



Dipåtamenton Kontribusion yan Adu'ána

DEPARTMENT OF

REVENUE AND TAXATION

GOVERNMENT OF GUAM

Gubetnamenton Guáhan

LOURDES A. LEON GUERRERO, Governor / *Maga'hága*
JOSHUA F. TENORIO, Lt. Governor / *Tiñante Gubetnadot*

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

GUAM REAL ESTATE COMMISSION MEETING MINUTES

Date and Time: Thursday, December 15, 2022 at 2:00pm

Zoom: Meeting ID 836 7305 8701, Passcode 1844671

Zoom Link: <https://us02web.zoom.us/j/83673058701?pwd=TVF2TXorTIFVa1pRU1BWYWN2THhXQT09>

Facebook Live: Guam Department of Revenue & Taxation

Commission Members Present:

Frank Pangelinan, Vice-Chairman

Richard Gutierrez, Member

Attorney Ryan Marsil Johnson, Member

Dafne Mansapit-Shimizu, Real Estate Commissioner

Ramon Puangco, Member

Clare Delgado, Member

Alice Sebastian-Cruz, Secretary

Department of Revenue and Taxation (DRT) Representatives Present:

Michele Marie R. Rabago – Regulatory Examiner

Nemencio David E. Briones – Regulatory Supervisor, Acting

Others Present:

Glenn Meno, Policy Analyst from Office of Senator Sabina Perez

1. **Call Meeting to Order** – Vice-Chairman Pangelinan called the meeting to order on Thursday, December 15, 2022 at 2:02pm.
2. **Attendance – Roll Call** - Roll call of Commission Members was taken by Vice-Chairman Pangelinan. A quorum was present. All were present except Member Attorney Johnson who later joined the meeting.
3. **Approval of Minutes of Dated January 31, 2022** – A motion was made by Member Delgado to approve the agenda and seconded by Member Gutierrez. Agenda was unanimously approved by the Commission. A motion was made by Member Puangco to approve the minutes of the previous meeting held on January 31, 2022, seconded by the Member Gutierrez, and unanimously approved by the Commission.
4. **New Business**
 - a) **Election and Replacement for Chairman Christopher Murphy** – Secretary Sebastian-Cruz made a motion to open up the floor for nominations for Chairman of the Real Estate Commission and nominated Vice-Chairman Pangelinan for Chairman. Nomination was seconded by Member Puangco and the Commission unanimously voted Vice-Chairman Pangelinan as the new Chairman of the Real Estate Commission. Chairman Pangelinan thanked everyone for the election. Chairman Pangelinan reported that Christopher Murphy provided a letter of resignation for his position as Chairman due to health reasons. Chairman Pangelinan stated that Mr. Murphy has done a lot for our island and our Commission and has “big shoes to fill”; however, with the current members on the Commission, Chairman Pangelinan is confident that the Commission can continue to work towards resolving issues regarding the Seller’s Disclosure and the revisions to the law in Chapter 104. Chairman Pangelinan moved

to open the nomination for Vice-Chairman. Member Puangco nominated Member Gutierrez for Vice-Chairman. Member Delgado seconded it. The Commission unanimously voted Member Gutierrez as the Vice-Chairman of Real Estate Commission.

- b) **Letter of Appreciation for Mr. Christopher Murphy** – Chairman Pangelinan reported that there is a draft letter thanking Mr. Murphy for his service to the Commission regarding taking and revising the Real Estate Pre-Licensing Courses and the Examination, working on the Seller's Disclosure, and working on the revisions to laws on Chapter 104 to reflect the current industry. On behalf of Chairman Pangelinan and the Commission, Chairman Pangelinan made a verbal and on-the-record announcement expressing his gratitude and appreciation to Mr. Murphy for all the hard work he has done for the Commission and the industry and wished Mr. Murphy a speedy recovery of his health issues.
5. **Old Business – Updated on Seller's Disclosure** – Chairman Pangelinan reported that he contacted a Robert at Senator Sabina Perez's Office regarding an update of the Seller's Disclosure. Chairman reported that it seems that the Legislature has been very busy with the recent Election Season and so a lot legislative issues have been tabled. Chairman Pangelinan reported that as soon as the inauguration is finished, he will start pushing to get things going again with the Seller's Disclosure. Secretary Sebastian-Cruz mentioned that Mr. Glenn Meno is the representative from Senator Sabina Perez's Office who will be assisting the Commission moving forward. Mr. Meno reported that he received the message from Robert and will be working with the Senator to move things forward.
6. **Open Discussion** – Member Puangco wanted to follow-up on the case regarding James M. Strickland. Chairman Pangelinan made reference to a letter issued by the Real Estate Commissioner Dafne Mansapit-Shimizu dated September 15, 2022 addressed to the Attorney General (AG) of Guam requesting a representative for the Office of Attorney General to appoint a hearing officer for the Commission due to three (3) pending cases, that includes Strickland case, that requires the AG's review and action. Chairman Pangelinan reported that he has not heard or received a response from the AG's Office to date. Secretary Sebastian-Cruz mentioned that the AG's Office acknowledged the receipt of the letter and would like to offer their assistance, however, they are very busy catering to other cases from other GovGuam agencies. Commissioner Mansapit-Shimizu stated she will reach out to the AG's office this week to find out the status of the hearing officer and information on the cases the AG's office was able to review and provide action, if any.

