courses.

Act 289 allowed national courses taught by nationally certified instructors certified by the National Association of REALTORS or its affiliates, the Building Owners and Managers Association, the Community Associations Institute, or other national organizations approved by the Commission to be eligible for continuing education.

Act 289 also eliminated any requirement that licensees pass an examination for CE credit.

During 1997, the Commission certified or registered 28 continuing education providers, 42 instructors (including recertification), 1,042 course offerings and 36 courses (including recertification), including two (2) new courses by the Hawaii Real Estate Research and Education Center—"Introduction to Broker Management" and "Disclosures in Hawaii Residential Transactions." Continuing education providers held 960 courses with a total enrollment of 20,000.

PRELICENSE SCHOOLS

This fiscal year, the Commission registered and certified approximately 14 prelicense schools and 21 instructors, including reregistration and recertification.

Approximately 166 broker and 695 salesperson completion certificates were issued during this period.

INSTRUCTOR DEVELOPMENT WORKSHOP (IDW)

All prelicense and continuing education instructors are required to complete one IDW prior to initial certification and prior to recertification. The Commission approved the Instructor Development Workshop (IDW) sponsored by the Hawaii Association of REALTORS (HAR) in July 1996. The "Strategies for Becoming an Effective Trainer" workshop was attended by 18 registrants.

HAWAII REAL ESTATE RESEARCH AND EDUCATION CENTER

The Hawaii Real Estate Research and Education Center (HREREC), funded from both the real estate education fund and the condominium management education fund, provides research and educational programs that benefit the real estate industry, condominiums, and consumers. The HREREC has maintained its dual program of work and budget despite a less than full contingent of staff positions.

The HREREC functions in an academic environment as part of the University of Hawaii at Manoa, College of Business Administration. Under the guidance of Interim Director Steven Gilbert, the HREREC has achieved recognition as a leader among real estate centers both nationally and internationally. Some of the HREREC's accomplishments in 1997 are listed below:

- The completion of the continuing education elective course "Introduction to Broker Management."
- The completion of the continuing education elective course "Disclosures in Hawaii Residential Transactions," including an instructor briefing for those instructors who were selected to teach this course.
- Update of the 1995-96 Law Update & Ethics mandatory continuing education course as well as all of HREREC's elective continuing education courses: Fair Housing, Investment, and Residential Property Management.
- The organization of the 1997 spring seminar for real estate, "Land Title Problems in Hawaii." This televised seminar consisted of a panel of experts discussing and answering questions phoned in from the audience on a very hot topic—land title. This seminar was broadcast live on Oahu and taped for later rebroadcast on the neighbor islands.
- The delivery of the Professional Responsibility Course to those individuals who have been directed by the Commission to take the course as a result of disciplinary action.
- Item writing for the real estate salesperson and broker exams.

LICENSING EXAMINATIONS

As shown by the accompanying table (Fig. 3), the number

Education Report

of test candidates continued to decline in 1997, following a trend that began in fiscal year 1991.

REAL ESTATE LICENSING EXAMINATION			
	FY 1996	FY 1997	% CHANGE
Brokers Tested	193	178	-7.8%
Salespersons Tested	1,258	952	-24.3%
Total Tested	1,451	1,130	-22.1%
Brokers Pass	89	63	-29.2%
Salespersons Pass	919	668	-27.3%
Total Pass	1,008	731	-27.5%
% Brokers Pass	46.1%	35.4%	
% Salespersons Pass	73.1%	70.2%	

Fig. 3

NEIGHBOR ISLANDS OUTREACH

This fiscal year, the Commission held its September 1996 standing committee meetings in Lihue, Kauai and May 1997 meetings in Kamuela, Hawaii as part of its neighbor island outreach program and as required by law.

The Commission convened its three standing committees—Laws and Rules Review, Education Review, and Condominium Review—on the neighbor islands in order to promote education or address that particular neighbor island's issues.

In both events, State and County officials, including legislators, licensees, and other interested parties on that island, were invited to attend and to have an opportunity to meet the Commission and staff and voice their concerns or ask questions.

Also, as part of the neighbor islands outreach program, the Commission staff held a "Real Estate Specialist of the Day" and "Condominium Specialist of the Day" in conjunction with batch renewal sessions on all the neighbor islands in November 1996.

RELATIONSHIPS WITH OTHER ORGANIZATIONS

The Commission's efforts to assure the role of continuing education as an integral component of every licensee's career won the Commission recognition as the Real Estate Educators Association's (REEA) "1997 Regulatory Agency of the Year." REEA is an organization of educators from virtually every real estate education delivery system including colleges and universities, proprietary schools, research centers, and regulatory agencies. Its 1,200 members hail from every state, Canada, Australia, and New Zealand.

In addition, the Commission participates with other national organizations including the Association of Real Estate License Law Officials (ARELLO), Consumer Federation of America,

The National Association of REALTORS, the Fair Housing Council, the National Land Council, and the Federation of Associations of Regulatory Boards.

At a local level, the Commission maintains a working relationship with the State Department of Taxation and has implemented procedures for checking new real estate license applicants and those renewing their licenses for any outstanding tax obligations.

This collaborative effort will assure that real estate license applicants and licensees satisfy statutory requirements to hold a license.

In addition, the Commission also maintains a working relationship with the Hawaii Association of REALTORS and its local boards, the Hawaii Chapter of REEA, the Institute of Real Estate Management (IREM), Hawaii Association of Real Estate Schools (HARES), and other trade organizations.

The Commission finds it important to maintain ties with other organizations for exchange of information, for gauging international, national, and local trends, as a forum for discussion of issues, and to learn from the experience of other organizations.

SPEAKER PROGRAM

Under the Commission's speakership program, staff spoke to the following organizations:

- In July 1996, Commission's staff spoke at the Honolulu Board of REALTORS' Legislative Update, Insurance Update and Tax segment.
- In August 1996, Commission's staff gave a brief presentation on the mandatory continuing education waiver at the August meeting of the REALTORS Network of Oahu.
- In September 1996, Commission's staff spoke at the Honolulu Board of REALTORS' Tax Clearance workshop for principal brokers, with approximately 80 attendees.
- In September 1996, Commission's staff also spoke to the Hawaii Island Board of REALTORS at its business meeting that included a legislative update and tax segment.
- In November 1996, Commission's staff addressed the Filipino Chamber of Commerce of Hawaii.
- In March 1997, Commission's staff addressed the Hawaii Association of Real Estate Schools (HARES) at its March meeting. Topics discussed included real estate licensing, prelicense examinations and education, the continuing education waiver, instructors, monitoring, privatization, and rule making.

PUBLICATIONS

The Commission continues to update and add to its Web Page (<http://www.hawaii.gov/hirec>).

The Commission's web page includes general license in-

Education Report

formation, Q's & A's on condominium reserves, continuing education course schedule, license statistics, information about the Commission and commissioners, the Commission's meeting schedule, agendas, prelicense school schedule, brochure titled "So You Want to Go Condo," the *Bulletin*, *School Files* and *Annual Reports*, and other notices to licensees.

As part of the Commission's education program, the Commission and staff are responsible for three (3) publications: The Real Estate Commission *Bulletin*, the *Hawaii Condominium Bulletin*, and *School Files*.

The Real Estate Commission *Bulletin* is a newsletter containing useful information primarily for real estate licensees.

The *Bulletin* is published quarterly and mailed to approximately 21,000 readers, including all licensees, legislators, other states, and countries that are members of ARELLO.

School Files is distributed to Hawaii's real estate educators. Since its inception in 1988, *School Files* has maintained the same mission as published in the first issue: "The Commission hopes to provide meaningful information on a regular basis, and to afford a channel of communications between the real estate schools and Commission."

Unlike the Real Estate Commission *Bulletin*, *School Files* is written, printed, and distributed in-house by the Commission's staff.

ADVICE, EDUCATION, AND REFERRAL

One of the more important functions of the Commission's staff is responding to inquiries and requests from both licensees and the public. During the fiscal year, the staff responded to approximately 19,300 telephone inquiries, 2,600 walk-ins and 7,600 written requests and applications concerning licensing and education.

Licensing

- Broker Experience Certificate Applications
- Broker License Applications (Individual, Corporations, Partnerships, LLCs, LLPs)
- Sole Proprietor Applications
- Salesperson License Applications
- Branch Office Applications

- Site Office—Original Registration
- Site Office—Reregistration
- Restoration Applications
- Reinstatement Applications
- Education Waiver Applications
- Change Forms
- License History Requests

Schools, Providers, Instructors, Courses

- Prelicense Schools
- Prelicense Instructors
- Continuing Education Providers
- Continuing Education Instructors
- Continuing Education Courses
- Continuing Education Course Offerings

AWARDS AND HONORS RECEIVED

At the 1997 Real Estate Educators Association's (REEA) Annual Conference, the Commission received the "Regulatory Agency of the Year" award for its submission of a report on its efforts to repeal the "drop dead" provision for mandatory continuing education for real estate licensees.

The report emphasized the purpose of the continuing education program and its role in consumer protection.

The report also refuted the Legislative Auditor's report on the continuing education program.

CERTIFICATES OF APPRECIATION

The Commission issues Certificates of Appreciation to individuals who have continuously contributed unselfishly their time and knowledge to the Commission and the real estate field. In appreciation for their dedication, the following individuals were honored in 1997:

- Aileen Chikasuye**—Former Senior Real Estate Specialist
- Barbara Dew**—Former Chair of the Commission
- June Kamioka**—Former PVL Executive Officer
- Stanley Kuriyama**—Former Vice Chair of the Commission
- Benedyne Stone**—Former Condominium Specialist

Condominium Review Committee Report

This fiscal year the Condominium Review Committee was chaired by Commissioner Carol Mon Lee and Vice Chair Michael Ching. The Committee was absorbed this year with implementing legislative changes and redrafting and restructuring its proposed Chapter 107, Condominium Property Regimes, Hawaii Administrative Rules (HAR). In addition, the Committee continued the implementation of its ongoing programs.

