



DEPARTMENT OF
REVENUE AND TAXATION
GOVERNMENT OF GUAM Gubetnamenton Guáhan

DAFNE MANSAPIT-SHIMIZU, Director
Direktot
MARIE P. LIZAMA, Deputy Director
Segundo Direktot

GUAM REAL ESTATE COMMISSION MEETING MINUTES

Date and Time: Thursday, October 26, 2023 at 2:00pm

Zoom: Meeting ID 882 8716 0597, Passcode 6351844671

Zoom Link:

<https://us06web.zoom.us/j/88287160597?pwd=YL9q0NmrCEgbvGoyqB9XqHfEDEUPmZ.1>

Facebook Live: Guam Department of Revenue & Taxation

Commission Members Present:

Frank Pangelinan, Chairman
Richard Gutierrez, Vice Chairman
Alice Sebastian-Cruz, Secretary

Ramon Puangco, Member
Clare Delgado, Member
Alexandria "Sandy" Gould Yow, Member

Department of Revenue and Taxation (DRT) Representatives Present:

Michele Marie R. Rabago, Regulatory Examiner (Guam DRT)

Others Present:

Jodee Duenas, President of Guam Association of Realtors

Peggy Llagas, Guam Association of Realtors

Glenn Meno, Policy Analyst from Office of Senator Sabina Perez

Lei Bao, Associate Broker of Century 21 Commonwealth Realty (iPhone)

Suzanne Naputi
Geri Cordova
Ryan De Guzman

Troy White
Mela
Neat

1. **Call Meeting to Order** – Chairman Pangelinan called the meeting to order on Thursday, October 26, 2023 at 2:02pm.
2. **Attendance – Roll Call** - Roll call of Commission Members was taken by Chairman Pangelinan. A quorum was present. All were present except for Member Attorney Ryan Marsil Johnson.
3. **Approval of Minutes of Dated August 17, 2023** – A motion was made by Member Delgado to approve the minutes of the last meeting dated August 17, 2023 and seconded by Member

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Puangco. Minutes were unanimously approved by the Commission. A motion was made by Member Delgado to approve the agenda to which Vice Chairman Gutierrez seconded. The agenda was unanimously approved by the Commission.

4. Old Business

a. **GCA Title 21, Chapter 104, Real Estate Regulations** – Due to the late submission of the Guam Association of Realtors' (GAR) proposed revisions to the Real Estate Regulations received on August 17, 2023, the Commission did not get a chance to review and provide comments. During the last meeting, a committee that consisted of Member Delgado, Member Yow, and Vice Chairman Gutierrez was formulated to go over the proposed revisions and provide their input. Member Delgado highlighted unofficial key points of consideration addressed by her, Member Yow, and Vice Chairman Gutierrez:

i. **Section 104111** – In regards to violations of paying or compensating a person not a licensee, both the Commission and GAR agreed the current fine was too low and agreed to increase the fine.

ii. **Section 104121** – In regards to trust account penalties, the Commission and GAR agreed the current trust account penalty was too low and agreed to increase the fine to \$5,000.

iii. **Section 104206** – In regards to the passing grade of real estate licensing examination, the Commission and GAR agreed to keep the current passing grade of 70% instead of 75%.

iv. **Section 104208** - In regards to renewal year, the Commission and GAR had differing opinions. GAR cited to keep it at four (4) years and the Commission cited that if the years are to increase from two (2) to four (4) years, the Commission suggested increasing the Continuing Education (CE) credit requirements as a compromise.

v. **Section 104211** – In regards to the approval of all GAR courses, the Commission agreed to grandfather all the current and existing approved GAR courses; however, moving forward, all courses should be approved by the Real Estate Commissioner which is currently what the process is.

vi. **Section 104222** – In regards to a broker holding multiple licenses, both the Commission and GAR agreed there was nothing wrong with holding multiple licenses.

vii. **Section 104230** – In regards to the Surety Bond requirement, both the Commission and GAR agreed to remove this requirement.

In regards to Section 104121, the trust account penalty fine of \$5,000 needs to be clarified, whether the fine is per violation or a one-time penalty fee consisting of multiple violations of the trust account.

GAR President Jodee Duenas requested time to review the Commission's proposed revisions with GAR. The urgency of getting the revisions finalized was expressed by the Commission as these revisions have been on the agenda for a few years now. As a compromise, it was recommended by Member Yow to establish soft deadlines for GAR to have all their revisions and input due on November 1, 2023 followed by the final deadline of December 1, 2023 giving the Commission one month to finalize all the proposed revisions in time for the next Real Estate Commission meeting to be held on Thursday, December 14, 2023 at 2:00pm.

- b. **Seller's Disclosure** - During the last meeting, Member Attorney Johnson provided samples of Seller's Disclosure documents from various states. Due to Member Attorney Johnson's absence, the Chairman tabled this agenda item.

- c. **Police Clearance (Initial and Renewal Application for Real Estate License)** - Chairman Pangelinan summarized what was discussed during the last meeting which was a basic Guam Police Clearance does not provide a full background check for licensees. Chairman Pangelinan specifically discussed individuals who may have been convicted of sex crimes and who may not have registered in the Sex Offender Registry. Chairman Pangelinan brought up that an individual who may have been convicted in another state and did not register on the Sex Offender Registry, his/her conviction will not show up on a Guam Police Clearance since conviction happened in another jurisdiction. The best form of clearance or background check is an FBI Criminal Background Check. Chairman Pangelinan requested Secretary Sebastian-Cruz's assistance in spearheading this added requirement initiative. Member Yow was concerned that the FBI Criminal Background Check may not show Guam convictions to which Chairman Pangelinan stated we can require both types of background checks.

