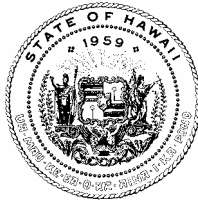


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MEMORANDUM

TO: All Interested Parties
FROM: Real Estate Branch
SUBJECT: Ex Parte Communications with a Commissioner of the Real Estate Commission
("Commission")

It is sometimes tempting for an applicant, licensee, developer, attorney, vendor, potential vendor, or a representative of any of the aforementioned to attempt to circumvent usual decision making procedures, seek information on a pending issue or application, discuss a pending or future complaint or disciplinary action, or seek to influence the Commission's decision by directly contacting one of the nine Commissioners. This contact can be in person, via the telephone, fax, email, written documents, or any other form of communication.

However, such ex parte communications are improper, and will result in the Commissioner who is contacted being unable to discuss, participate, or vote on the application, registration, contract, issue, or disciplinary case. In addition, it may bring up other problematic issues to the Commission as well as the affected parties.

Generally, the ex parte participant does not have any ill intent, but just wants to discuss the matter with a Commissioner, or wants to get a feel of how the Commission will decide, or just confirm that the Commissioner has all the facts.

The ex parte participant should understand that the Commission is composed of nine individuals who, when acting as individuals, have no authority to act on any Commission issue, make any decisions, receive information on behalf of the Commission, or direct staff to take specific action. The Commission has "quasi-judicial authority" and has to follow various laws in its conduct and decision making process. The Commission's authority and power to act exists only during a lawfully convened Commission meeting and while performing adjudicatory functions in contested cases.

The ex parte participant risks having a Commissioner who might have been favorable not being able to participate in the discussion or vote on the application. The Commissioner is

bound by law to disclose the ex parte communication and recuse himself from participation in the issue.

If you have an application or some other decision making issue before the Commission and desire general information, please contact the Commission's staff, not a Commissioner. Obviously, although the staff won't be able to tell you how the Commission will vote, staff can provide general information, historical information, possible alternatives, and information on procedural steps. Except during executive and adjudicatory sessions, Commission meetings are open to the public, and participants in any decision making issue may present oral testimony at the meeting at which their issue is being considered (subject to some procedural constraints).

We would appreciate your assistance in avoiding any ex parte communication and informing others of this concern. The Commission is open to any communication and discussion on any decision making issue at a Commission meeting and/or through any of its staff members.