The Condominium Review Committee is a Commission standing committee that holds monthly public meetings in which condominium issues are presented, discussed, examined, and considered. This is a working committee that handles “nuts and bolts” issues. Apartment owners, boards of directors, condominium managing agents, legislators, attorneys, educators, researchers, government officials, and others with condominium or cooperative concerns participate at the meetings.

The responsibilities of the Condominium Review Committee include: association and condominium managing agent registrations, governance, and project registration for condominium property regimes, inclusive of the programs funded under the Condominium Management Education Fund. Projects completed this fiscal year for some of the Commission’s ongoing programs are highlighted in this section. Other programs are reported in the Condominium Review Committee Status Report beginning on page 18.

PROJECT REGISTRATION

Developers of condominium projects are required by law to file public reports with the Commission. The Commission must issue an effective date for a final report prior to sales to the public. The public reports prepared by a developer disclose to prospective purchasers material information about the project.

Act 135 (SLH 1997) amended Chapter 514A, HRS. The intent of this legislation was to ease the hurdles in developing condominium housing, while preserving the existing buyer protections contained in Chapter 514A, HRS, to allow developers to conduct binding sales with a “contingent public report.” In anticipation of this legislative change, Commission worked on preliminary plans to implement this significant change in project registration.

RULE MAKING

The Commission continues to work on the overhauling of Chapter 107, Condominium Property Regimes, HAR. The revision of these rules relate to project registration, association registration, condominium managing agent registration, handling and disbursement of association funds, governance, and arbitration.

CONDOMINIUM MEDIATION

Beginning in 1990, the Commission has contracted with outside agencies to provide condominium mediation services and training. In 1997, both the Neighborhood Justice Center and Mediation Services of Maui provided services. The Commission has observed that condominium mediation is increasingly being utilized as an expeditious and inexpensive means of resolving condominium association disputes.

During fiscal year 1997, the Neighborhood Justice Center received 27 cases. Of the 27 cases received, 14 cases were closed

with no mediation and 13 cases were mediated, 10 of which reached an agreement. The Neighborhood Justice Center further reported to the Commission that during fiscal year 1997 there appeared to be an increase in referral of cases to mediation from property managing agents. Mediation Services of Maui, Inc. received no cases for this fiscal year, but a mediation training was provided on its behalf. This training was conducted by the Neighborhood Justice Center on October 3, 1996.

HAWAII REAL ESTATE RESEARCH AND EDUCATION CENTER

The Hawaii Real Estate Research and Education Center (HREREC), which is partly funded by the Condominium Management Education Fund, provides research and educational programs for those registered under Ch. 514A, condominium management, the real estate industry, and consumers. The HREREC is located at the University of Hawaii, College of Business Administration Manoa, and acts as a consultant for some of the Commission’s condominium management education fund programs. This year the HREREC co-sponsored CONDORAMA II, a half-day forum for condominium association directors, managing agents, real estate licensees and other interested persons. The seminar was held in conjunction with the National Community Associations Institute Conference at the Hilton Hawaiian Village in Honolulu on May 3, 1997. A variety of subjects were covered, including white collar crime, why boards get sued, holding association meetings, fidelity and directors and officers insurance.

CONDOMINIUM MANAGEMENT EDUCATION FUND PROGRAM

Act 285 (SLH 1989) established a Condominium Management Education Fund, to be administered by the Real Estate Commission. The fund is earmarked for educational purposes. Educational purposes include the financing or promoting of: education and research in the field of condominium management, condominium registration, and real estate for the benefit of the public and those required to be registered under Chapter 514A, HRS; improvement and efficient administration of condominium associations; and the expeditious and inexpensive procedures for resolving condominium association disputes. Act 283 (SLH 1990) required the Real Estate Commission to submit to the legislature annually: (1) a summary of the programs funded during the prior fiscal year with funds from the Condominium Management Education Fund, (2) the amount of money in the fund, and (3) a copy of budget for the current fiscal year, including summary information on programs which were funded or are to be funded. This portion of the report includes a summary of the condominium management education fund programs that have been funded for the prior fiscal year (1996-1997) and the current fiscal year (1997-1998).

SUMMARY OF PROGRAMS:

Condominium Association Registration—Condominium associations comprised of 6 or more apartments are required to register with the Commission. Act 150 (SLH 1997) requires associations with seven or more apartments created prior to May 29,

Condominium Program

1963 pursuant to Act 180 (SLH 1961) to register. This fiscal year, the Commission implemented the legislative change from an annual registration to a biennial registration period for an association of apartment owners (effective June 30, 1997 terminating June 30 of an odd-numbered year). The Commission also implemented another legislative change that streamlined the association registration process by allowing the associations to register with the submission of a completed registration application and a fidelity bond certification statement. During fiscal year 1997, 1,277 registrations were processed by the Commission's staff. This represents the registration of 106,052 apartment units, continuing the trend of increasing the number of registrants as compared to the registration of 1,161 associations and 101,629 apartment units in 1996. Figure 4 shows the increase in association registrations since fiscal year 1990, when the requirement was instituted.

Condominium Mediation and Arbitration Program—This program includes the development, promotion, and implementation of a mediation program as part of an alternative dispute resolution plan in the areas of condominium association governance, association management, declaration, bylaws, house rules, Chapter 514A, HRS and Chapter 107, HAR for condominium associations, directors, officers, apartment owners, association employees, and condominium managing agents. Through a contracted mediation provider, each condominium mediation attempt is subsidized by the Condominium Management Education Fund.

Hawaii Condominium Bulletin—A quarterly bulletin with an annual index that is developed, researched, printed, and distributed to all registered condominium associations/board of directors and registered condominium managing agents. Articles include: legislation update, condominium information, services available to the consumer, relevant case law, problem areas, Commission or HREREC materials, master education/meeting calendar, case law review, etc. Commission also publishes the *Bulletin* on its Website at <http://www.hawaii.gov/hirec>.

Condominium Board of Directors Guide—A reference guide for condominium board of directors for the management of condominium association. The curriculum is developed through outreach. Anticipated completion of the following informational booklets: "A Quick Guide to Condominium Living in Hawaii," "Homebuyers Guide To Condominium Living," and "Fair Housing."

Condominium Survey—Deferred due to budgetary and personnel changes at HREREC.

Five Year Education and Research Plan—Administration of a strategic plan for the condominium management education fund.

Condominium Seminars—Utilizing topics of mutual concern or existing curriculum and brochures of the board of directors guide, develop, produce, or sponsor seminars for condominium apartment owners, board of directors, and managing agents. Deferred due to budgetary and personnel changes at HREREC.

Neighbor Islands Outreach and Interactive Participation with Organizations—The Condominium Review Committee convenes two meetings a year on a neighbor island. This year's neighbor

island meetings were held in Lihue, Kauai and in Kamuela, Hawaii. Issues and concerns of condominium purchasers, Board of Directors, developers, resort managers, condominium managing agents and condominium association members, were discussed at the neighbor island meetings.

HREREC Government and Legislative Participation—This program involves responding to requests or suggestions from the Administration, Governor, Lt. Governor, Cabinet members, Legislators, Mayors, Council members, Congressional members, and other government officials including other states and foreign governments, especially from the Pacific Rim.

Condominium Hotline—In tandem with the "Real Estate Hotline," this program administers the delivery system of condominium information for the neighbor island community utilizing the WATTS line.

Education via Media—Long range consideration is for the replacement of hard copy educational materials and condominium forms by more cost effective "paperless" access. This fiscal year the "Hawaii Condominium Bulletin" continues to be made accessible through the Commission's Web Page (<http://www.hawaii.gov/hirec>). Other condominium information and educational materials accessible through Commission's Web Page include the Condominium Review Committee agendas, registration forms for associations, and project registration.

Condominium Association Budget and Reserves—This program continues to analyze and review the budget and reserves law and rules; review and develop any amendments to the condominium association budget and reserves guide where applicable.

Condominium Management Education Fund—This program includes the research, development, maintenance, and review of budget, finance, and records of the Condominium Management Education Fund (CMEF); financial reviews and control of expenditures, records management, compilation and preparation of numerous reports/ budgets/statistics/requests; planning and administration of biennial CPA audits of the fund through Department of Accounting and General Services including compliance with Procurement Law, development of specifications, contract administration, and any negotiations.

Advice, Education, and Referral—This program provides advice, education, information, and referrals to the condominium community, consumers, licensees, government officials by responding to telephonic, walk-ins, and written concerns/problems about condominiums, associations, management, governance, registration, bonding, projects, public reports, mediation, arbitration, Chapter 514A, Chapter 107, education, research, complaints, public information, Commission meetings, program of work, and related areas, including research, reproduction, and mailings. During the 1997 fiscal year, the staff responded to 30,200 (12,000 telephone, 1,200 walk-ins, 17,000 written requests) condominium related inquiries and requests for information; printed and distributed a copy of Chapter 514A and the Administrative Rules to each registered condominium association and condominium managing agent.

Condominium Program

CONDOMINIUM ASSOCIATION REGISTRATION		
Fiscal Year	No. Assoc. Registered	No. Apts. Represented
1990	201	20,066
1991	809	74,916
1992	968	87,127
1993	1,049	91,424
1994	1,114	95,827
1995	999	85,296
1996	1,161	101,629
1997	1,277	106,052

Fig. 4

Government and Legislative Participation and Reports—This program involves the research, development, drafting, printing, and distributing of the statutorily required annual report to the Governor and the Legislature on the Condominium Management Education Fund, program of work, budget, and mediation program, with completion by December 31, 1997.

Specialist's Office for the Day—This fiscal year, the Commission continued one of its more successful educational programs—Condominium Specialist's Office for the Day. This program extends the Commission's condominium educational presence to the neighbor islands. During this fiscal year, the Office for the Day was revamped and held in all neighbor island counties. Participants received handout materials specifically tailored to meet their needs.

