

February 23, 2009

The Honorable Jon Riki Karamatsu, Chair

House Committee on Judiciary
State Capitol, Room 325
Honolulu, Hawaii 96813

RE: H.B. 1212 Relating to Information Practices

HEARING DATE: Tuesday, February 24, 2009 at 2:05 p.m.

Aloha Chair Karamatsu, Vice-Chair Ito and Members of the Committee:

I am Gary Slovin with Goodwill Anderson Quinn & Stifel, here to testify on behalf of the Hawai'i Association of REALTORS® (HAR) and its 9,600 members. HAR **supports** H.B. 1212, which removes records of complaints from the exceptions to the types of information that are not subject to disclosure as public documents.

H.B. 1212 would remove the current practice of public reporting of complaints filed against a licensee, regardless of the outcome of the complaint. Currently, the Regulated Industries Complaints Office ("RICO") posts on its website all complaints received against any licensee, including real estate brokers and salespersons. These reported complaints remain on the website for five years and are not removed, even if the investigation is closed for lack of evidence or merit, or if there is a determination by RICO that a violation did not occur.

HAR believes there needs to be a fair and equitable process so that licensees' reputations are not harmed by unwarranted or frivolous complaints. Under the proposed measure, the public would still have the right to information on a licensee's disciplinary history, where there has been a finding of wrongdoing and resulting disciplinary action has been taken. As such, HAR urges your support for this measure.

HAR looks forward to working with our state lawmakers in building better communities by supporting quality growth, seeking sustainable economies and housing opportunities, embracing the cultural and environmental qualities we cherish, and protecting the rights of property owners.

Mahalo for the opportunity to testify.