Chairman Pangelinan and Member Attorney Johnson attended the Guam Association of Realtors (GAR) Brokers Forum held on September 20, 2022. Chairman Pangelinan reported the issues discussed during the forum were compensation and professional fees received by licensed salespersons, the pros and cons of the Seller's Disclosure, and the issuance of the Real Estate Identification Cards (IDs). In regards to the compensation and professional fees, Chairman Pangelinan stated that under Title 21 Chapter 104 Section 104110, the law states that a licensed salesperson cannot receive any compensation from any entity except from the broker the salesperson is employed by. In regards to the pros and cons of the Seller's Disclosure, Chairman Pangelinan mentioned that there was no discussion, however, an update was given that the Seller's Disclosure Bill is with Senator Sabina Perez's Office and hopefully making its way into the Legislature for review. In regards to the issuance of the Real Estate IDs, at the time of the forum, the ID machine was budgeted for purchase. Secretary Sebastian-Cruz gave an update that the ID machine is going to be purchase sometime soon as per the Department's Admin Office. Secretary Sebastian-Cruz mentioned that once the ID machine becomes available, she will make an announcement to all brokers and work a schedule to have all real estate licensees by broker agency come in to take pictures and have their IDs issued.

Chairman Pangelinan added there were a couple of clarifications made during the GAR Brokers Forum: the validity of the Continuing Education on the Real Estate license renewal application was changed from two (2) years to four (4) years due to the renewal licensing term/period being every four (4) years; and core/elective courses were being discussed as a prerequisite in getting Real Estate licenses, however, core/elective courses are currently not a requirement at the moment.

Chairman Pangelinan reported that there was a complaint made regarding a Real Estate Salesperson business address being different from the Real Estate Broker's business address whom they were associated with. Chairman Pangelinan stated that the Broker can have multiple branch offices; however, each one has to be managed by an



Associate Broker. Chairman Pangelinan reported that Secretary Sebastian-Cruz already addressed the issue to the Real Estate Broker. Chairman Pangelinan also brought up that if a Real Estate Broker changes their business address, they must have all of their Real Estate Licensees change the business addresses on their original licenses at a cost of \$25 per each original license.

Commissioner Mansapit-Shimizu expressed her gratitude for Chairman Pangelinan and Vice-Chairman Gutierrez for taking on the responsibility for leading the Commission as it takes a lot of time and commitment for taking on these elected roles.

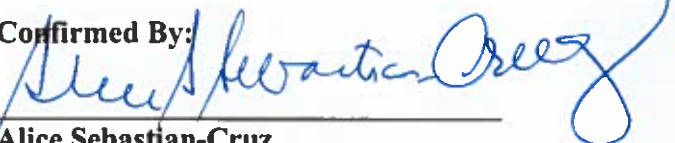
7. **Next Meeting Scheduled for Tuesday, March 21, 2023 at 2:00pm** – Chairman Pangelinan at the end of the meeting wished everyone a Merry Christmas and Happy New Year and reminded the Commission of the next upcoming meeting scheduled for Tuesday, March 21, 2023.
8. **Meeting Adjournment** - Chairman Pangelinan made a motion to adjourn the meeting to which Member Attorney Johnson seconded. Meeting was adjourned 2:33pm.

Prepared and Submitted By:



Michele Marie R. Rabago
Regulatory Examiner

Confirmed By:



Alice Sebastian-Cruz
Regulatory Programs Administrator