Condominium Reference Library—This program involves the research, development, and maintenance of a condominium reference library for the board of directors, apartment owners, condominium managing agents, association employees, government officials, consumers, tenants, etc. It includes reference materials purchased by the Condominium Management Education Fund and housed at each State Library site, government offices, mediation and arbitration agencies, college and community college sites and other public facilities where the public can review, borrow, and photocopy the materials. The program also includes the catalogue of all reference materials and distribution of the information to all registered condominium associations, condominium managing agents, govern-

CONDOMINIUM MANAGEMENT EDUCATION FUND FISCAL YEAR 1998 BUDGET	
REVENUES	
Association and Developer Contributions	\$330,000
Interest	5,000
Total Revenues	\$335,000
EXPENDITURES	
Personnel	\$74,867
Supplies	5,000
Postage	5,000
Equipment Rentals/Maintenance	8,000
Contingency	750
Research and Education Center (note 3)	137,375
Education and Research (note 4)	42,501
Equipment for Office	1,400
Staff/Commissioner Development	1,500
Resource Materials	500
Dues and Subscriptions	500
Miscellaneous	500
Total	\$277,893

Fig. 5

ment officials, and others.

Start-up Kit for New AOA's and CMA's—This program continues to research, develop, print, and distribute a start-up kit for all new condominium associations (AOA's) and all new condominium managing agents (CMA's). Includes the reprinting of any necessary product.

NEW CONDOMINIUM PROJECTS					
	Number of New Projects				
	Fiscal Year				
	1993	1994	1995	1996	1997
Residential	60	52	60	37	37
Commercial & Other	6	4	17	21	18
Agricultural	29	39	25	20	32
Total Projects	95	95	102	78	87
Number of New Residential Projects (By Project Size)					
Project Size (No. of Units)	1993	1994	1995	1996	1997
2 or less	23	12	23	15	11
3 - 15	4	5	8	7	15
16 - 50	16	12	13	5	7
Over 50	17	23	16	10	4
Total Residential Projects	60	52	60	37	37

Fig. 6

Condominium Program

Speakership Program--The Hawaii Real Estate Commission was invited to present "A Sense of Community" to the Community Associations Institute's 42nd National Conference, held May 1-3 at the Hilton Hawaiian Village. Presentation was conducted by Commission staff with the assistance of the Commissioners. The session covered the board of director's role in building a

sense of community, the importance of the sense of community for condominium living and its impact on fostering compliance with the condominium declaration, bylaws, house rules and the condominium law (Chapter 514A, HRS). The seminar drew attendance from numerous individuals and managing agents in the local condominium community and attendees from across the nation.

Licensees

The overall number of licensees as well as the number of new licenses issued declined substantially in fiscal year 1997. The 733 new licenses issued in 1997 were the fewest new licenses issued since the early 1970's, and represented a 24% decline from 1996. Figure 7 compares the number of new licenses issued in 1996 and 1997 by license type.

The overall number of licensees in 1997 was expected to be lower than in 1996 because it was a renewal year. At the end of 1997, there were 23% fewer licensees than at the end of 1996 (down from 18,165 in 1996 to 14,006 in 1997). Salespersons decreased from 12,216 in 1996 to 8,711, a -29% change. The number of individual brokers decreased 11%, from 4,697 to 4,169. The number of inactive licensees dropped 35%, while active licensees declined 15%.

New Real Estate Licenses Issued			
License Type	FY 1996	FY 1997	% Change
Broker (Individual)	81	71	-12%
Broker (Corp., Part.)	86	76	-12%
Salesperson	793	586	-26%
Total	960	733	-24%

Fig. 7

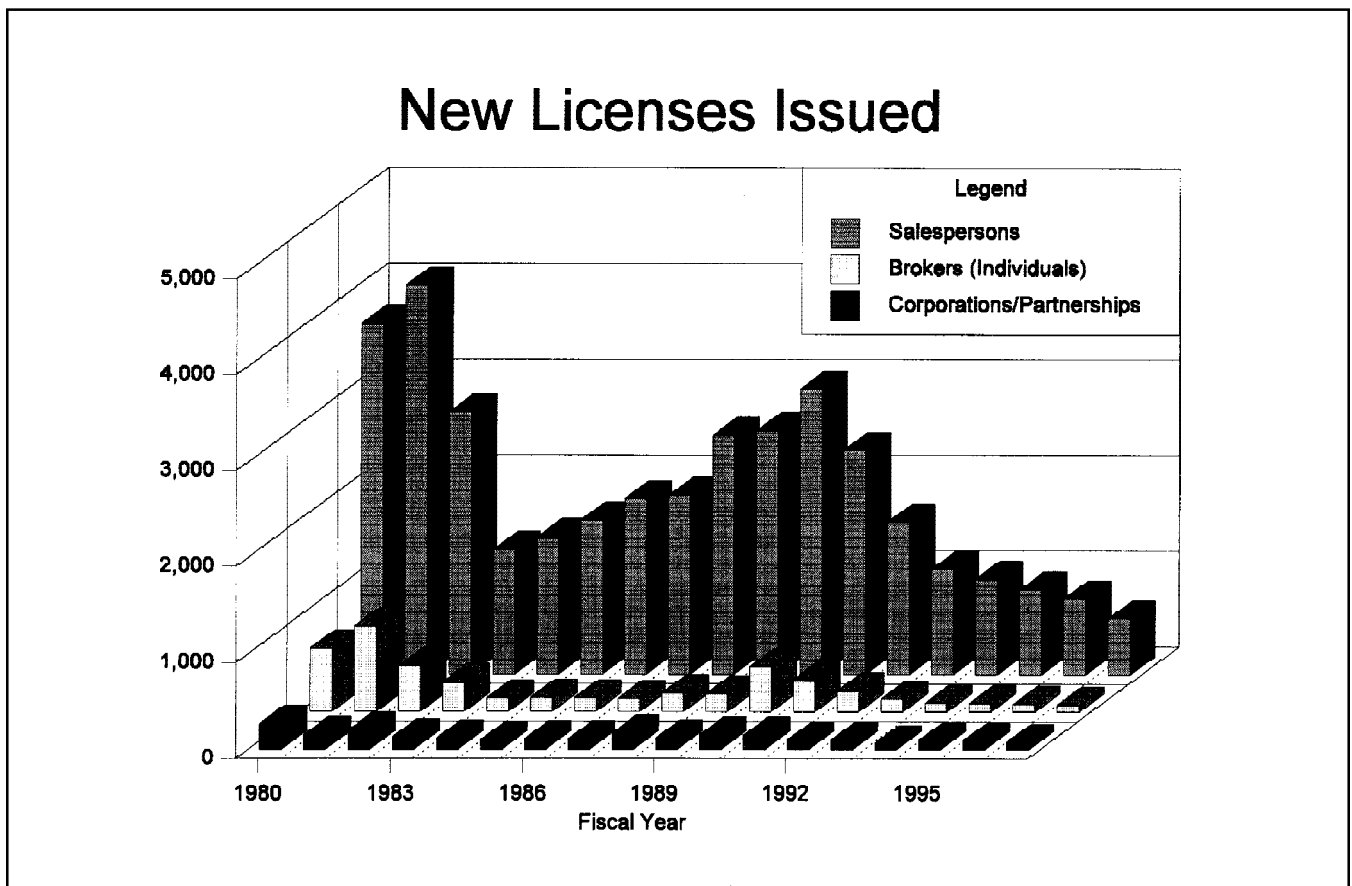


Fig. 8

Licensed Salespersons and Brokers

(1969 - 1997)

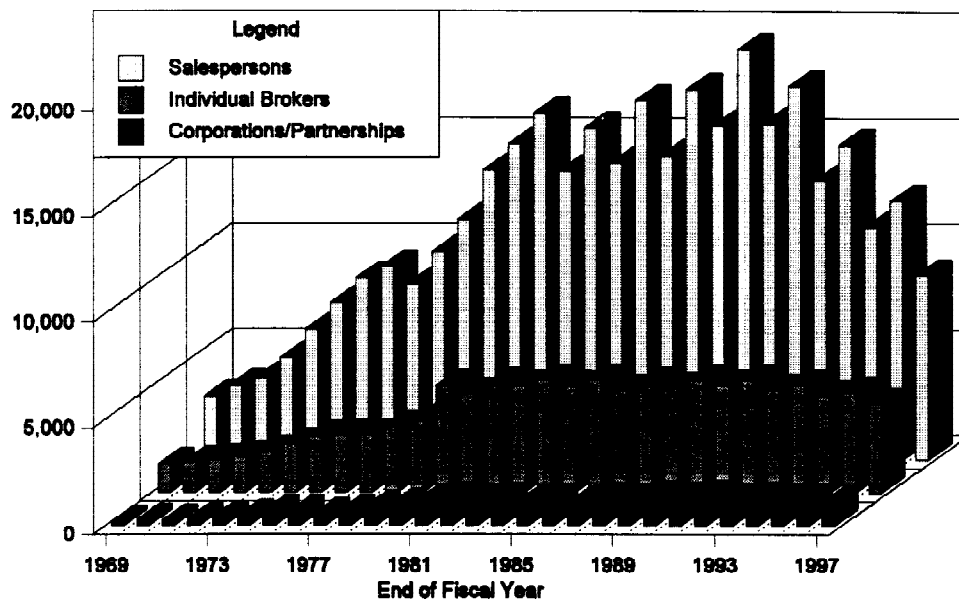


Fig. 9

Licensees (July, 1997) by License Type and Island

	Oahu	Hawaii	Maui	Kauai	Molokai	Lanai	Other	Total
Active								
Broker	1,686	305	297	137	8	2	-	2,435
Salesperson	3,097	565	698	369	16	3	-	4,748
Sole Proprietor	843	134	102	35	3	1	-	1,118
Corp/Part/LLC	746	122	143	59	4	-	-	1,074
Branch Office	28	20	24	9	2	-	-	83
Total Active	6,400	1,146	1,264	609	33	6		9,458
Inactive								
Broker	368	73	41	16	-	-	118	616
Salesperson	2,685	385	344	205	1	2	341	3,963
Corp/Part/LLC	28	9	9	1	-	1	4	52
Branch Office	1	2	3	2	-	-	-	8
Total Inactive	3,082	469	397	224	1	3	463	4,639
Active and Inactive								
Broker	2,054	378	338	153	8	2	118	3,051
Salesperson	5,782	950	1,042	574	17	5	341	8,711
Sole Proprietor	843	134	102	35	3	1	-	1,118
Corp/Part/LLC	774	131	152	60	4	1	4	1,126
Branch Office	29	22	27	11	2	-	-	91
Total	9,482	1,615	1,661	833	34	9	463	14,097

Fig. 10

Regulated Industries Complaints Office

The Regulated Industries Complaints Office (RICO) receives, investigates, and prosecutes complaints relating to laws and rules administered by the Commission.

