

GM711

Measure Title: Submitting for consideration and confirmation to the Real Estate Commission, Gubernatorial Nominee, SCOTT ARAKAKI, for a term to expire 06-30-2020.

Report Title: Real Estate Commission

Description:

Companion:

Package:

Current Referral: CPH

Introducer(s):

**PRESENTATION OF THE
REAL ESTATE COMMISSION**

TO THE SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Friday, April 1, 2016
9:30 a.m.

TESTIMONY ON GOVERNOR'S MESSAGE NO. 711.

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Nikki Senter and I serve as the Chairperson of the Real Estate Commission ("Commission"). I thank you for the opportunity to present testimony on Governor's Message No. 711, regarding the **reappointment** of Scott Arakaki to the Commission. The Commission strongly supports the confirmation of Mr. Arakaki's reappointment.

Mr. Arakaki has been and continues to be an outstanding contributor and participant in the work of the Commission. He has served on the Commission as the public member from the County of Honolulu for the past four years.

Mr. Arakaki's commitment to public service has been outstanding as demonstrated by his attendance of 168 of 176 Commission meetings. He currently serves as the Chairperson of the Laws and Rules Review Committee, one of the Commission's three standing committees. He is always well prepared for each issue and each meeting, devoting a number of hours studying and researching materials. He has a keen knowledge of all the laws and rules that affect the Commission's work.

For these reasons, the Commission strongly supports the confirmation of Mr. Scott Arakaki to the Real Estate Commission, and thanks you for the opportunity to testify on Governor's Message No. 711.

April 1, 2016

The Honorable Rosalyn H. Baker, Chair

State Committee on Commerce, Consumer Protection, and Health
State Capitol, Room 229
Honolulu, Hawaii 96813

RE: GM 711, Submitting for consideration and confirmation to the Real Estate Commission, Gubernatorial Nominee, SCOTT ARAKAKI, for a term to expire 06-30-2020.

HEARING: Friday, April 1, 2016 at 9:30 a.m.

Aloha Chair Baker, Vice Chair Kidani, and Members of the Committee:

I am Myoung Oh, Government Affairs Director, submitting written testimony on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 8,900 members. HAR **supports** the nomination of SCOTT ARAKAKI to the Real Estate Commission for his second term.

Mr. Arakaki has served on the Commission as an interim member since August 2012 and was formally nominated and confirmed in 2013.

Mr. Arakaki has demonstrated intimate knowledge of real estate and understands the laws and rules affecting this complex industry. His experience and expertise in varying real property matter will only serve to advance the mission of the Commission.

For the above reasons, HAR requests the Committee's favorable consideration and approval of Mr. Arakaki's confirmation to the Real Estate Commission.

Mahalo for the opportunity to submit written testimony.

Via Email CPNT Testimony@capitol.hawaii.gov

March 29, 2016

Senator Rosalyn H. Baker, Chair
Senator Michelle N. Kidani, Vice Chair
Committee on Commerce and Consumer Protection
State of Hawaii, State Capitol
Honolulu, Hawaii 96813

RE: Nomination to State of Hawaii Real Estate Commission GM711

Dear Chair Baker, Vice Chair Kidani, and Members of the Committee:

I am writing in **full support** of Scott C. Arakaki's appointment to another term on the Real Estate Commission.

As a fellow Commissioner I have had an opportunity to work with Scott Arakaki for two years. Scott is a careful and considerate person whom I respect. His knowledge and legal expertise are invaluable to the Commission. He is conscientious and well prepared.

Please do hesitate to contact me if you or others have any questions.