5. New Business

- a. **Real Estate ID Cards** – Secretary Sebastian-Cruz mentioned that her office has begun issuing Real Estate ID cards. As a test-run, those who have recently come in to renew their license, will be issued their ID cards. Secretary Sebastian-Cruz stated they will be scheduling each agency and informing them when to come in.

- b. **Request for Approval of Real Estate Continuing Education Courses by G.R.E.A.T** - A discussion ensued regarding the approving authority of Real Estate Continuing Education (CE) Courses. Currently, the Real Estate Chairman has the approving authority; however, Chairman Pangelinan suggested we establish a panel/subcommittee consisting of three (3) Real Estate Commission Members to approve CE courses. It was discussed that the Commission should first develop a criteria for approving new courses.

Vice Chairman Gutierrez pointed out that on the Guam Real Estate Commission website, both N.I.C.E. (National Institute of Continuing Education) and G.R.E.A.T. (Guam Real Estate Academy and Training) are approved entities to teach CE courses.

Attendee Lei Bao, who is an Instructor for N.I.C.E. and a full-time Instructor for the University of Guam, provided his input and suggestions on organizing a panel to approve CE courses as well as providing his services to develop procedures to qualify CE courses for approval without having the Commission or panel to convene during meetings for official approval.

Member Delgado made a motion to approve the Surveying Course seconded by Member Yow to which all the Commission Members who attended the meeting unanimously voted to approve the course.

Member Delgado made a motion to approve Conflict Resolution and How It Applies in Real Estate Course to which Commission Members Delgado and Puangco, Chairman Pangelinan, and Vice Chairman Gutierrez voted to approve the course.

Vice Chairman Gutierrez suggested revising the website to show that both pre-licensing and CE courses are provided by N.I.C.E. and G.R.E.A.T. to which Member Puangco made a motion. Members Delgado, Puangco, and Yow, Chairman Pangelinan and Vice Chairman Gutierrez voted to approve the motion.

- c. **Recent Complaints Against Real Estate Licensees** – The Commission discussed recent complaints against undisclosed real estate licensees. It was suggested that the Real Estate Commissioner seek legal advice of the Attorney General's Office as the Commission should not act prematurely or make a decision to suspend/revoke a real estate license based on accusations that have not been proven in court.

In reference to real estate licensee Won Sun Min who is the principal broker of Mijoo Realty, the Chairman recommended revoking her license as she pleaded guilty and was federally convicted of money-laundering by the courts. Member Puangco stated that the amount of money-laundered was not in the thousands but in the millions, about \$36 million. Member Delgado made a motion to recommend the revocation of real estate principal broker license of Won Sun Min of Mijoo Realty and seconded by Member Yow; to which the Commission Members who attended the meeting unanimously voted for.

6. **Open Discussion** – GAR President Jodee Duenas reported that the Guam Real Estate Commission's website Real Estate Directory has not been updated since March 25, 2022. Duenas suggested the website be taken down as the website is used by other jurisdictions to determine official status of licensees. Duenas is approved to offer broker price opinions for stateside companies and because her name was not listed on the Commission's website, the company stated there is a conflict between her license and the "state" website and she was placed on suspension by the company. Secretary Sebastian-Cruz provided clarification that the Commission's website was established by former Chairman Christopher Murphy at his

expense who resigned for health reasons and that the website is not the official website of the Guam Department of Revenue and Taxation. Duenas requested that a letter be written for her situation stating the Commission's website is not current and under construction to which Secretary Sebastian-Cruz offered to do. Secretary Sebastian-Cruz stated she will contact Murphy to have the website taken down.

Peggy Llagas of GAR reiterated and thanked Vice Chairman Gutierrez for pointing out that both N.I.C.E. and G.R.E.A.T. provide both pre-licensing and CE courses. Also, Llagas wanted to know the process for revocation of license as there will be agents affected by the Commission's revocation decision. Chairman Pangelinan stated this is the Commission's first experience and it is the Real Estate Commissioner's authority to revoke the license.

Mr. Bao expressed his willingness to contribute and provide his services and ideas to the industry and the Commission by assisting with the training and education aspect and requested who can he reach out to in this regard. Bao volunteered to have CE approval procedures and forms ready for the Commission's review by the next meeting. Secretary Sebastian-Cruz offered to schedule a meeting to discuss further his contributions.

Member Yow asked if establishing a committee regarding taking action on brokers should be on the agenda for the next meeting to which Chairman Pangelinan agreed it would be "nice and great".

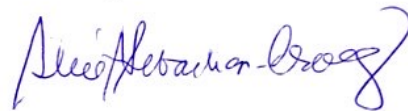
7. **Next Meeting Scheduled for Thursday, December 14, 2023 at 2:00pm**
8. **Meeting Adjournment** – A motion was made by Member Delgado to adjourn the meeting and seconded by Member Puangco voted by the Commission. The meeting was adjourned around 3:51pm.

Prepared and Submitted By:



Michele Marie R. Rabago
Regulatory Examiner

Confirmed By:



Alice P. Sebastian-Cruz
Regulatory Programs Administrator