There were a total of 177 complaints filed in 1997, 23% fewer than the 231 complaints that were filed in 1996. 27 of

the complaints were for unlicensed real estate activity. 76 of the cases have been closed for the following reasons: 38 advisory letter, 14 insufficient evidence, 8 resolved, and 16 for other reasons (civil, no violation, respondent unlocatable).

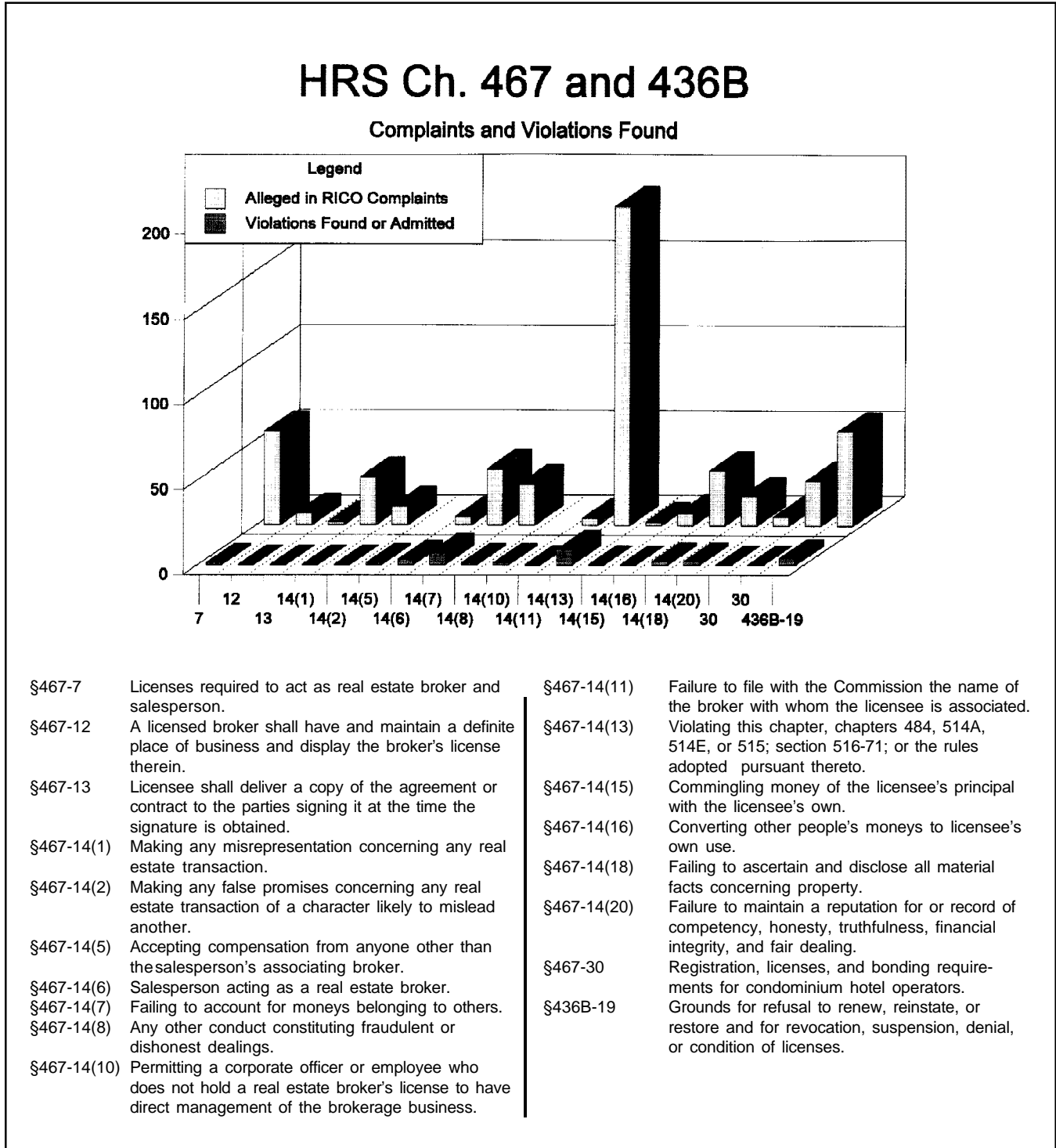
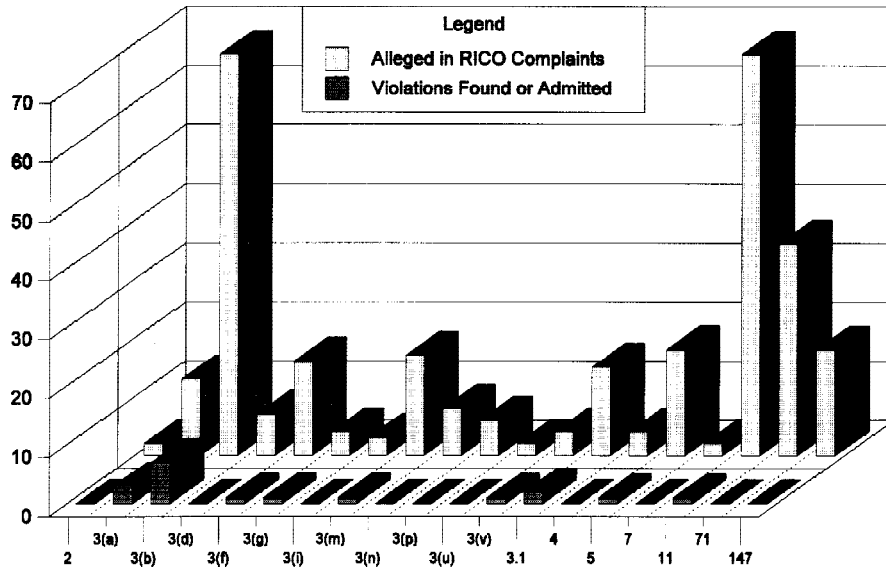


Fig. 11

Regulated Industries Complaints Office

Rules Ch. 99

Complaints and Violations Found



- §16-99-2 Definitions.
- §16-99-3(a) To fully protect the general public in its real estate transactions.
- §16-99-3(b) Licensee shall protect the public against fraud, misrepresentation, or unethical practices in the real estate field.
- §16-99-3(d) Licensee shall recommend that title be examined, survey be conducted, or legal counsel be obtained when the interest of either party requires it.
- §16-99-3(f) Licensee shall see that financial obligations and commitments are in writing.
- §16-99-3(g) Licensee shall not acquire property listed with the licensee's firm without informing the principal broker.
- §16-99-3(l) Licensee shall not place any sign or advertisement indicating a property is for sale, rent, lease, or exchange without written authorization of the owner.
- §16-99-3(m) There shall be a principal broker or broker in charge at the principal place of business and a broker in charge at a branch office who shall be immediately responsible for the real estate operations conducted.
- §16-99-3(n) A broker shall maintain a place of business located in this state at a business address registered with the Commission from which the broker does, in fact, conduct business and where the broker's books and records are maintained.

- §16-99-3(p) No licensee shall act as a broker-salesperson, or salesperson for more than one firm or office.
- §16-99-3(u) Licensee shall not add to or modify the terms of an instrument previously signed or initiated by a party to a transaction without written consent of all the parties.
- §16-99-3(v) Licensee shall not convert other people's moneys to licensee's own use.
- §16-99-3.1 Disclosure of agency.
- §16-99-4 Every broker who does not immediately place all funds entrusted to the broker in a neutral escrow depository shall maintain a trust fund account in this state with some bank or recognized depository and place all entrusted funds therein.
- §16-99-5 Each licensee shall file his or her residence and mailing address with the Commission and notify the Commission of any change in writing within 10 days of change.
- §16-99-7 Renewal of license.
- §16-99-11 Violation of advertising rule.
- §16-99-71 The real estate activities of each firm shall be under the direct management and supervision of a principal broker.
- §16-99-147 Condominium hotel registration required.