Sincerely,



Aleta E. Klein, R, PB
KleinCo, LLC

From: mailinglist@capitol.hawaii.gov
To: [CPH Testimony](#)
Cc: [BRF@MAUI.NET](#)
Subject: Submitted testimony for GM711 on Apr 1, 2016 09:30AM
Date: Wednesday, March 30, 2016 9:37:51 AM

GM711

Submitted on: 3/30/2016

Testimony for CPH on Apr 1, 2016 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Bruce R. Faulkner	Individual	Support	No

Comments: I would like you to know of my support of the confirmation of Scott C. Arakaki, Esq. as a commissioner on the Real Estate Commission (REC). Scott originally served as an interim Commissioner for a few months before serving his first term on the REC. Over the past 4 years that I have served with Scott on the REC I have come to appreciate the common sense and practical approach he brings to the table. Scott's background in law as it relates to real estate serves the commission well. For the reasons above, I would appreciate your Committee's support to confirm Mr. Arakaki's seat on the Real Estate Commission for a second term. I look forward to continuing our work with Mr. Arakaki in the future. Mahalo for your time & serious consideration with regard to his confirmation!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Badger Arakaki

A LIMITED LIABILITY LAW COMPANY

March 30, 2016

Robert E. Badger
Scott C. Arakaki
Lawrence R. Cohen
Leroy P. Michaels III

Of-counsel:
Mario R. Ramil

Senator Rosalyn H. Baker
Chairwoman, Senate Commerce, Consumer Protection, and Health Committee
Senate District 6
Hawaii State Capitol, Room 230
Honolulu, HI 96813

Re: Scott C. Arakaki's appointment to the Real Estate Commission

Dear Honorable Baker:

Please vote to confirm the reappointment of Scott C. Arakaki as a Real Estate Commissioner, so he can continue his good hard work for the people of Hawai'i.

I have known Mr. Arakaki for over twenty years. During that time, he has demonstrated a high level of personal and professional integrity, has developed an encyclopedic knowledge of Hawaii's real estate laws, and has deepened his heartfelt commitment to serving the people of this State.

The Real Estate Commission and the people of Hawaii will benefit from Mr. Arakaki's high ethical standards and commitment to public service. I endorse him without hesitation or qualification, and urge you to do the same.

Sincerely,

Robert E. Badger

REB/kh

March 30, 2016

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Michelle Kidani, Vice Chair
Members of the Senate Committee on Commerce, Consumer
Protection and Health

From: Laurie A. Lee
Principal Broker – Pacific Island Realty, LLC
Real Estate Commission – Current Oahu Broker Commissioner

Re: GM711; Testimony in **Support** of the Confirmation of Gubernatorial
Nominee, Scott Arakaki for Real Estate Commission
April 1, 2016 at 9:30 a.m., Conference Room: 229

Aloha Chair Baker, Vice Chair Kidani and Members of the Committee:

I am very pleased to submit this letter in support of the nomination of Scott Arakaki to sit on the Real Estate Commission. I have worked with Scott on the Real Estate Commission for the past 3 years and he is a valuable member of the commission serving as the Public Member. He brings a perspective from outside the real estate industry and is a consistent advocate for consumer protection. Scott serves on the Real Estate Commission's Blue Ribbon Committee for rule making working with all the various industry participants and contributes a lot of his time to furthering the improvement of rules and legislation affecting the industry.

For the reasons above, I respectfully urge your Committee's support to confirm Scott Arakaki's seat on the Real Estate Commission. Thank you for your time and consideration.

THE SENATE THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2016
COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair

Senator Michelle N. Kidani, Vice Chair

April 1, 2017

GM 711

Please accept this letter in support of Scott Arakaki in his reappointment as Real Estate Commissioner. Mr. Arakaki's extensive experiences and instruction has been vital and most helpful in the Commission meetings since his appointment. His dedication in helping and protecting the consumer has been vigilant and an asset to the Commission.

Scott Arakaki's continued service will be a benefit for the community at large.

Thank you.