Fig. 12

Regulated Industries Complaints Office

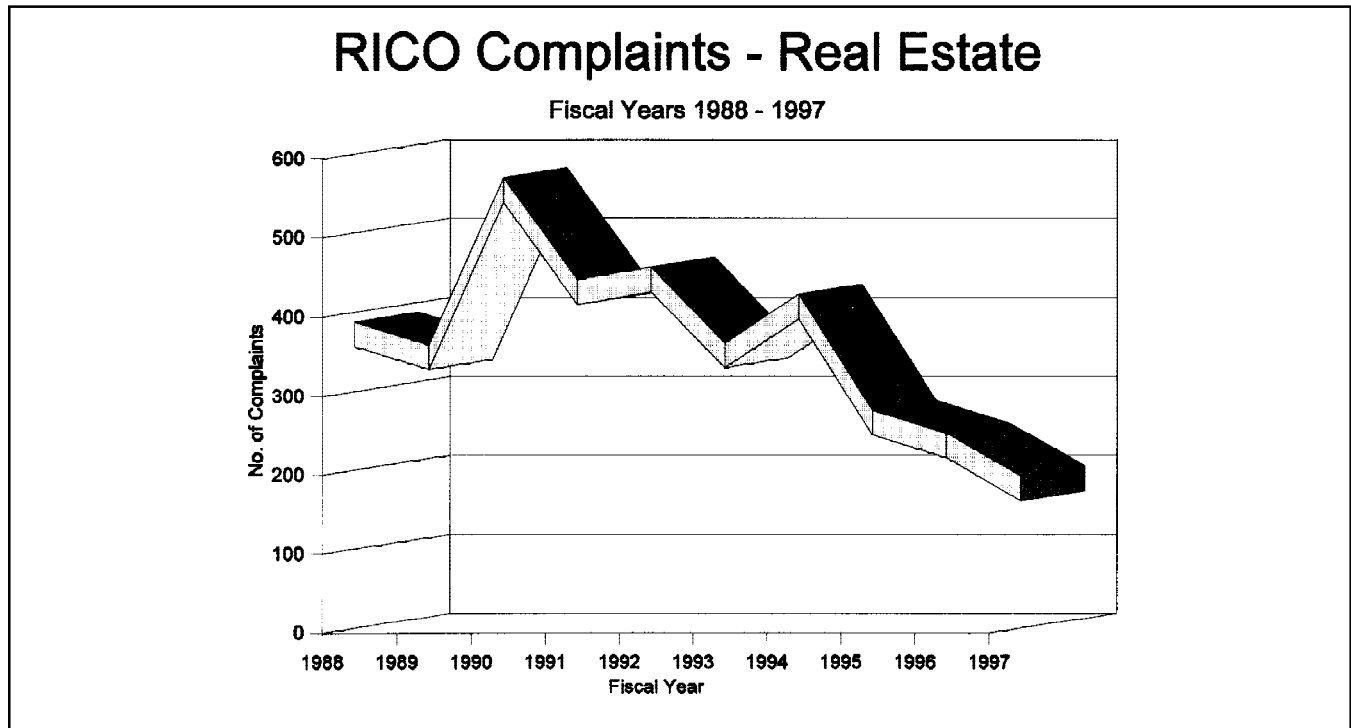


Fig. 13

Administrative Actions

Fiscal year 1997 saw a dramatic drop in the number of licensees disciplined, falling to a five-year low of 29. In contrast, last year, the Commission disciplined 74 licensees. Nineteen licensees were fined a total of \$11,000, and six licensees were ordered to pay restitution totaling \$11,702. Four licenses were revoked, three were suspended, and three licensees were ordered to complete educational courses. Over 80% of the licensees disciplined were involved in general brokerage, with the balance in property management.

During the year, nine applicants appealed Commission decisions. Three were salesperson license applicants, one was a broker license applicant, one was a broker experience certificate applicant, three were restoration applicants, and one was a continuing education course applicant. In two of the appeals, the Commission's decision was upheld. Four appeals were withdrawn, and three are pending.

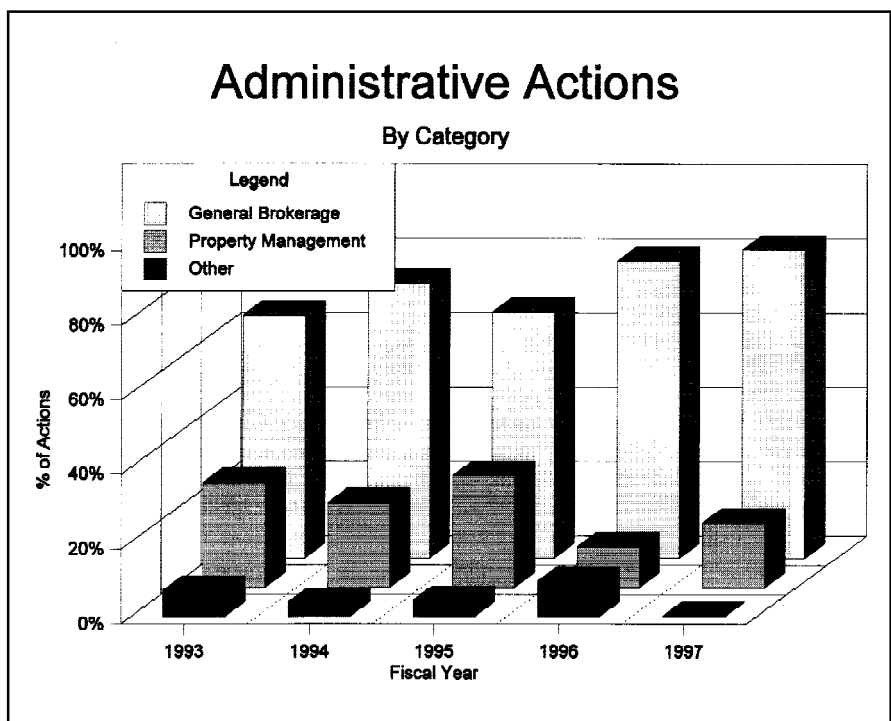


Fig. 14

Administrative Actions

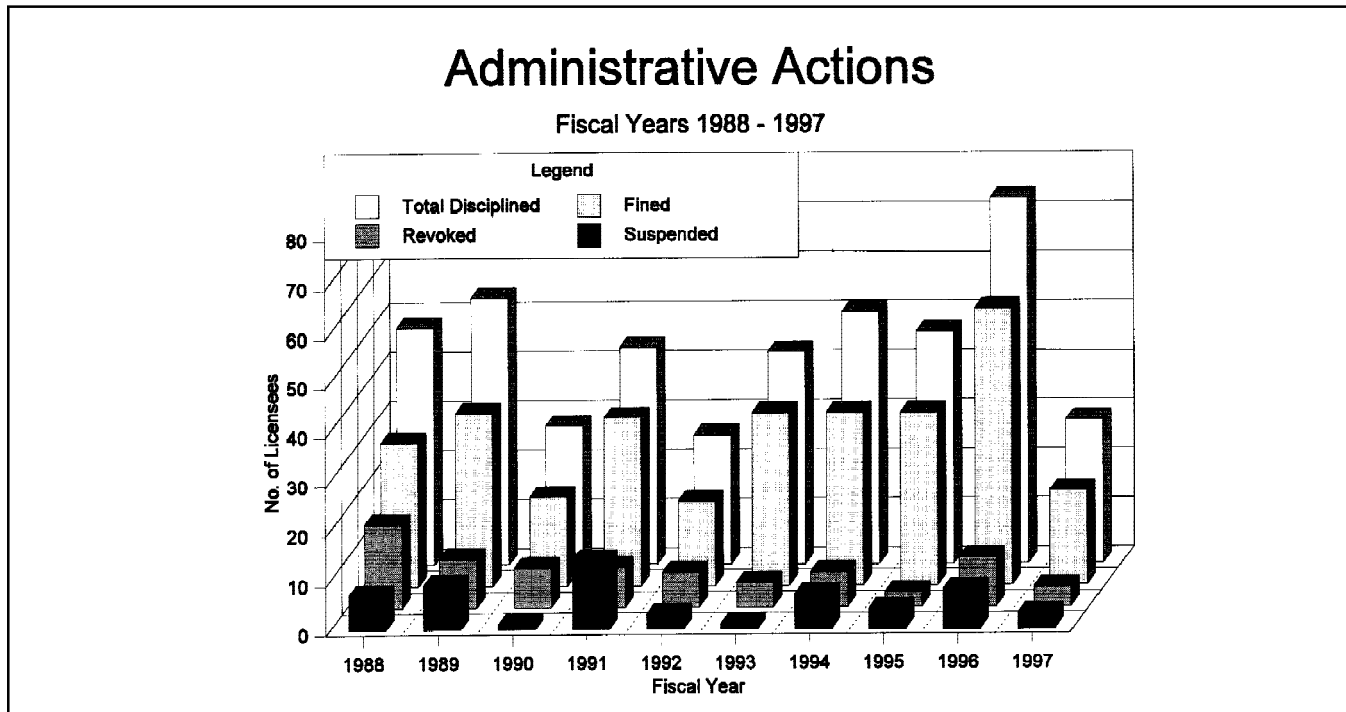


Fig. 15

Financial Information

REAL ESTATE EDUCATION FUND

Contributions to the real estate education fund come from new licenses issued, biennial license renewals, and income from investment of the fund and the real estate recovery fund.

As the 1997 fiscal year included a renewal, revenues were substantially greater than 1996, a non-renewal year. Revenues of \$617,976 and expenditures and encumbrances of \$473,892 resulted in an unreserved fund balance of \$660,321 at the end of the year. Reflecting the reduced number of licensees, revenues were nearly 15% below 1995, which was the prior renewal year. Expenditures increased 29% over 1996 to \$473,892 but were still significantly lower than in 1995 and earlier years.

CONDOMINIUM MANAGEMENT EDUCATION FUND

In 1997, the registration of associations of apartment owners changed from an annual registration to a biennial registration. Beginning in June 1997, every association with more than five apartments contributed a biennial registration fee of \$4 per apartment. Developers of condominium projects contribute \$5 per apartment for new project registrations.

Revenues of \$565,060 in 1997 more than doubled last year's \$265,885. However, the fund will not receive significant revenues until the next association renewal due June 1999. Expenditures and encumbrances totaled \$230,263 resulting in a year-end unreserved fund balance of \$806,786.

REAL ESTATE RECOVERY FUND

Every new licensee makes a one-time contribution of \$50 to the real estate recovery fund. Recovery fund revenues continue to reflect the decline in new licenses issued, falling from \$55,191 in 1996 to \$35,764 in 1997. At the end of the fiscal year, the fund's unreserved balance was \$757,069.

As recovery fund claims generally require a judgment in a civil court case, payments from the fund are difficult to predict. In 1997, the fund paid two claims totaling \$35,971. By contrast, in 1996, the fund paid out \$105,554 in claims and in 1995 did not make any payments.

Potential claimants are required by law to notify the Commission of a possible claim at the time an action is filed in court. In 1997, the Commission received notifications in 26 cases which may involve as many as 73 licensees. By comparison, in 1996 and 1995, the Commission received notifications in 27 and 23 cases, respectively.

Applying the statutory maximum payment per transaction (\$25,000), if each case filed in 1997 represented a single transaction, the fund's potential liability from those cases is \$650,000.

NOTE: The financial statements presented here are unaudited. Every effort has been made to assure that the information presented accurately reflects the financial position of the funds.

Financial Information

Real Estate Education Fund

REAL ESTATAE EDUCATION FUND Fund Balance As of June 30, 1997 (Unaudited)		REAL ESTATE EDUCATION FUND Expenditures and Encumbrances For the Year Ended June 30, 1997 (Unaudited)	
ASSETS		I. Operations	
Cash		Personnel	\$233,652
In State Treasury	\$531,140	Supplies	1,960
Short term cash investments	11,872	Postage	3,185
Investment securities (cost)	85,422	Equipment Rentals/Maintenance	5,454
Investment income due from Recovery fund	<u>57,602</u>	Machinery and Equipment	<u>293</u>
Total Assets	\$686,036	Total Operations	244,544
LIABILITIES AND FUND BALANCE		II. Direct Licensee Education	
Fund Balance		Bulletin	42,422
Reserve for Encumbrances	\$25,715	Annual Report	15,460
Unreserved	<u>660,321</u>	Research and Education Center	145,952
Total Fund Balance	<u>\$686,036</u>	Neighbor Islands Outreach	1,300
		Meetings and Annual Symposium	346
		Advice, Education, Referral Programs	<u>1,280</u>
		Total Direct Licensee Education	211,546
		III Indirect Licensee Education	
		Organizational Participation	16,301
		Staff Development	1,062
		Miscellaneous	125
		Books	25
		Dues & Subscriptions	<u>289</u>
		Total Indirect Licensee Education	17,802
		Total Expenditures and Encumbrances	<u>\$473,892</u>

Condominium Management Education Fund

CONDOMINIUM MANAGEMENT EDUCATION FUND Fund Balance As of June 30, 1997 (Unaudited)		CONDOMINIUM MANAGEMENT EDUCATION FUND Expenditures and Encumbrances For the Year Ended June 30, 1997 (Unaudited)	
ASSETS		Personnel	
Cash			\$70,301
In State Treasury	\$712,520	Supplies	2,663
Investments	<u>100,000</u>	Postage	4,550
	\$812,520	Equipment Rentals/Maintenance	4,768
		Research and Education Center	124,200
		Education and Research	13,549
		Interactive Participation w/Org.	7,841
		Equipment for Office	691
		Staff/Commissioner Development	1,188
		Resources Materials	202
		Dues & Subscriptions	80
		Miscellaneous	<u>230</u>
LIABILITIES AND FUND BALANCE		Total Expenditures and Encumbrances	<u>\$230,263</u>
Fund Balance			
Reserve for Encumbrances	\$5,734		
Unreserved	<u>806,786</u>		
Total Fund Balance	<u>\$812,520</u>		

Financial Information

Real Estate Recovery Fund

REAL ESTATE RECOVERY FUND	
Fund Balance	
As of June 30, 1997	
(Unaudited)	
ASSETS	
Cash	
In State Treasury	\$260,572
Short term cash investments	280,198
Investment securities (cost)	273,903
	<hr/>
Total Assets	\$814,673
	<hr/> <hr/>
LIABILITIES AND FUND BALANCE	
Liabilities	
Investment income due to Real Estate Education Fund	\$57,604
Fund Balance	757,069
	<hr/>
Total Liabilities and Fund Balance	\$814,673
	<hr/> <hr/>

Recovery Fund Claims Paid

RECOVERY FUND CLAIMS PAID		
Case No.	Licensee	Amount
94-599	Owen H. Ariki	\$19,446
1RC95-4289	Benjamin Chapman	16,525
		<hr/>
Total		\$35,971
		<hr/> <hr/>

Revenues and Expenditures and Encumbrances (1993 - 1997)

(Unaudited)

	Fiscal Year				
	1993	1994	1995	1996	1997
REAL ESTATE EDUCATION FUND					
Revenues					
Fees	\$812,310	\$75,510	\$695,185	\$68,895	\$579,390
Investment Income	59,403	56,314	33,881	67,403	38,586
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total Revenues	871,713	131,824	729,066	136,298	617,976
Expenditures and Encumbrances	671,590	624,120	555,367	367,227	473,892
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Excess (deficiency) of revenues over expenditures and encumbrances	\$200,123	(\$492,296)	\$173,699	(\$230,929)	\$144,084
CONDOMINIUM MANAGEMENT EDUCATION FUND					
Revenues					
Fees	\$247,892	\$270,872	\$267,716	\$265,885	\$565,060
Investment income		3,389	2,856	3,943	7,582
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total Revenues	247,892	274,261	270,572	269,828	572,642
Expenditures and Encumbrances	197,400	208,645	308,551	243,883	230,263
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Excess (deficiency) of revenues over expenditures and encumbrances	\$50,492	\$65,616	(\$37,979)	\$25,945	\$342,379
REAL ESTATE RECOVERY FUND					
Revenues	\$72,650	\$60,159	\$57,872	\$55,191	\$35,764
Expenditures and Encumbrances					
Claims	169,000	12,500	0	105,554	35,971
Contract services	97,708	38,973	56,626	50,562	44,823
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total Expenditures and Encumbrances	266,708	51,473	56,626	156,116	80,794
Recoveries	818	222	1,181	(555)	(64)
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Excess (deficiency) of revenues over expenditures and encumbrances	(\$193,240)	\$8,908	\$2,427	(\$101,480)	(\$45,094)

Fiscal Year 1997 Program of Work--Status Report

EDUCATION REVIEW COMMITTEE

Broker Curriculum and Resources- Carryover: Research and development of amended broker curriculum and resources; implementation and administration of amended broker curriculum by REC and staff, including dissemination, rule making, testing company, etc.

Continuing Education 1997-98 Core Course Carryover: Research and development of core course for 1997-98 license biennium, including development and distribution of curriculum materials, and course briefing workshop for instructors. Eliminate pretest, elevate curriculum level which should be reflected on post-test.

Continuing Education 1997-98 Elective Courses Carryover: Maintenance of three Commission continuing education elective courses (Fair Housing, Real Estate Investment Analysis, Property Management) review and updating/distribution of curriculum materials. Recommend if other courses should be considered or consideration should be given to previous core courses (Finance and Contracts) for possible updating for recycling.

Examination - ASI Laws & Rules Report, Curriculum Review and Test Development Continuous: Monitor and annual review of curriculum; provide timely laws and rules update report to ASI and coordinate the implementation of any amended curriculum for salesperson and broker into the examinations. Assist with issues on exam content/curriculum, exam questions.

IDW and New Course Briefings- Continuous: Development, coordination and production of IDW for prelicensing and CE instructors.

Five Year Education and Research Plan- Continuous: Research, exchange and development of rollover fifth year on the five year education and research plan in the area of real estate, brokers, salespersons and consumers.

HREREC Interactive Program- Continuous: Proactive participation and communication with State, national, and international organizations (ARELLO, REEA, NAR, HAR, etc.) and government agencies for information exchange, education, advice, etc.; including one Commissioner or REB staff member in program.

Legislative and Government Participation- Continuous: Legislative liaison responsibilities, including research and briefing of Legislators, Committee Chairs, legislative staff, including written and oral testimony on material legislative bills. Research, develop and print/distribute studies on various real estate issues of interest to the Legislature or government agencies including on behalf of the Commission, including acts, resolutions or agreed upon directed studies. This year Advisory Council Chair recommended study to identify regulatory and tax policy issues related to time share properties which should be budgeted equally between REEF and CMEF.

Education via Media - Continuous: Develop articles to local, State and national publications with articles in varied length and scope with research. Articles to include condominium articles and budget to be shared with CMEF. Study feasibility of continuing the weekly newspaper column with alternative publications, including Mid-Week, with a combination of neighbor island newspapers. May consider biweekly or monthly releases; research and development of newspaper column on real estate area. Maintain and improve web page through internet; consider controlled use of e-mail.

Consumer Guide - Carryover: Development, production, low cost printing and distribution of a brochure on the mandatory seller disclosure law for consumers (seller and buyer) and licensees.

Real Estate Hotline - Continuous: Administer the delivery system of real estate and condominium information for neighbor island licensees utilizing the WATTS line.

Alternative Delivery of Real Estate Education- Carryover: Feasibility study into other means of prelicensing and continuing education course delivery, with priority on the interactive computer software system, including exploring existing software, technology, cost, etc. Feasibility of utilizing HITS program and producing a pilot program.

Real Estate Chair and HREREC Administration- Continuous: Administration of program of work and budget, including contracts, budget, joint projects, contracted projects, coordination of activities, Research Corporation of University of Hawaii (RCUH), College of Business Administration, Office of Research Administration, Contracts and Grants Management Office, general administration by HREREC. Administration of the Advisory Council including criteria, recruitment, nomination, appointment process, coordination/approval with the Dean of the College of Business; periodic meetings.

Evaluation of HREREC and Its Future- Carryover: Through exchanges, study and evaluate the HREREC, its organization, management, personnel, direction, funding, role in the community, role at the University of Hawaii, role in the College of Business, role of the Advisory Council, role of RCUH, role of REC, role of DCCA, role with the Chair position, etc., report findings and recommendations.

Administration of Prelicense Education Program, Schools, and Instructors Continuous: Administration of prelicense schools and instructor applications, applications approval process, information, renewals, certification, records management, re-evaluation, etc. Also, implementation and administration of evaluation system on schools and instructors and research, development, printing and distribution of quarterly "School Files".