Sincerely,

Rowena B Cobb

Rowena B Cobb, R, CRB, CRS, GRI, ePRO

From: mailinglist@capitol.hawaii.gov
To: [CPH Testimony](#)
Cc: Ishkabibble@prodigy.net
Subject: Submitted testimony for GM711 on Apr 1, 2016 09:30AM
Date: Wednesday, March 30, 2016 3:39:31 PM

GM711

Submitted on: 3/30/2016

Testimony for CPH on Apr 1, 2016 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Sherley	Individual	Support	No

Comments: I have served with Commissioner Arakaki for a few years now on the Hawaii Real Estate Commission and he served as my Vice Chair on the Condominium Blue Ribbon Committee regarding the rules under HAR 107. He is an invaluable member of our group and his legal knowledge has been tremendous to our organization. I heartily recommend his reappointment to the Hawaii Real Estate Commission

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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SCOTT C. ARAKAKI, ESQ.'S RESPONSE TO SENATE QUESTIONS
RELATED TO GM 711 (HEARING DATE 4/1/16 AT 9:30 A.M.)

(1) Why do you want to be a member of the Board?

For me, it has been a great honor to serve on the Real Estate Commission because I love real estate law and get much personal satisfaction out of serving the public and protecting consumers.

(2) What do you perceive are the roles and responsibilities of a member of the Board?

As a Commissioner, I have learned that I have many roles and responsibilities to the licensee, prospective licensees, the consumer, the public, and the State of Hawaii, including but not limited to rendering informal non-binding opinions, presiding over administrative disputes, and revising administrative rules in compliance with applicable laws. As a public member, I feel that I am expected to bring the perspective of the general public.

(3) In what ways do you feel that you can help protect the consumer?

I am a real estate litigation attorney and have the privilege to represent both consumers and licensees in various real estate matters. I hope that I can help the Commission, licensees and others to understand the applicable laws and how consumers can be unfortunately victimized and to do what we can to prevent consumer harm.

(4) Given your understanding of the roles and responsibilities of a Board member, why do you believe that you are qualified for the position? Please include a brief statement of your skills, expertise and knowledge that would aid you as a member of the Board.

I believe that I am qualified to serve on the Commission. I am a real estate litigation attorney with over 20 years of experience. Since 2014, I have served and continue to serve as the chair of the *Laws and Rules Committee*. As the committee chair, my responsibilities included, among other things, reporting and commenting on new and proposed laws and rules from a consumer-protection perspective.

In 2014, I also agreed to serve as the co-chair of the *Blue Ribbon Condominium Committee*, representing the public's interest (particularly the owner's interest) in the rule-making process. This committee has worked diligently to circulate draft rule amendments to its members before the end of this year.

On a national level, I had the privilege of attending national conferences organized by the *Association of Real Estate Law Officials* ("ARELLO"). The ARELLO conferences are invaluable and provided me with an opportunity to learn national real estate legal trends, network with other regulators, and discuss current issues affecting Hawaii. The knowledge and experience gained at ARELLO allows me to better inform and educate Hawaii's consumers as well as its licensees about the law and help address difficult real estate issues in Hawaii (whether it be commenting on proposed legislation and/or drafting new rules).

To represent the State of Hawaii and its consumers on a national level, I am an active member of ARELLO. I have helped draft national case summaries for ARELLO's *Law and Regulation Committee*

and have been asked to serve as the co-vice chair of the *Commission Member Resource Committee*, which is responsible for educating regulators nationally with a present focus on distance education.

(5) What do you hope to accomplish during your term of service?

If reappointed, I would like to finish the revisions to the condominium rules and have the opportunity to serve as a possible co-chair during ARELLO's annual conference, scheduled to be held in Hawaii in 2017.

(6) Name three qualities that best describe you and how these qualities will benefit the Board.

I am hard working, fair, and knowledgeable about real estate laws.

(7) Name a previous experience you've had that will be beneficial as a Board member.

Please see my response to question 4.

(8) Can you foresee any possible conflicts of interest that could arise during your service on the Board? How would you overcome conflicts of interest?

In addition to consumers, I also represent licensees. If a conflict arises involving a particular licensee, I have disclosed my conflict and recused myself.