Administration of Examinations- Continuous: Administration of real estate licensing examination program, including contract administration with ASI, information, trouble shooting, review and amendments to application booklets, periodic reports, EXPro daily exams, etc. Coordinate periodic ASI workshops for school instructors, REB staff, test site administrators. Administer instructor examination. Monitor all exam sites, including neighbor islands, at least once a year, report, recommend, etc. Participate in national uniform item writing sessions. Investigate and initiate the ARELLO examination certification program and the ARELLO education fund fee.

Administration of Continuing Education Elective Courses- Continuous: Provide administrative information to course providers and licensees. Assist providers in submissions, review applications, review curriculum, consult with CE Review Panel and make recommendations, records management.

Administration of Continuing Education Program, Providers, and Instructors Continuous: Administration of continuing education program, providers, instructors, courses, reevaluation, information center, records management, etc. Research, development, printing and distribution of quarterly "School Files", a bulletin for educators; a joint program with Prelicense Education Program. Also, implementation and administration of evaluation system on schools and instructors. Feasibility study into the delivery of CE courses through other means, including home study, interactive video programs, HITS, television, cable TV, self study with challenge exams, etc.

Real Estate Education Fund (REEF)- Continuous: Maintenance and review of budget, finance and records for REEF. Preparation or monthly and annual financial statements, annual and biennial budgets, administration of fund investment programs including contract administration and procurement code management.

Annual Report and Quarterly Bulletin- Continuous: Research, edit, printing and distribution of annual report and quarterly bulletin. Contract administration with consultant, procurement code management. Research and report on alternative means of delivery of the contents of the quarterly bulletin and annual report, including electronic means.

Meetings and Symposium - Continuous: Plan, coordinate and conduct monthly Education Review Committee meetings and symposiums, including facilities arrangements, agenda, testifiers and minutes. Plan, coordinate and produce symposium when necessary to develop or amend program of work and budget, including facilities arrangements, speakers, agenda, testifiers, etc.

Advice, Education, and Referral - Continuous: Provide advice, education and referral to applicants, licensees, government officials, consumers, the public, organizations, etc. Develop a distribution system of educational and informational products to each principal broker and broker-in-charge. Publish and distribute educational and informational materials. Administer and provide requestors access to public information and records, including requests for copies, subject to compliance with Uniform Information Practices Act and working with the Office of Information Practices. Respond to inquiries, requests and constituency requests for Governor, Lt. Governor, Director, Deputy Director, Licensing Administrator, DCCA Division Chiefs, Legislators, Congressional members, County Officials and other government officials. Maintain and improve web page through internet; consider controlled use of e-mail.

Neighbor Islands Outreach - Carryover: To organize and convene two ERC meetings at preselected neighbor island sites with CRC and LRRC meetings.

Interactive Participation with Organizations- Continuous: Active participation with Hawaii, Pacific Rim, national and international organizations and government agencies for the exchange of information and concerns, sharing of education and research efforts, joint projects of mutual concern, training, etc. through attendance, membership and 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 (including neighbor island boards), Hawaii State Bar Association, IREM, National Land Council, etc.

Legislative Research and Report- Continuous: Research, participate and/or report on any request by the Legislature, including resolutions, agreements, and issues of mutual concern.

Real Estate Specialists of the Day- Continuous: Real Estate Specialist set-up office on the neighbor islands to provide advice, education, and referral. Provide training to RICO investigators. Where possible, consider joint program with condominium specialists of the day program.

Real Estate Speakership Program- Continuous: 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.

Fiscal Year 1997 Program of Work--Status Report (Continued)

Instructor's Development Workshop- Continuous: Development, sponsoring, coordination and/or producing of instructor development workshops for prelicense and continuing education instructors to meet rule requirements. Feasibility of video taping and/or HITS. Study the feasibility of interactive video program.

Uniform Section Waiver of Prelicensing Examination- Carryover: Study the feasibility of recognizing and accepting the uniform section of the ASI and/or ETS exams for candidates who have passed the uniform section of another states' exam per 1988 Legislative Auditor's report. Work with and seek approval for the ARELLO exam certification program through ASI.

Educational Waiver Administration- Continuous: Study and evaluate educational requirements of other States and jurisdictions in coordination with ARELLO. Report findings and propose amendments to education waiver equivalencies, forms, instructions.

Evaluation System for Schools, Providers, Instructors and CE Courses Carryover: Review, update and/or revise the evaluation system for schools, providers, instructors and courses and develop and complete a guidebook for the volunteer monitors. Implement and administer evaluation system.

Records Management - Carryover: Evaluate, plan, reorganize and implement a centralized, consistent, user friendly, computerized glossary of the existing and future records and files. Administration with REB, PVL, and DCCA policies and other statutory requirements.

Real Estate Reference Library- Continuous: 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 into a standardized system that is user friendly and computerized.

New Technology - Continuous: Administration of in-house and network computer system. Coordination with DCCA's coordinator, training staff, purchases of hardware and software, programming, etc. Ensuring that all positions have compatible hardware and software, feasibility and purchase of hardware and/or software for the utilization of laptop computer for screen projection at meetings, symposiums, training, etc.

Information Distribution System and Radio Program- Carryover: Research, development and implementation of a centralized information distribution system for all the education products produced by the Commission and the Hawaii Real Estate Research and Education Center.

New Salesperson and New Broker Start-up Kits- Continuous: Package and distribute start-up kits for newly licensed salespersons, which will include but not be limited to Licensee Guide, latest annual report, past available bulletins, and special distribution materials with a cover letter Chair message. Package and distribute start-up kits for newly licensed corporations, partnerships, sole proprietors which will include but not be limited to PB/BIC Brochure, Advertising Brochure, Fair Housing Brochure, RICO handout, Chapter (467, 436B, 99), REB Info sheet, latest annual report, past available Bulletins of interest, and other special distribution materials with a cover letter Chair message to include recommendation to initiate own reference library.

Cooperative Education, Research, and Administration Program Continuous: 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 the Commission or are part of a real estate related program.

Division and Department Programs- Continuous: Coordinate activities and programs of mutual concern with the Professional and Vocational Licensing Division and the Department of Commerce and Consumer Affairs.

Information Distribution System and Radio Program- Program Deferred: Development and implementation of a centralized information distribution system for all education products produced by the Commission and the Hawaii Real Estate Research and Education Center.

Consumer Guide - Program Deferred: Development, production and distribution of another consumer series brochure.

RICO Analysis - Program Deferred: Study RICO complaint records for use for education and research or develop strategy for future process of analyzing material.

Review of All Existing Publications by HREREC and REC Program Deferred: Review all existing publications by HREREC and REC.

CONDOMINIUM REVIEW COMMITTEE

Hawaii Condominium Bulletin- Continuous: Developing, writing, editing, low cost printing and distribution of a quarterly bulletin. Study feasibility of providing the bulletin through electronic medium.

Condominium Board of Directors Guide- Carryover: Develop and maintain a guide for condominium board of directors as a reference guide in the management of a condominium association.

Welcome to Condominium Living Booklet- Carryover: Develop a 16 page "welcome" booklet for new renters and condominium apartment owners.

Five Year Education and Research Plan- Continuous: Research, exchange and develop five year education and research plan in the area of condominiums.

Condominium Seminars- Continuous: Develop, plan, organize, seminars to be held in all counties, and utilizing the curriculum and brochures developed for the board of directors guide, association budget and reserves guide, new rules, legislative update, or condominium topics of mutual concern.

HREREC Interactive Program- Continuous: Interactive with State, national and international organizations and government agencies for information exchange.

Government and Legislative Participation- Continuous: Responding to any requests or suggestions from REC with the Administration, Governor, Lt. Governor, Cabinet members, Legislators, Mayors, City Council members, Congressional members, and other government officials.

Condominium Hotline- Continuous: Administer the delivery system of condominium information for neighbor islands.

Education Via Media & Internet - Carryover: Study the feasibility of developing a weekly or bi-weekly newspaper column on condominium issues.

Condominium Survey - Carryover: Survey a cross-section of condominium board of directors, apartment owners, condominium managing agents, and condominium employees to get insight into the needs, problems, education concerns, Commission programs, etc. to be used for the education and research programs.

Condominium Association Budget and Reserves Carryover: Continued review of the budget and reserve guide, monitor and report on IRS position on budget and reserves, make recommendations.

Real Estate Chair and HREREC Administration- Continuous: See ERC Program of Work description.

Rule-Making, Chapter 107 - Carryover: Study and evaluate Chapter 107, HAR, and Chapter 514A, HRS, for rule making, consider deregulation where possible and without reducing consumer protection and/or reducing State resources.

Rule-Making, Chapter 53, Fees- Continuous: Monitor and review services provided in relation to fees.

Condominium Project and Public Reports- Continuous: Evaluation of the process, records, forms, information documents, rules, coordination with other governmental agencies, attorneys, etc. to ensure more expeditious processing and review time.

Condominium Association Registration- Continuous: Review and monitor program for improvement.

Condominium Managing Agents Registration- Continuous: Review and monitor program for improvement.

Condominium Management and Education Fund (CMEF)- Continuous: Maintenance and review of budget, finance, and records for the Condominium Management Education Fund (CMEF).

Advice, Education and Referral- Continuous: Provide advice, education and referrals to the condominium community, applicants, consumers, licensees, government officials, organizations, and the public.

Condominium Mediation and Arbitration Program- Continuous: Research, develop and publish a brochure on dispute resolution, the mediation and arbitration programs. Study mediators, briefings/training/monitoring of mediators on all islands.

Meetings and Symposium - Continuous: Plan, coordinate, and conduct monthly Condominium Review Committee meetings.

Legislative Acts and Resolutions- Completed: To review and carry out responsibilities of the 1997 Legislative acts and resolutions, provide summary of condominium and related acts and resolutions.

Government and Legislative Participation and Report- Continuous: Develop and distribute annual report to the Legislature on condominium management education fund, program of work, budget and mediation program. Provide briefings to Legislators and staff. Respond to elected officials, inquiries/complaints, request for information, etc.

Neighbor Islands Outreach- Continuous: Coordinate and conduct two CRC meetings at neighbor island sites with ERC and LRRC.

Interactive Participation with Organizations- Continuous: Active participation with local, 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.

Fiscal Year 1997 Program of Work--Status Report (Continued)

Condominium Specialists Office for the Day- Continuous: Condominium specialist set-up office at various neighbor island locations to meet and discuss condominium concerns and also to provide for training for RICO investigators.

Condominium Speakership Program- Continuous: Subject to approval and priorities, honor requests by associations, CMAs, interested groups, colleges or universities, Legislators, government agencies, etc. for participation in some type of program as a speaker or resource concerning condominium issues.

New Technology Program- Continuous: Administration of in-house and network computer system.

Condominium Reference Library- Continuous: Develop and maintain materials for a condominium reference library at public libraries, Commission office, mediation services offices, and especially neighbor islands.

Start-up Kit for New AOAOs and New CMAs- Continuous: Distribute start-up kit to new condominium AOAOs and new CMAs.

Cooperative Education, Research, and Administrative Program- Continuous: Actively participating and sponsor cooperative education research, and administrative programs for those Departments, Divisions, Branches that provide direct or indirect services.

Division and Department Program- New Program: Coordinate activities and programs of mutual concern with the Professional and Vocational Licensing Division, Regulated Industries Complaints Office and the Department of Commerce and Consumer Affairs.

Records Management- Continuous: Administer and organize all records, reference materials, reports, minutes, legislation, rules, AG opinions, contracts, etc.

CPR Project Workshop and Meetings- Continuous: Research and update CPR project workshop materials, conduct periodic workshops for orientation and training purposes.

Case Law Review Program- Continuous: Monitor, collect, and report on judgments and decisions on Hawaii, federal and other states' court cases.

Limited Equity Cooperatives- Continuous: Develop forms, procedures, and the process for the Commission's requirements under Limited Equity Cooperatives, Chapter 421H, HRS.

Information Distribution System and Radio Program- Program deferred: Develop an external source or internal system for distribution of all condominium educational products produced by REC and HREREC.

Adjunct Condominium Survey- Program deferred: Condominium survey.

Condominium Board of Directors Guide- Program deferred: Development of guide composed of four (4) chapters of various topics.

LAWS AND RULES REVIEW COMMITTEE

Professional Responsibility Course- Carryover: Research and development of curriculum and materials for an independent study course on professional responsibility to be utilized for certain type of disciplinary cases, restoration, and reinstatement of license situations. Develop additional units as supplements to base course.

Hawaii Real Estate Laws and Rules Manual/Hawaii Real Estate Reference Manual Continuous: Research, development and amendments to Hawaii Real Estate Laws and Rules Manual and Hawaii Real Estate Reference Manual. Study and report to REC the effect of this program, the cost versus benefit, the number of users, less costly alternatives, how can it be made self-supporting and why should it be continued.

Advertising Brochure- Carryover: Research and development, printing and distribution of brochure.

Broker Experience Certification- Carryover: Study, evaluate and make recommendations on broker candidate experience criteria, guidelines, proposed rules, forms, etc.

Real Estate Seminars- Carryover: Produce and direct statewide seminar, contract with third party to develop and produce statewide seminar via subsidy, sponsoring, assisting, co-sponsoring, etc. Joint program with ERC.

Real Estate Recovery Fund- Continuous: Provide information and advice, process and administer claims, coordinate responsibilities with consultant attorney, administer records management, financial reports, administer investment of funds, maintenance and review of budget, preparation of financial statements, preparation of budget. Develop a collection program, continue to administer the State Tax Intercept Program, consider contracting with collection agencies like TAX, etc.

Rule Making, Chapter 99- Carryover: Study and evaluate Chapter 99, HAR and Chapter 467, HRS for possible rule making. Consider, among others, REC decisions, informal and formal opinions, declaratory rulings, MCE, precicensing matters, advertising, restorations, broker experience, and principal broker, CHO, and deregulation where possible without reducing consumer protection and/or reducing State resources.

Rule Making, Chapter 53, Fees- Continuous: Monitor and review services provided in relation to fees charged.

Real Estate Licensing Administration- Continuous: Review and recommend amendments to the administration of new real estate licenses, including salespersons, brokers, corporations, partnerships, sole proprietors, branch offices, site offices, including forms, information, records management, review process, change forms, zoning forms, etc.

CHO Registration- Continuous: Review and recommend amendments to the administration of condominium hotel registration, including forms, information, records management, review process, etc.

Meetings and Symposium- Continuous: Plan, coordinate and conduct monthly LRRC meetings and symposium.

Advice, Education and Referral- Continuous: Provide advice, education and referral to applicants, licensees, government officials, consumers, public, etc.

Neighbor Island Outreach- Continuous: Hold two LRRC committee meetings on neighbor island sites with CRC and ERC.

Legislative Acts and Resolutions- Continuous: Review legislative acts, amend Chapter 467, HRS, public copy.

Legislative and Government Participation- Carryover: To provide briefings to legislators and staff, act as resource to Legislators, draft language, committee reports, etc.

Interactive Participation with Organizations- Continuous: Joint program with ERC and CRC.

Review of Services and Organization- Continuous: Study and evaluate services provided to the consumers, real estate licensees, applicants, etc. and whether it meets the statutory duties and its intent.

Application Processing and Forms- Continuous: Study and evaluate the processing of application forms, the wall and pocket card license, forms and instructions.

ARELLO National Disciplinary Action Data Bank- Continuous: Participation in the ARELLO National Disciplinary Action Data Bank to assist in background review of applicants and assist in consumer protection nationally.

Licensing Renewal- Continuous: Develop and initiate plan for the 97-98 renewal biennium, consider moving distribution of renewal application forms to an earlier date. Initiate "steps to a better renewal program" including selective batch renewal workshops.

Commissioners Education Program- Continuous: Research and draft amendments to the Professional and Vocational Licensing Division's Operations Manual for distribution to Commissioners.

Division and Department Programs- Continuous: Coordinate and work with PVL, DCCA and others on any program of mutual concern, joint program with ERC and CRC. Director's project on deregulation.

HUD/ARELLO Fair Housing Agreement- Continuous: Administer the terms of the agreement and coordinate annual review by HUD officials.

Case Law Review Program- Continuous: Monitor, collect and report on case law, disciplinary actions, judgements and decisions on Hawaii court cases, federal court cases, and other states court cases.

Agency Review Study and Report- Program deferred: Review and study agency in Hawaii, including other states, NAR, case law review, complaints, etc.

Program of Work—Fiscal Year 1998

EDUCATION REVIEW COMMITTEE

Broker Curriculum and Resources
 Continuing Education 1997-98 Core Course
 Continuing Education 1997-98 Elective Courses
 Examination - ASI Laws & Rules Report and Curriculum Review
 IDW and New Course Briefings
 Evaluation and Education System for CE and Preclicensing Instructors
 Five Year Education and Research Plan
 HREREC Interactive Program
 Legislative and Government Participation
 Education Via Media & Internet
 Consumer Guide
 Real Estate Hotline
 Alternative Delivery of Education
 Real Estate Chair and HREREC Administration
 Evaluation of HREREC and Its Future
 Administration of Preclicensing Education Program, Schools, and Instructors
 Administration of Examinations
 Administration of Continuing Education Elective Courses
 Administration of Continuing Education Program, Providers, and Instructors
 Real Estate Education Fund (REEF)
 Annual Report and Quarterly Bulletin
 Meetings and Symposium
 Advice, Education and Referral
 Neighbor Island Outreach
 Interactive Participation with Organizations
 Legislative Participation, Research and Report
 Real Estate Specialist of the Day
 Real Estate Speakership Program
 Instructor's Development Workshop
 Uniform Section Waiver of Preclicensing Examination
 Educational Waiver Administration
 Records Management
 Real Estate Reference Library
 New Technology Program
 Information Distribution System
 New Salesperson and New Broker Start-up Kits
 Cooperative Education, Research, and Administration Program
 Division and Department Programs
 Information Distribution System and Radio Program - Program deferred.
 Consumer Guide - Program deferred.
 RICO Analysis - Program deferred.
 Review of All Existing Publications by HREREC and REC - Program deferred.

CONDOMINIUM REVIEW COMMITTEE

Hawaii Condominium Bulletin
 Condominium Board of Directors Guide
 Welcome to Condominium Living Booklet
 Five Year Education and Research Plan
 Condominium Seminars
 HREREC Interactive Program
 Government and Legislative Participation
 Condominium Hotline

Education Via Media & Internet
 Condominium Survey
 Condominium Association Budget and Reserves
 Real Estate Chair and Administration
 Rule-Making - Chapter 107
 Rule-Making - Chapter 53, Fees
 Condominium Project and Public Reports
 Condominium Association Registration
 Condominium Managing Agent Registration
 Condominium Management and Education Fund
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 Records Management
 CPR Project Workshop and Meetings
 Case Law Review Program
 Limited Equity Cooperatives
 Information Distribution and Radio Program - Program deferred
 Adjunct Condominium Survey - Program deferred
 Condominium Board of Directors Guide - Program deferred

LAWS AND RULES REVIEW COMMITTEE

Professional Responsibility Course
 Hawaii Real Estate Laws and Rules Manual/Hawaii Real Estate Reference Manual
 Real Estate Seminars
 Real Estate Recovery Fund
 Rule Making, Chapter 99
 Rule Making, Chapter 53, Fees
 Real Estate Licensing & Certification Administration
 Meetings and Symposium
 Advice, Education, and Referral
 Neighbor Island Outreach
 Legislative Acts and Resolutions
 Legislative and Government Participation
 Interactive Participation with Organizations
 Review of Services and Organization
 Application Processing and Forms
 ARELLO National Disciplinary Action Data Bank
 Licensing Renewal
 Commissioners Education Program
 Division and Department Programs
 HUD/ARELLO Fair Housing Agreement
 Case Law Review Program
 Agency Review Study and Report

State of Hawaii
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